

**IN RE:
APPLICATION OF
ISLAMIC SOCIETY OF
GREATER VALLEY FORGE &
DEVON 50, INC.**

**BEFORE THE ZONING HEARING BOARD
OF TREDYFFRIN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA**

APPEAL NO. 14-25

DECISION

The Zoning Hearing Board of Tredyffrin Township (the “Board”), after proper advertisement, met on Thursday, April 24, 2025 to hear evidence on the Application of the Islamic Society of the Greater Valley Forge (“ISGVF”) and Devon 50, Inc. (“Devon”) (collectively, the “Applicants”) seeking certain relief for the properties located at 958 North Valley Forge Road, being Tax Parcel No. 43-5-86 (the “Existing Property”) and 966 North Valley Forge Road, being Tax Parcel No. 43-5-85 (the “the Former Duncan Property”) (collectively, the “Properties”) located in the R-1 Residential Zoning District of Tredyffrin Township (the “Township”). The Applicants sought the following dimensional variance relief from the Tredyffrin Township Code of Ordinances (the “Code”) to permit an expansion of the existing mosque and related uses, as part of a proposed subdivision and land development plan:

1. A dimensional variance from Code Section 208-46.A to permit a minimum lot area of 4.11 acres where 10 acres is required;
2. A dimensional variance from Code Section 208-46.B to permit a building height of 50 feet where 42 feet is permitted;
3. A dimensional variance from Code Section 208-46.C to permit impervious coverage of 46% where 25% is permitted; and
4. A dimensional variance from Code Section 208-46.D(2) to permit/maintain the 41.3-foot setback from a residential district or use where 100 feet is required.

Present at the hearing were Chairperson Daniel McLaughlin, Vice Chairperson Robyn Forbes Drucker, Member Bradford Murphy, and Alternate Member Edward Sweeney.¹ Also present at both hearings were Erin McPherson, Director of Planning and Zoning and Zoning Officer, and Amanda J. Sundquist, Esquire, Solicitor for the Board.

ISGVF was represented by Michael E. Peters, Esquire, and Devon was unrepresented. Mahmood Patel, the authorized representative of the ISGVF, and Anand Bhatt, P.E., the ISGVF's engineer, testified on behalf of the Applicants.

Terry Horgan, 741 Contention Lane, Berwyn, PA 19312, was admitted as a party without objection. Amy Balog, 487 Old Forge Crossing, Devon PA 19333; Susan Cory, 50 Old State Road, Berwyn, PA 19312; Joshua Giannini, 134 Old Forge Crossing, Devon, PA 19333; and Paul March, 216 Old Forge Crossing, Devon, PA 19333, as an individual and on behalf of the Old Forge Crossing Condominium Association (the "Association"), sought party status over the objection of the Applicants. Their party status was taken under advisement by the Board. John Balog, 271 Rosedale Road, Wayne, PA 19087 sought party status, which was denied by the Board.

The record was closed at the conclusion of the April 24, 2025 hearing. At the May 22, 2025 meeting, by a 2 to 1 vote, the Board granted the requested relief subject to conditions, as set forth in the herein Decision and Order.

I. Findings of Fact

1. The recitals are incorporated herein as if fully set forth.
2. The Board held a duly convened hearing and provided proper public notice of the same.

¹ Mr. Sweeney participated in the hearing, but did not participate in the vote on the Application.

3. The Applicants presented testimony and documentary evidence in support of the Application.

4. Mr. Horgan, Ms. Balog, Ms. Cory, Mr. Giannini, and Mr. March (individually and on behalf of the Association) presented testimony in opposition to the Application.

5. Anand Bhatt, P.E. was admitted as an expert in civil engineering, zoning, subdivision and land development and site design.

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

Board Exhibits

- Exhibit B-1 Zoning Application, with supporting documentation;
- Exhibit B-2 Proof of Publication of the notice in the *Daily Local News* on April 10, 2025 and April 17, 2025;
- Exhibit B-3 Affidavit of Mailing Notice to the neighboring property owners on April 11, 2025;
- Exhibit B-4 Affidavit of Posting dated April 14, 2025; and
- Exhibit B-5 Zoning Officer Memorandum, dated April 22, 2025 regarding the recommendation of the Township Planning Commission.

Applicants' Exhibits

- Exhibit A-1 Deed for the Properties
 - A. Deed between ISGVF and the North American Islamic Trust, dated July 9, 2020;
 - B. Deed between Bonnie Mackey, administrator DBN of the Estate of Evelyn S. Duncan, and Devon, dated August 21, 2023;
- Exhibit A-2 Authorization letter from the North American Islamic Trust, Inc., dated November 20, 2024;
- Exhibit A-3 Agreement of Sale between North American Islamic Trust, Inc. and Devon, and three amendments thereto;
- Exhibit A-4 C.V. of Anand A. Bhatt, P.E., LEED AP;

- Exhibit A-5 Existing Conditions Aerial Exhibit;
- Exhibit A-6 Seven photographs of existing conditions;
- Exhibit A-7 Prior Zoning Decisions
- A. Transcript from Appeal 381, Application of Norman and Evelyn Duncan;
 - B. Transcript from Appeal 13-96, Application of Evelyn Duncan; and
 - C. Decision in Appeal 13-96, Application of Evelyn Duncan;
- Exhibit A-8 Zoning Plan, dated April 4, 2025;
- Exhibit A-9 Zoning Plan, rendering, dated April 24, 2025;
- Exhibit A-10 Excerpts from Code;
- Exhibit A-11 Materials regarding requested floor height;
- Exhibit A-12 Viewshed exhibit, dated April 24, 2025; and
- Exhibit A-13 Letter from The Baptist Church in the Great Valley.

