

**IN RE:  
APPLICATION OF  
549 PARK RIDGE, LLC**

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

**APPEAL NO. 19-25**

**DECISION**

The Zoning Hearing Board of Tredyffrin Township, Chester County, Pennsylvania (the “Board”), after proper advertisement, met on Thursday, June 26, 2025, to hear evidence on the application (the “Application”) of 549 Park Ridge, LLC (the “Applicant”) for the property located at 549 Park Ridge Terrace, Wayne, PA 19087 (UPI No. 43-5D-68.1) (the “Property”) in the R-1 Residential Zoning District of Tredyffrin Township (the “Township”). The Applicant seeks a dimensional variance from Section 208-22.A of the Tredyffrin Township Code of Ordinances (the “Code”) to permit the Property to be subdivided into three (3) lots with two (2) of the lots having less than the required 30,000 square feet of minimum lot area (Lot A – 26,569 square feet; and Lot B – 27,839 square feet).

Present at the hearing were Chairman Daniel McLaughlin,<sup>1</sup> Vice Chairperson Robyn Forbes Drucker, Member Bradford Murphy, and Alternate Member Edward Sweeney. Also present at the hearing were Erin McPherson, Director of Planning and Zoning & Zoning Officer for the Township; and Matthew N. Korenoski, Esquire, Solicitor for the Board.

The Applicant was represented by Ryan Furlong, Esquire. John Doyle, Jr., P.E., a member of the LLC Applicant, testified on behalf of the Application. Party status was requested by and granted to Ann Shine, 526 Park Ridge Drive, and Wei Chen, 509 Park Ridge Drive, without objection. No one provided public comment.

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<sup>1</sup> While Mr. McLaughlin attended the hearing, he did not vote.

At the conclusion of the hearing, the evidentiary record was closed, and the hearing was continued until the next meeting date of the Board on July 24, 2025, at which point the Board, by a 3 to 0 vote rendered the herein Findings of Fact, Discussion, Conclusions of Law, and Order:

**I. Findings of Fact**

1. The foregoing 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.
3. The Applicant presented testimony in support of the Application.
4. The Board admitted the following exhibits as evidence at the hearing:

**Board's Exhibits:**

- Exhibit B-1 Zoning Application, with supporting documentation, dated June 3, 2025;
- Exhibit B-2 Proof of Publication of the notice in the *Daily Local News* on June 12, 2025, and June 19, 2025;
- Exhibit B-3 Affidavit of Mailing Notice to the neighboring property owners on June 11, 2025; and
- Exhibit B-4 Affidavit of Posting dated June 17, 2025.

**Applicant's Exhibits:**

- Exhibit A-1 Zoning Application with Addendum and supporting documentation, provided under cover letter of Ryan Furlong, Esquire, dated June 3, 2025;
- Exhibit A-2 Zoning Ordinance of Tredyffrin Township (*incorporated by reference*);
- Exhibit A-3 Deed to Property, dated February 18, 2025;
- Exhibit A-4 Chesco Views Aerial of Property;
- Exhibit A-5 Residential Subdivision Plan of 549 Park Ridge Terrace, prepared by Engineered Construction Solutions, LLC, dated May 29, 2025;
- Exhibit A-6 Property Street View – Thomas Road; and

Exhibit A-7 Chesco Views Aerial of Property – Lot Dimensions Comparison.

The Code and Township Zoning Map are incorporated herein by reference.

5. The Applicant owns the Property.
6. John Doyle, Jr., P.E. and his father are the sole members of the LLC Applicant.
7. Mr. Doyle was authorized to appear and testify on behalf of the Applicant.
8. The Property is located at 549 Park Ridge Terrace, Wayne, Tredyffrin Township, Chester County, PA 19087 (UPI No. 43-5D-68.1).
9. The Property is located in the Township's R-1 Residential Zoning District.
10. The Property is located at the end of a cul-de-sac identified as Park Ridge Terrace, which is a public right-of-way.
11. Park Ridge Terrace runs from south to north off Park Ridge Road.
12. Park Ridge Terrace provides access to private driveways of three (3) existing residential dwellings.
13. The Property is an irregularly shaped, pie-shaped parcel.
14. The Property is bound to the south and northeast by residential properties, to the east by Park Ridge Terrace, to the west by Thomas Road, and to the north by the Pennsylvania Turnpike.
15. The Property therefore technically has frontages on three streets/roads.
16. The neighborhood generally consists of single-family dwellings.
17. The grandparents of Mr. Doyle used to own the Property as well as 557 Park Ridge Road located adjacent to and northeast of the Property.
18. The Property consists of vacant, undeveloped land.
19. The Property is approximately 2.395 acres.

