DECISION

The Zoning Hearing Board of Tredyffrin Township (the “Board”), after proper advertisement, met on Thursday, February 27, 2020 to hear evidence on the Application of Stephen & Lauren Zumbrun (the "Applicants") for a variance for the property located at 671 Conestoga Road, Berwyn, being Tax Parcel No. 43-10G-120 (the “Property”). The requested variance is from Section 208-22.C of the Zoning Chapter of the Tredyffrin Township Code of Ordinances (the “Code”) to permit 33% impervious coverage where only 30% is permitted. The Applicants appeared and testified on behalf of the Application.

Present at the hearing were Chairperson Daniel McLaughlin and Members Neill Kling and Lindsay Andreuzzi. Also present at the hearing were Michael Pilotti, Senior Building, Code & Fire Official, and Amanda J. Sundquist, Esquire, Solicitor for the Board. No one sought party status or offered public comment.

At the conclusion of the hearing, the Board rendered the herein decision. The Applicants waived the time period for issuance of this written decision.

I. Findings of Fact

1. The following exhibits were admitted as evidence at the hearing:

   Exhibit B-1 Application with attachments;
   Exhibit B-2 Proof of Publication of the notice in the Daily Local News;
   Exhibit B-3 Affidavit of Posting of the notice on the Property; and
   Exhibit B-4 Affidavit of Mailing of notice to the required properties.
The Code and Zoning Map are incorporated herein by reference.

2. The hearing was duly convened, and the Applicants presented evidence in support of the Application.

3. The Property is located at 671 Conestoga Road, Tax Parcel No. 43-10G-120.

4. The Applicants and owners of the Property are Stephen and Lauren Zumbrun.

5. Currently located on the Property are a single family home, a shed and a partial driveway.

6. The Property is 9,746 square feet; and 50 feet wide and 193.67 feet long at its longest point.

7. The Property is nonconforming as to lot size.

8. The existing driveway on the Property is only a partial driveway. It extends from Conestoga Road to the front of the house.

9. The partial driveway does not permit cars to turn around in the driveway; therefore, all cars must back out onto Conestoga Road.

10. Conestoga Road is a busy road with a 35 MPH speed limit.

11. Backing out onto Conestoga Road is dangerous and slows the flow of traffic.

12. The existing driveway does not permit the Applicants to load and unload cars in the driveway; rather the Applicants have to utilize a stoned area in the right-of-way in the front of the Property.

13. The stoned area does not permit for safe loading and unloading given its proximity to Conestoga Road.
14. The stoned area is not always available because it utilized by delivery trucks or other neighbors.

15. The Applicants will not pave the stoned area.

16. The Applicants propose to extend the existing driveway to the rear of the home.

17. The proposed extension will also include areas wide enough for two vehicles to park and to allow cars to turnaround when leaving so they may exit onto Conestoga Road in a front facing manner.

18. The proposed extension will be 1,309 square feet.

19. The proposed parking area, which is part of the proposed extension, will be located in the rear of the Property.

20. The Code only permits 30% impervious coverage in the R-1 Zoning District.

21. The Applicants propose 33% impervious coverage.

22. The Applicants will provide all stormwater management facilities necessary as a result of the proposed driveway extension.

23. The Applicants notified their neighbors of this Application and received no objections.

24. No one offered public comment.

25. No one appeared to oppose the Application.

26. The proposed variance will not alter the character of the neighborhood.

27. Granting the proposed variance will not be injurious to the neighborhood or otherwise be detrimental to the public health, safety and welfare of the community.
II. Discussion

Section 208-150 of the Code empowers the Board to grant variances from the terms of the Code. The Municipalities Planning Code and existing case decisions provide that variances from a zoning ordinance may be granted owing to any physical circumstance or condition of the property which causes unnecessary hardship, and which hardship is not self-created. In addition, applicants for a dimensional variance need not be held to the same strict standards imposed on applicants for a use variance. Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43 (Pa. 1998).

The Property is a narrow, nonconforming lot. While the proposed driveway extension will exceed the permitted impervious coverage under the Code, the Applicants are providing stormwater management facilities to offset the increased impervious coverage. Further, the extension is necessary to permit safe ingress and egress from the Property, as well as, safe parking. Granting the proposed variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare of the community.

III. Conclusions of Law

1. The hearing was duly advertised, all required notices were given, and the hearing was duly convened.

2. The Board has jurisdiction over this matter.

3. The Applicants have established entitlement to the requested variance relief.

The Board, therefore, enters the following:

ORDER

AND NOW, this 31st day of March, 2020, confirming the Board’s written decision of February 27, 2020, upon consideration of the Application of Stephen and Lauren Zumbrun for a
variance from Section 208-22.C of the Code to permit a 1,309 square foot driveway extension, which results in 33% impervious coverage, for the property located at 671 Conestoga Road, being Tax Parcel No. 43-10G-120, in the R-1 Residence District of the Township, IT IS HEREBY ORDERED that the relief requested shall be GRANTED.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

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DANIEL F. McLAUGHLIN, Chairperson

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NEILL KLING

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LINDSAY ANDREUZZI
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