The Tredyffrin Township Code of Ordinances (“Code”) and Zoning Map are incorporated herein by reference.

The Existing Property

7. The Existing Property is located at 958 North Valley Forge Road, being Tax Parcel 43-5-86.
8. The owner of the Existing Property is the North American Islamic Trust, Inc. (“NAIT”).
9. By letter dated November 24, 2025, NAIT authorized ISGVF, and Mahmood Patel, as representative of ISGVF, to file and proceed with the Application.

10. ISGVF is one of the Applicants.
11. ISGVF is a nonprofit mosque and exists for religious and charitable purposes and for the advancement of religion.
12. The Existing Property is located within the R-1 Residential Zoning District.
13. The purpose of the R-1 Residential Zoning District is : "... to provide opportunities for moderate intensities of residential development in areas which are effectively served with roads, sewer and water facilities that can support such intensities of land use."
14. However, the Code permits the Applicants to utilize the IO Institutional Overlay Zoning District to develop the Properties in the R-1 Zoning District.
15. The purpose of the IO Institutional Overlay Zoning District is to
"... overlay and supplement underlying districts, ... is established to promote and protect the health, safety and general welfare of the citizens of Tredyffrin Township. These general goals and objectives include, among others, the following specific purposes:
 - A. To promote suitable areas within the Township for appropriate institutional uses which are compatible with and complementary to the surrounding community.
 - B. To provide for the special needs of older citizens close to family and friends.
 - C. To encourage the development of institutions with consideration for the welfare of the surrounding residential neighborhoods and adjacent nonresidential uses.
 - D. To encourage institutional development to take place in those areas of the Township convenient to public transportation and pedestrian accessways."

Code Section 208-43.

16. The Existing Property is approximately 4.98 acres.
17. The Existing Property is long and narrow.
18. Under the IO Zoning District, the Existing Property is nonconforming as to lot area (4.98 acres where 10 acres is required); minimum lot width (176.8 feet where 400 feet is required),

minimum front-yard setback on an arterial or collector highway (176.8 feet where 200 feet is required), minimum distance from a nonresidential district (41.3 feet where 50 feet is required), minimum distance from a residential district (41.3 feet where 100 feet is required); minimum distance from a street right-of-way (15.5 feet where 65 feet is required); and in regard to off-street parking minimum location from street right-of-way or other property line (10.9 feet where 50 feet is required).

19. The Existing Property is also nonconforming as to use, as a religious use is no longer a permitted use in the R-1 Zoning District.

20. However, the IO Zoning District permits the existing religious use when authorized by conditional use, listing a “[c]hurch, temple, synagogue, mosque or similar place of worship; convent, monastery or similar religious institutions, including rectory or parish house, and accessory uses as permitted below” as a permitted use by conditional use. Code Section 208-45.C.

21. The Existing Property is bordered to the north by the Former Duncan Property, to the east by North Valley Forge Road, with The Baptist Church of the Great Valley located directly across the road, to the south by Lusavitch Chabad of Chester County and the Western Main Line and Devon, and to the west by the property of Terrence Horgan and Dawn Desiree.

22. The Existing Property is bisected by a creek, which is tributary to Trout Creek.

23. The western portion of the Existing Property is heavily wooded.

24. The Existing Property was purchased in 1994 by ISGVF to build a mosque.

25. The Existing Property is currently improved with a converted residence for religious educational use, the two-story mosque, 69 off-street parking spaces, access drives, an above ground stormwater management basin, and two below ground stormwater management facilities.

26. The existing two-story mosque is perceived from the road as a one-story building.
27. The lower story of the mosque is used for classrooms and the upper story is used as a prayer room.
28. The Existing Property is currently put to a religious use.

The Former Duncan Property

29. The Former Duncan Property is located at 966 North Valley Forge Road, being Tax Parcel 43-5-86.
30. The Former Duncan Property is located within the R-1 Zoning District.
31. The Former Duncan Property is owned by Devon.
32. Devon is the second Applicant.
33. Devon is a nonprofit corporation, which operates troops associated with Scouts.
34. The Former Duncan Property is approximately 2.3 acres in size.
35. The Former Duncan Property is irregularly shaped, and narrows to a point in the rear.
36. The Former Duncan Property is bordered to the north and west by PECO, to the east by North Valley Forge Road, and to the south by the Existing Property.
37. The Former Duncan Property is also bisected by a creek, which is a tributary to Trout Creek.
38. The western portion of the Former Duncan Property is heavily wooded.
39. The eastern portion of the Former Duncan Property is currently improved with a dilapidated farm house, a gravel parking area, inoperable large vehicles and trailers, and trash and debris piles.
40. In 1973, the Former Duncan Property received zoning approval for a farm store (associated with the farm house residence).