20. The Applicant proposes to subdivide the Property to three lots to allow the construction of one single-family dwelling on each lot, as depicted on Exhibit A-5 (the “Proposed Subdivision”).

21. The Proposed Subdivision will comprise the three following lots with corresponding net lot areas:

- a. Lot A – 26,569 square feet (0.620 acres);
- b. Lot B – 27,839 square feet (0.639 acres); and
- c. Lot C – 34,466 square feet (0.791 acres).

22. Code Section 208-22.A sets forth a minimum lot area of 30,000 square feet.

23. The Applicant therefore requires a dimensional variance from Code Section 208-22.A for Lot A and lot B to have net lot areas less than the minimum lot area of 30,000 square feet.

24. The proposed area of Lot A (26,569 square feet) is 11.44% less than the Ordinance-required minimum lot area (30,000 square feet).

25. The proposed area of Lot B (27,839 square feet) is 7.20% less than the Ordinance-required minimum lot area (30,000 square feet).

26. Areas of manmade steep slopes consisting of 0.309 acres exist on the western boundary of the Property, adjacent to Thomas Road, as partially shown on the right-hand portion of the photograph contained on Exhibit A-6.

27. Pursuant to Code Section 208-6.B(1), “lot area” does not include, *inter alia*, steep slopes.

28. The net area of the Property, subtracting the area of steep slopes, is therefore 90,877 square feet, with Lot A losing 5,929 square feet and Lot B losing 4,030 square feet.

29. If the steep slopes did not exist on the Property, the Applicant would have enough lot area to subdivide the Property into three lots.

30. The Applicant did not create the steep slopes on the Property.

31. That the Property has frontage on three streets/roads requires the Applicant to comply with three front-yard setback requirements of the Code, which consequently restricts the sizes of lots to be subdivided.

32. The northern boundary of the Property restricts the widths of Lot A and Lot B.

33. The Property has a depth of 300 feet, such that to maintain a 100-foot width at the building line for Lot C results in having a net area greater than 30,000 square feet.

34. Pursuant to Code Section 208-6.B(4), "lot area" does not include, *inter alia*, "[p]ortions of the lot which are less than 50 feet wide."

35. The net area of the Property, subtracting only the areas of the Property less than 50 feet wide, is therefore 102,324 square feet, with Lot A and Lot B each losing 808 square feet.

36. The Applicant is not responsible for the shape or orientation of the Property.

37. The Applicant drew a comparison of the gross acreages of between Lot A and Lot B to those of other nearby properties:

- a. UPI No. 43-5D-71 – 0.69 acres (approximately 30,056.4 square feet);
- b. UPI No. 43-5D-90 – 0.67 acres (approximately 29,185.2 square feet); and
- c. UPI No. 43-5D-89 – 0.68 acres (approximately 29,620.8 square feet).

38. The net acreages of Lot A and Lot B are less than the foregoing (allegedly comparable) acreages by at least 0.31 acres.

39. Access to the proposed dwellings is not available from Thomas Road or the Pennsylvania Turnpike.

40. Access to the proposed dwellings will be provided via a shared driveway running from the end of the cul-de-sac and to the northwest.

41. The foregoing shared driveway will be approximately 200 feet long.

42. The Applicant expects each of the three proposed dwellings within the Proposed Subdivision to have a garage.

43. Each of the dwellings of the Proposed Subdivision is proposed to be 4,800 square feet; however, the Applicant clarified that these footprints were conservative estimates.

44. The Applicant intends for the foregoing conservative foot print estimates to aid in catching more stormwater shed by the Property, as developed.

45. Thomas Road has previously suffered from issues of stormwater drainage.

46. The Applicant testified that the drainage area that goes towards Thomas Road from the Property would not be changed by development of the Proposed Subdivision.

47. Mr. Doyle was certified as an expert in civil engineering, without objection.

48. The Applicant represented that the current owners of 557 Park Ridge Terrace supported the Application.

49. The Applicant represented that the owners of 515 Park Ridge Road and 559 Park Ridge Terrace did not oppose the Application but had concerns about trees and other landscaping, headlights, sight lines, traffic, and access to the cul-de-sac.

50. The landscaping along Thomas Road and the Pennsylvania Turnpike will not be affected by the Proposed Subdivision, except that Lot A may encroach west and north, respectively into the buffers so as to require removal of some trees.