41. In 1996, the Former Duncan Property received zoning approval for a variety of uses, including a commercial compost operation, recycling wood chips and leaves for mulch, the splitting and selling of firewood, sales of topsoil, hay and straw self-produced on the Property and from other sources, and the operation of excavation, concrete, landscaping, clean up and snow plowing businesses.

42. The Former Duncan Property is not currently put to a use.

The Camp Property

43. Devon also owns a property to the south of the Existing Property (the "Camp Property").

44. The Camp Property is approximately 9 acres.

45. Devon utilizes the Camp Property for a campground for Devon's boy and girl scout troops.

The Proposed Subdivision

46. ISGVF and Devon propose to consolidate and subdivide the Existing Property, Former Duncan Property, and Camp Property into two lots, as depicted on Exhibit A-8.

47. In particular, ISGVF proposes to convey approximately 2.63 acres on the western side of the Existing Lot, consisting of the undeveloped portion of the lot, to the Camp Property.

48. Devon proposes to convey approximately 0.40 acres on the western side of the Former Duncan Property, consisting of the undeveloped portion of the lot, to the Camp Property.

49. After both conveyances, the new lot (the "New Camp Property") will consist of approximately 12.03 acres, and contain all of the existing woodland and the streams on the Existing Property and the Former Duncan Property.

50. Devon will preserve the natural features, including the woodland and stream, located on the New Camp Property.

51. Additionally, Devon proposes to convey the remaining eastern 1.76 acres of the Former Duncan Property to the ISGVF to be consolidated with the remainder of the Existing Property, (the “New ISGVF Property”).

52. The New ISGVF Property will be 4.11 acres.

53. Code Section 208-46.A states: “The lot area shall not be less than 10 acres ...”.

54. As a result the Applicants require a dimensional variance to permit the New ISGVF Property to be 4.11 acres.

55. After the conveyances, there will be the New Camp Property and the New ISGVF Property, and the Former Duncan Property will cease to exist.

56. Devon and ISGVF will have to complete the Township’s subdivision and land development process to create the two new properties.

57. Approval of the proposed subdivision and land development is not before this Board, but is under the purview of the Township’s Planning Commission.

58. Devon proposes to utilize the New Camp Property for the same purpose as it is currently utilizing the existing Camp Property.

Development of the New ISGVF Property

59. ISGVF proposes to continue to utilize the New ISGVF Property as a mosque for a religious use.

60. ISGVF proposes to expand the existing religious use on the Property.

61. Approval of the expansion of the existing religious use on the Property is not before this Board, but under the purview of the Township’s Board of Supervisors.

62. ISGVF will be required to obtain a conditional use from the Township's Board of Supervisors to expand the existing religious use.

63. ISGVF proposes to remove the dilapidated farm house, the gravel parking area, inoperable large vehicles and trailers, and the trash and debris piles from the New ISGVF Property (which were previously located on the Former Duncan Property).

64. ISGVF proposes to remove one of the existing access drives from the New ISGVF Property (which was previously located on the Existing Property).

65. ISGVF proposes to retain the existing converted residence building, existing two-story mosque, 69 parking spaces and southern access drive.

66. ISGVF proposes to construct a 10,586-square-foot mosque addition to the existing mosque, 60 parking spaces, a northern access drive, and stormwater management facilities.

67. After the proposed construction, the new ISGVF parcel will house the existing converted residence building, the expanded mosque building, 129 parking spaces, a northern and southern access drive, and stormwater management facilities.

68. The existing mosque is located 41.3 feet from the southern property line for the Existing Property.

69. After the proposed consolidation, the existing mosque will continue to be located 41.3 feet from the southern property line for the New ISGVF Property.

70. Because the proposed addition to the mosque is "L" shaped and wraps around the existing mosque, a portion of the proposed addition to the mosque will also have a setback of 41.3 feet.

71. The proposed addition will be aligned with the existing mosque and will not be located closer to the southern property line than the existing mosque.

72. Code Section 208-46.D(2) states: “The following building placement restrictions shall apply: ... (2) When a portion of the perimeter for the tract abuts any residential use or district, all structures shall be a minimum of 100 feet from that perimeter.”

73. The New ISGVF Property is located within the R-1 Zoning District, which is a residential zoning district.

74. Therefore, the Applicants require a dimensional variance to permit the maintenance of the existing 41.3-foot setback for the southern property line for the existing mosque as expanded.

75. The Existing Property has 49,961 square feet of impervious coverage currently located on the property.

76. The Former Duncan Property has 32,411 square feet of impervious coverage currently located on the property.

77. As a result, the New ISGVF Property will, after the subdivision/lot consolidation occurs, but prior to additional construction, have 82,372 square feet of impervious coverage on the property, which is 46% impervious coverage.

78. After the proposed removal of the second access drive, the dilapidated farm house, and compacted gravel areas, and the addition of the mosque addition, 60 parking spaces and the northern access drive, there will be 46% impervious coverage on the New ISGVF Property.²

79. Code Section 208-46.C(1) states: “Coverage requirement. The building coverage and impervious coverage requirements shall comply with that permitted for the underlying zoning

² Exhibit A-8 zoning table and proposed impervious coverage table reflect 45.5% impervious coverage as requested. However, when the numbers in the proposed impervious coverage table are calculated, both as area and impervious ratio numbers, the calculations reflect 47.7% impervious coverage. As the Applicants, in the Application, all exhibits, and testimony have stated that 46% impervious coverage is the requested relief, the Board will only consider the request for 46%, and not the 47.7% reflected by the calculation.

district; provided, however, that no more than 30% of the lot area may be occupied by impervious surface.”

80. Code Section 208-23.C states: “No more than 25% of the lot area may be covered by impervious surface.”

81. As a result, the Applicants require a dimensional variance to permit the proposed impervious coverage.

82. The existing facilities on the Existing Property are not adequate to serve the mosque’s current congregation.

83. In particular, the current mosque lacks space for youth activities, a gymnasium and classrooms.

84. The proposed addition to the mosque on the New ISGVF Property is designed to accommodate and retain the current congregation, and not to encourage the growth of the congregation.

85. The proposed addition will provide more space for the existing congregation.

86. The proposed addition to the mosque will permit for the extension of the prayer hall.

87. Congregational prayers include all members of the congregation and were testified to be the most important religious activity.

88. However, they require a calm and serene atmosphere.

89. The extension will permit for a separate area where families with children can participate in the worship without disruption to the rest of the congregation.

90. The proposed addition to the mosque will also permit ISGVF to move youth education and activities from the inadequately sized converted residence to the lower level of the proposed addition.

91. The proposed addition will permit the mosque to have recreational facilities for its mosque teams, in particular a gymnasium, on the second level of the addition.

92. The existing converted residence will be utilized for a custodian or caretaker of the property.

93. Based on the number of seats in the mosque and the square footage of the office use as proposed, 122 parking spaces are required.

94. A minimum of 6 accessible spaces are required.

95. The Applicants propose to have 129 parking spaces.

96. The 69 parking spaces on the Existing Property are not adequate for the use as it exists currently.

97. As a result, the ISGVF has entered into an agreement with The Baptist Church in the Great Valley to utilize portions of its parking during its services.

98. To access that parking, the congregation is required to traverse North Valley Forge Road.

99. ISGVF contracts with police to assist with the safe crossing of the road before and after it's worship services.

100. The addition of 60 parking spots will reduce and potentially eliminate the need for the congregation to utilize parking on the other side of North Valley Forge Road.

101. The existing northern access drive will be removed and is proposed to be replaced with new access drive located further north on the Property.

102. The new access drive will provide better and safer sight distances for individuals leaving the New ISGVF Property.

103. Traffic studies and review will be addressed during the land development process.

104. The Applicants will provide stormwater management facilities on the New ISGVF Property.

105. The stormwater management facilities will be designed by the Applicants, and reviewed and approved by the Township during the land development process.

106. The Applicants will be required to meet the standards contained in the Code.

107. In addition, the Applicants agreed, at the request of the Planning Commission, that they will not just meet the Code requirements, but will do additional stormwater management on the ISGVF Property which will exceed the Code requirements.

108. There are no stormwater management facilities on the Former Duncan Property.

109. There is currently one stormwater retention basin and two underground retention facilities on the Existing Property, which are proposed to remain on the New ISGVF Property.

110. The Applicants currently propose the addition of a second retention basin on the western side of the New ISGVF Property.

111. Below-ground stormwater management facilities under the parking area will be provided.

112. The Applicants would consider pervious paving for the parking area, but not the drive aisles, as part of the stormwater management design.

113. The Applicants propose that the proposed addition be 50 feet in height.

114. Code Section 208-46.B states: "The height of any building shall not exceed 42 feet."

115. As a result, the Applicants require a dimensional variance to permit the proposed height increase.

116. The proposed height is necessary to accommodate the proposed gymnasium, which will contain a basketball court.

117. The industry standard for minimum clearance for a basketball court is 25 feet.

118. Accounting for the roof parapet, roof joust, classroom level, floor joust, and finished floor above grade, it was the recommendation of the Applicants' architect that the building height be 56 feet 6 inches, or even potentially 60 feet.

119. In order to reduce the height to the minimum relief necessary, the Applicants have reduced the size of the trusses in the building.

120. As a result, the Applicants propose a height of 50 feet.

121. The Applicants require the gymnasium to house the mosque's recreational activities and teams.

122. Currently the mosque teams are not able to play on site.

123. Use of the gymnasium would permit mosque teams to play on the New ISGVF Property, as well as host teams which are playing the mosque's teams.

124. The gymnasium would not be rented to third parties.

125. The proposed mosque addition is located in the center of the New ISGVF Property.

126. The proposed mosque addition is set back approximately 230 feet from the right-of-way line, well beyond the required 65-foot front-yard setback.

127. Given the grade of the New ISGVF Property which slopes slightly downward as it moves away from North Valley Forge Road, as well as the distance of the proposed addition from

North Valley Forge Road, a traveler on North Valley Forge Road would not perceive the proposed addition as 50 feet in height, but rather 18 feet in height.