51. The Applicant was amenable to providing the appropriate and required landscape buffering on the western and southern boundaries of the Property.

52. The Applicant represented that it was not able to contact the owners of 529 Park Ridge Terrace or 509 Park Ridge Drive.

53. The Township took no position on the Application.

54. The Township Planning Commission took no position on the Application but noted its concerns about stormwater management and sinkholes.

55. The Applicant was agreeable to a condition of approval that future development of the Property would comply with the Township Stormwater Management Ordinance.

56. Party status was requested by and granted to Ann Shine, 526 Park Ridge Drive, and Wei Chen, 509 Park Ridge Drive, without objection.

57. Ms. Shine testified that children often play in the cul-de-sac at the end of Park Ridge Terrace and that she was concerned about as to the additional cars entering and existing the access driveway to the Proposed Subdivision.

58. Ms. Shine also testified to her concerns of the amount of homes on the Property being too dense as well as stormwater issues.

59. Mr. Chen testified that he agreed with Ms. Shine's testimony as to her concerns with the Application.

60. No one provided public comment.

61. The Board found the testimony of Mr. Darley, Ms. Shine, and Mr. Chen to be credible.

## **II. Discussion**

### **1. De Minimis Variance Doctrine**

A *de minimis* variance is one that is "minor[,] and rigid compliance with the zoning ordinance is not necessary to protect public policy concerns." *Hawk v. City of Pittsburgh Zoning*

*Bd. of Adjustment*, 38 A.3d 1061, 1066 (Pa. Commw. Ct. 2012) (alteration added) (citing *Twp. of Middletown v. Zoning Hearing Bd. of Middletown Twp.*, 682 A.2d 900, 901 (Pa. Commw. Ct. 1996)). There is no rigid standard for what a “minor deviation” is, so this determination is left to the discretion of the involved zoning hearing board and is highly dependent on facts. *Soland v. Zoning Hearing Bd. of E. Bradford Twp.*, 311 A.3d 1208, 1213 (Pa. Commw. Ct. 2024), *appeal granted*, 333 A.3d 308 (Pa. 2025) (quoting *Coyle v. City of Lebanon Zoning Hearing Bd.*, 135 A.3d 240, 245 (Pa. Commw. Ct. 2016)); *see also Lench v. Zoning Bd. of Adjustment of City of Pittsburgh*, 13 A.3d 576 (Pa. Commw. Ct. 2011) (*de minimis* variance for a height differential where the deviation was less than 1.0% or 5.82% (depending on the calculation used) above the maximum set forth in the zoning ordinance); *Appeal of Ressler Mill Found.*, 573 A.2d 675 (Pa. Commw. Ct. 1990) (*de minimis* variance for seven-foot variance from zoning ordinance’s 150-foot lot width minimum (4.7%)); *Stewart v. Zoning Hearing Bd. of Radnor Twp.*, 531 A.2d 1180, 1182 (Pa. Commw. Ct. 1987) (*de minimis* variance for less than 1.0% deviation from minimum lot size requirement of one acre).<sup>2</sup> The *Stewart* court in particular found the variance at issue to be an “infinitesimal deviation from complete compliance.” 531 A.2d at 1182 (citing *Pyzdrowski v. Pittsburgh Bd. of Adjustment*, 263 A.2d 426 (Pa. 1970); *Marlowe v. Zoning Hearing Bd. of Haverford Twp.*, 415 A.2d 946 (Pa. Commw. Ct. 1980)).

In the instant matter, the Applicant contended that the dimensional variance requested was of a *de minimis* nature, relying chiefly on the fact that the sizes of the three lots composing the

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<sup>2</sup> While the *Lench* court stated that “[t]here is authority that a dimensional change of less than 10 percent will be treated as *de minimis*,” the cases cited for that proposition are distinguishable from the instant Application. 13 A.3d at 582 (citing *Twp. of Middletown*, 682 A.2d at 901–02 (6.76% deviation from building coverage maximum was *de minimis*); *Ressler Mill*, 573 A.2d at 676 (seven-foot deviation (4.7%) from 150-foot lot width requirement was *de minimis*)). Moreover, the *Lench* court itself, as stated *supra*, involved a 1.0% or 5.82% deviation. Not only are each of the foregoing variances *less than* the requested percentage deviations involved here, in none of those cases was a finding also made that public policy concerns would *not* be protected as a result of not complying with the zoning ordinance, as explained *infra*.