128. The Applicants will plant a wooded buffer along the northern property line, as depicted on Exhibit A-9, to provide additional screening for the properties located to the north of the New ISGVF Property.

Parties

129. Terry Horgan, 741 Contention Lane, Berwyn, PA 19312, was admitted as a party without objection.

130. Mr. Horgan's property is located adjacent to the western property line of the Existing Property.

131. The New Camp Property will be located between the New ISGVF Property and Mr. Horgan's property.

132. Mr. Horgan also advised that he leases the PECO property, which is adjacent to the New ISGVF Property and the New Camp Property.

133. Mr. Horgan testified regarding his concerns about traffic, the scope of the project being too much for the local community, and the potential growth of the use.

134. Susan Cory, 50 Old State Road, Berwyn, PA 19312 requested party status.

135. The Applicants objected to her party status request, due to a lack of proximity.

136. At the time of the hearing, the Board took her party status under advisement.

137. Ms. Cory's property is located to the north of the New ISGVF Property, with the PECO property located between the two properties.

138. The Former Duncan Property is visible to Ms. Cory's property, and so by extension, the New ISGVF Property will be visible to Ms. Cory.

139. Ms. Cory received neighbor notification of the hearing.
140. Ms. Cory is granted party status.
141. Ms. Cory testified regarding her concerns about development in the Township and the existing traffic on Friday afternoons at the Existing Property.
142. In addition, she testified regarding existing stormwater runoff from the PECO property and her concern that the proposed parking lot may increase stormwater runoff in this area and that treatment chemicals would impact her well water.
143. She also testified regarding her concern that she would see the building from her home.
144. Amy Balog, 487 Old Forge Crossing, Devon PA 19333, Joshua Giannini, 134 Old Forge Crossing, Devon, PA 19333, and Paul March, 216 Old Forge Crossing, Devon, PA 19333 sought party status.
145. Mr. March is the president of the Association.
146. Mr. March also sought party status for the Association.
147. Ms. Balog, Mr. Giannini, and Mr. March reside in Old Forge Crossing, which is located across North Valley Forge Road and to the north of the New ISGVF Property beyond the PECO property.
148. Ms. Balog, Mr. Giannini, and Mr. March received neighbor notification of the Application.
149. The Association also received neighbor notification of the Application.
150. Ms. Balog, Mr. Giannini, and Mr. March reside in proximity to the Properties.
151. Property owned by the Association is in proximity to the Properties.

152. The Board n finds Ms. Balog, Mr. Giannini, Mr. March, and the Association to have party status.

153. Ms. Balog questioned the Applicants' witnesses and provided testimony.

154. Ms. Balog testified regarding traffic concerns related to the project, including current difficulties exiting Old Forge Crossing, accidents in the area, and that a traffic study had not yet been conducted.

155. Ms. Balog testified regarding concerns with the increased number of parking spaces and the current use of police to direct traffic at the Existing Property.

156. Ms. Balog testified regarding the current flooding of her property, and her concerns regarding the potential impact of impervious coverage on her property, as well as, any impact to a Township stormwater management fee.

157. Mr. Giannini testified regarding his concern about the number and scope of the zoning variances.

158. Mr. March testified as to his/the Association's concerns regarding the impact of the proposed height on aesthetics and privacy.

159. He also testified as to concerns regarding the impervious coverage variance and the existing flooding experienced on the Association property, as well as, stormwater management projects undertaken and proposed to be undertaken by the Association.

160. Mr. March requested the Applicants assume responsibility for future damage or repair costs to the Association's existing stormwater management system should the project negatively impact them.

161. Mr. March requested a formal traffic study be conducted and be made available for public review prior to the Board rendering a decision.

162. John Balog, 271 Rosedale Road, Wayne, PA 19087 sought party status.

163. The Applicants objected to Mr. Balog's party status, as his property is too far removed from the Properties.

164. Mr. Balog did not receive a neighbor notification of the hearing.

165. Mr. Balog's property is not located in proximity to the New ISGVF Property.

166. The Board denied Mr. Balog's party status at the hearing.

Public Comment

167. Mr. Balog offered public comment in opposition to the Application, expressing concerns regarding stormwater runoff and traffic congestion, and the density of development in the Township.

168. Mark Smith, 143 Old State Road, offered public comment, expressing concern regarding stormwater runoff and ground water contamination, existing traffic, the dumping on the Former Duncan Property, and the impervious calculations.

169. Mr. Segelbaum, 492 Old Forge Crossing, offered public comment clarifying as secretary to the Association, that the board directed Mr. March to appear and participate, as well as expressing concerns regarding stormwater management, and impervious calculations related to the Former Duncan Property.

170. Bob Tickner, trustee for Devon, offered public comment regarding Devon's current use of the Camp Property, and its proposed use of the New Camp Property for scouting.

171. Dave Thomas, associated with Devon, offered public comment, in favor of the Application, regarding impervious surface, height, and parking.

172. Reverend Maxine Kaye offered public comment in support of the Application, as a member of the religious community.

173. Karen Vadner, a member of the church council for The Baptist Church of the Great Valley, offered public comment on behalf of the Church in favor of the Application.

Additional Information

174. The Baptist Church in the Great Valley submitted a letter in support of the Application.

175. The Planning Commission reviewed a sketch plan of the Application.

176. The Planning Commission's comments stated it "... generally supported the lot consolidation and reconfiguration of [ISGVF] property, as well as the proposed facility expansion and associated parking. Their support focused on the proposed stormwater management facilities, safer ingress/egress points, and the cooperation between ISGVF and [Devon]. While some members expressed reservations regarding the height variance, they were generally supportive due to the proposed structure's significant front setback."

177. The Planning Commission voted to take no objection to the zoning relief requested for the Application.

178. The requested relief will not alter the essential character of the neighborhood or be detrimental to the public welfare.

II. Discussion

The Zoning Ordinance (pursuant to Code § 208-150.B.), is consistent with the Municipalities Planning Code ("MPC") (Section 910.2 (53 P.S. § 10910.2)), which sets forth standards for the grant of variance relief as follows:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- (2) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property;
- (3) That such unnecessary hardship has not been created by the appellant;
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Code §208-150.B. Hertzberg vs. Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998), stands for the proposition that a dimensional variance can be granted on a lesser quantum of proof of hardship than is required in the case of an application for a use variance.

The matter involves the ultimate consolidation and resubdivision of three properties, the Existing Property, the Former Duncan Property, and the Camp Property, into two properties, the New ISGVF Property and the New Camp Property, and the subsequent expansion of the existing religious use on the New ISGVF Property by conditional use. Approval of the subdivision and land development and the conditional use are not before this Board, and are outside the scope of

this Board's authority.³ However, this Board is asked to consider four dimensional variances which are required in the event the Applicants are successful in obtaining the other required approvals from other bodies.

The Existing Property is a long and narrow property. It is nonconforming in regard to a number of area and bulk requirements, which limits its development. The Former Duncan Property is unusually shaped. Both properties are bisected by a stream which limits permitted development on the western portion of the properties. Both have undeveloped wooded areas on the western portion of the property, with development on the portions of the properties located to the east along North Valley Forge Road. The Camp Property is wooded and contains a portion of the existing stream. After the proposed subdivision, the portions of the Former Duncan Property and the Existing Property which contain significant natural features, such as the woods and stream, will be located on the New Camp Property where they will be preserved as part of the campground use currently existing on the Camp Property.

After the proposed subdivision, the New ISGVF Property will be 4.11 acres which does not comply with the lot area requirements for the zoning district. This is the minimum relief necessary to permit the stream and woods to be relocated to the New Camp Property where they

³ While outside of the scope of this Application, there were many concerns raised by parties to this Application which merit consideration during conditional use and subdivision and land development process. In particular, there are existing traffic concerns on North Valley Forge Road during time periods when individuals are departing from religious services at the religious uses in the area. If required by the Code, or if within the discretion of the appropriate decision-making body, it may be appropriate for a traffic study to be conducted to address safe ingress and egress in this area. Similarly, the Association and the parties which reside therein, as well as Ms. Cory, articulated existing stormwater management concerns on their properties. Should these stormwater concerns be attributable to the Existing Property and the Former Duncan Property, attention and consideration should be given to the potential impact that stormwater runoff after development of the New Camp Property and the New ISGVF Property may have on those properties, and if such an impact is found how it can be appropriately addressed. Care should be taken with the design of the stormwater management facilities to minimize the impact of the New ISGVF Property on the unnamed tributary that is proposed to be located on the New Camp Property after subdivision. Finally, during the conditional use hearings, the Board of Supervisors may wish to consider whether conditions are appropriate for the use of the gymnasium which permit it to fulfill the needs of the ISGVF congregation while minimizing the impact of the new facility on the surrounding community.

can be preserved, rather than removed and/or disturbed as part of redevelopment of either existing parcel. The size of the New ISGVF Property will be slightly smaller than the Existing Property, but larger than Former Duncan Property. However, the Applicants are not seeking to have a new institutional use on the New ISGVF Property. Rather, the Applicants only seek to continue the existing use on a similar sized parcel, while removing the dilapidated and junk yard conditions of the Former Duncan Property. Further, the size of the New ISGVF Property is in keeping with the underlying zoning district, which generally requires lot sizes smaller than proposed by the New ISGVF Property. The New ISGVF Property will be similarly sized or larger than some nearby parcels. The proposed lot size will not impair the appropriate use or development of adjacent properties, and in the case of Camp Property/New Camp Property, will substantially benefit the property. It will also not be detrimental to the public welfare. The Board finds the Applicants have met their burden for this dimensional variance.

The Applicants also seek a dimensional variance to permit the existing mosque and the mosque addition to have a setback of 41.3 feet from a residential district and use rather than the required 100 feet. While there are no residential uses abutting the New ISGVF Property, the entire parcel is located in the R-1 Zoning District. The existing mosque is currently setback 41.3 feet from the southern property line (which abuts another religious use), and is an existing nonconformity that is proposed to remain unchanged. As to the existing mosque this is the minimum relief necessary as it is the setback necessary to permit the existing mosque to remain in place. As it is already in existence it has no impact on the public welfare, and will not impair adjacent properties or the community.

The proposed mosque addition is "L" shaped and wraps around the existing mosque. A portion of the addition is proposed to align with the existing mosque and have an identical setback

of 41.3 feet. It is the minimum relief necessary to align with the existing mosque and the addition will not encroach further into the setback. As a result, it will not impact the public welfare, and will not impair adjacent properties or the community. The Board finds the Applicants have met their burden for this dimensional variance.

The Applicants seek a dimensional variance to permit 46% impervious coverage on the New ISGVF Property, where 25% is permitted. There is existing impervious surface on both the Existing Property and the Former Duncan Property. If the Existing Property and the Former Duncan Property are consolidated and resubdivided into the New ISGVF Property, there will be 46% impervious coverage existing on the New ISGVF Property. The Applicants propose to remove all of the impervious surface from the Former Duncan Property, as well as an access drive on the Existing Property. The Applicants propose to add a new access drive, an addition to the mosque and additional parking. After the old impervious coverage is removed, and the new impervious coverage is constructed, there will be 46% impervious coverage on the New ISGVF Property. While this impervious surface will not be located in an identical location, it will be the same amount as exists at the time of creation of the New ISGVF Property.

The proposed addition is for an existing religious use, which is in keeping with the surround community. There are existing religious uses to the east and south of the New ISGVF Property. The addition to the mosque is necessary to serve the existing congregation. ISGVF does not propose the addition to grow its congregation, but as the minimum relief necessary to serve the needs of its existing congregation. The mosque addition will include expanded worship space to permit families with young children to participate in congregational prayers, the most important part of the religious service. The addition will contain an area for youth activities and religious study. Youth activities and religious study are currently housed in a converted residence on the

Existing Property, which is inadequate to meet the needs of the youth in the congregation. The mosque addition would permit the youth activities and religious study to be moved into the mosque building, and the converted residence to be used by a custodian or caretaker of the New ISGVF Property. Finally, the mosque addition will contain recreational space in a gymnasium with a basketball court to serve the needs of the congregation's recreation teams. Currently there is not space for those teams on the Existing Property.

A portion of the impervious coverage is attributable to the addition of 60 parking spaces on the New ISGVF Property, for a total of 129 parking spaces. The Code requires 122 parking spaces and at least 6 accessible parking spaces, so this is the minimum number of parking spaces for the use. There is currently inadequate parking on the Existing Property for worship services and ISGVF has made arrangements with The Baptist Church in the Great Valley to provide parking for its congregation for worship services. However, this arrangement requires the congregation to cross North Valley Forge Road, necessitating the presence of police to permit the congregation to safely travel. Now the congregation will be able to primarily park on the New ISGVF Property, largely eliminating the need for such an arrangement. The termination of this arrangement should improve the flow of traffic during these times of day. While the Board is mindful of the existing traffic concerns on North Valley Forge Road, those conditions are existing conditions, and the proposed addition is designed for the existing congregation and not to draw new trips to the New ISGVF Property. Further, the addition of the parking spaces should eliminate some of the traffic concern in this area. As requested by a number of the parties, and acknowledged by the Applicants to be a part of land development, the Applicants would be amenable to a traffic study during land development or as required by other approving bodies to address traffic concerns.

Further, the Applicants will provide stormwater management facilities that not only meet the Code, but they have also agreed to provide stormwater management facilities which exceed the Code. As the Former Duncan Property had no stormwater management facilities, any addition of facilities will be an improvement over the existing condition. The Board has heard the concerns from residents regarding the stormwater challenges in the greater Tredyffrin community and the Old Forge Crossing development in particular. However, those are existing conditions and there is no evidence of record that the proposed impervious coverage which equals the existing coverage and will be required to be mitigated through stormwater management facilities will exacerbate these existing conditions. However, as noted herein, stormwater management should be a central focus of the land development process for this project. Based on the foregoing, the proposed dimensional variance will not be detrimental to the community or neighboring properties. As such, the Applicants have met their burden for the requested relief.

Finally, the Applicants seek a dimensional height variance to permit the mosque addition to have a height of 50 feet where 42 feet is permitted. The height is required to accommodate the proposed gymnasium containing a basketball court. The proposed height is the minimum height necessary, and is in fact a lower height than recommended by the architect to accommodate this use. The Applicants propose to buffer the lot lines adjoining the PECO property with trees to minimize the visual impact of the mosque addition. In addition, the mosque addition will be set back 230 feet from the right-of-way, which is approximately 3.5 times further back than required by the Code. The increased setback, when coupled with the slope of the New ISGVF Property will make the proposed mosque addition to appear substantially lower to travelers along North Valley Forge Road. The height will not be detrimental to the adjacent properties or the community. As such the Applicants have met their burden for the requested relief.

Party Status

The MPC states: "The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board." 53 P.S. 10908(3). Six individuals and one association sought party status in this Application.

Mr. Horgan's property abuts the Existing Parcel and as such he is a person who is clearly affected by the Application. Mr. Horgan's request for a party status was granted at the hearing and was not objected to by the Applicants. In converse, Mr. Balog's property is not located in the vicinity of the Existing Property or the Former Duncan Property, and while he had concerns about the Application, he would not be impacted by the Application in a manner different than any other Township resident. As a result, Mr. Balog was denied party status at the hearing.

Ms. Cory sought party status, which was objected to by the Applicants. Ms. Cory's property is located on the other side of the PECO property to the north of the Former Duncan Property. Ms. Cory can view the Former Duncan Property from her home. As a result, the Board finds that she is a person affected by the Application, and is granted party status over the objection of the Applicants.

Ms. Balog, Mr. Giannini, and Mr. March are all residents of the Old Forge Crossing development, and sought party status in this matter, which was objected to by the Applicants. All three individuals received notice regarding the Application, which suggests the Township, through its Code provisions, has determined that these are persons potentially impacted by the Application. Further, these individual articulated significant stormwater existing conditions and concerns which they believe may be exacerbated by the Application, which indicates they are affected by the portion of the Application pertaining to the requested dimensional variance for impervious

coverage. As such, the Board finds they are persons affected by the Application, and are granted party status over the objection of the Applicants.

Finally, Mr. March also sought party status on behalf of the Association. The Association, like the individual residents, also received notice of this Application and articulated similar stormwater impacts. As a result, the Board permits the Association to appear as a party, over the objection of the Applicants.

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. Terry Horgan, 741 Contention Lane, Berwyn, PA 19312, was admitted as a party without objection.

4. Amy Balog, 487 Old Forge Crossing, Devon PA 19333; Susan Cory, 50 Old State Road, Berwyn, PA 19312; Joshua Giannini, 134 Old Forge Crossing, Devon, PA 19333; Paul March, 216 Old Forge Crossing, Devon, PA 19333; and the Old Forge Crossing Condominium Association were admitted as parties over the objections of the Applicants.

5. John Balog, 271 Rosedale Road, Wayne, PA 19087 was denied party status.

6. Anand Bhatt, P.E. was admitted as an expert in civil engineering, zoning, subdivision and land development and site design.

7. The Applicants have established entitlement to a dimensional variance from Code Section 208-46.A to permit a minimum lot area of 4.11 acres where 10 acres is required.

8. The Applicants have established entitlement to a dimensional variance from Code Section 208-46.B to permit a building height of 50 feet where 42 feet is permitted.

9. The Applicants have established entitlement to a dimensional variance from Code Section 208-46.C to permit impervious coverage of 46% where 25% is permitted.

10. The Applicants have established entitlement to a dimensional variance from Code Section 208-46.D(2) to permit/maintain the 41.3-foot setback from a residential district or use where 100 feet is required.

11. Due to the nature of the granted relief, conditions are required.

The Board, therefore, enters the following:

ORDER

AND NOW, this 22nd day of May 2025, upon consideration of the Application of the Islamic Society of Greater Valley Forge located at 958 North Valley Forge Road (Tax Parcel No. 43-5-86) and Devon 50, Inc., located at 966 North Valley Forge Road (Tax Parcel No. 43-5-85) both in the R-1 Residential District and IO Institutional District of the Township, for dimensional variance relief to permit for the resubdivision of the properties and construction of an addition to the existing mosque, parking facilities, access drive and stormwater management, IT IS HEREBY ORDERED that the following relief is GRANTED:

1. A dimensional variance from Code Section 208-46.A to permit a minimum lot area of 4.11 acres where 10 acres is required;
2. A dimensional variance from Code Section 208-46.B to permit a building height of 50 feet where 42 feet is permitted;
3. A dimensional variance from Code Section 208-46.C to permit impervious coverage of 46% where 25% is permitted; and
4. A dimensional variance from Code Section 208-46.D(2) to permit/maintain the 41.3-foot setback from a residential district or use where 100 feet is required.

All granted relief is subject to the following conditions:

1. The gymnasium shall not be rented to third parties, and any games or tournaments conducted in the gymnasium shall include a mosque team.
2. As represented by the Applicants, stormwater management facilities shall be designed to exceed the requirements of the Code as directed by the Planning Commission and to the satisfaction of the Township Engineer, during land development. Consideration shall be given to the impact of stormwater originating from this project may have on the Old Forge Crossing Condominium Association properties, and Ms. Cory's property. Consideration shall be given to the use of pervious pavers in the parking areas during land development.
3. A buffer area containing trees shall be located along the property line shared with the PECO property.
4. The proposed use and construction shall be in substantial conformity with the evidence and testimony presented to the Board.
5. The Applicants shall comply with all other federal, state, county, and township laws, regulations and ordinances.
6. All other necessary permits and approvals shall be obtained.

Mr. Horgan, Ms. Balog, Ms. Cory, Mr. Giannini, Mr. March and the Old Forge Crossing Condominium Association are granted party status. Mr. Balog is denied party status.

ZONING HEARING BOARD OF
TREDYFFRIN TOWNSHIP


DANIEL MCLAUGHLIN, Chairperson


BRADFORD MURPHY, Member

I dissent from the Decision and Order.


ROBYN FORBES-DRUCKER, Vice-chairperson

Please be advised that Code Section 208-148 states: "Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a building or occupancy permit within 12 months from the date of the decision of the Zoning Hearing Board."