Proposed Subdivision equaled 88,874 square feet in the aggregate (Lot A at 26,569 square feet plus Lot B at 27,839 square feet plus Lot C at 34,466 square feet). This total area is approximately 1.25% less than 90,000 square feet, which would be the total minimum lot area for three lots in this Zoning District. However, the Board does not assess the aggregate total of the area of the proposed lots relative to the aggregate minimum lot area, but rather analyzes each lot area on its own.

To wit, the area of Lot A is a 11.44% deviation from the 30,000 square-foot Code minimum, and the area of Lot B is a 7.20% deviation from such minimum. These shortfalls in lot area hardly constitute an “infinitesimal deviation from complete compliance.” *Stewart* 531 A.2d at 1182 (citations omitted). Rather, the proposed lot areas are each several thousand square feet less than the minimum. The Board does not view this difference in a vacuum either – the Planning Commission and party opponents voiced apprehension as to stormwater management and child safety if the variance was granted. These are credible “public policy concerns” that would not be protected if the Board was to classify the variance as *de minimis*. *Hawk*, 38 A.3d at 1066. Thus, the Board concludes that the requested variance is not *de minimis* and will instead apply the normal variance standard to the Application.<sup>3</sup>

## 2. Variance Requirements

Code Section 208-150 empowers the Board to grant variances from the terms of the Code. To be entitled to a variance, an applicant must meet the requirements of Section 910.2 of the Municipalities Planning Code (53 P.S. § 10910.2) and Section 208-150.B of the Township Code, each of which contains the following standards for the grant of a variance:

1. unique physical circumstances peculiar to the subject property,  
which create an unnecessary hardship to the property;

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<sup>3</sup> Assuming, *arguendo*, that the variance for Lot B – with the lesser deviation – was *de minimis*, the Application would still be denied given that Lot A is not *de minimis*, and neither Lot A nor Lot B can exist without the other.

2. such physical circumstances prevent development of the property in strict conformity with the provisions of the zoning ordinance;
3. the hardship is not self-created;
4. the variance, if authorized, will not alter the essential character of the neighborhood, substantially impair neighboring properties, or otherwise detract from the public welfare; and
5. the variance is the minimum to afford relief.

“The reasons for granting a variance must be substantial, serious and compelling,” and “[t]he party seeking the variance bears the burden of proving that (1) unnecessary hardship will result if the variance is denied, and (2) the proposed use will not be contrary to the public interest.” *Valley View Civic Ass’n v. Zoning Bd. of Adjustment*, 462 A.2d 637, 640 (Pa. 1983) (internal citations omitted; alteration added). The Pennsylvania Supreme Court in *Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh* established a more “relaxed standard,” when addressing the “unnecessary hardship” criterion in regard to dimensional variances. 721 A.2d 43, 47 (Pa. 1998). However, “[a]lthough *Hertzberg* eased the requirements for a variance, it did not remove them.” *Pequea Twp. v. Zoning Hearing Bd. of Pequea Twp.*, 180 A.3d 500, 507 (Pa. Commw. Ct. 2018) (citing *Tidd v. Lower Saucon Twp. Zoning Hearing Bd.*, 118 A.3d 1 (Pa. Commw. Ct. 2015)). “Moreover, despite a more relaxed standard, it is still the case that ‘[t]he burden on an applicant seeking a variance is a **heavy one**, and the reasons for granting the variance must be substantial, serious and compelling.’” *Pequea Twp.*, 180 A.3d at 507 (quoting *Singer v. Phila. Zoning Bd. of Adjustment*, 29 A.3d 144, 149 (Pa. Commw. Ct. 2011) (emphasis added)).

Where a **“variance is not necessary to enable [a]pplicant[s] to pursue the reasonable use of the Property, [an] [a]pplicant [does] not me[e]t his burden to establish that he is entitled to a variance.”** *Pequea Twp.*, 180 A.3d at 509 (internal citations omitted; alterations and

emphasis added). In addition, “[t]he test for entitlement to a variance . . . is not whether the property use sought is the ‘best’ use for that property, but rather whether the property can reasonably be used in a manner consistent with the ordinance.” *Appeal of Dinu*, 452 A.2d 95, 97 (Pa. Commw. Ct. 1982) (citing *Borough of Emmaus v. Schuler*, 409 A.2d 444 (Pa. Commw. Ct. 1979) (alteration and omission added)). In other words, “[t]o be entitled to a use variance, [an] [a]pplicant must also show that there is no possibility of developing the Property in strict conformity with the Ordinance, such that a variance is required to enable its reasonable use.” *Fowler v. City of Bethlehem Zoning Hearing Bd.*, 187 A.3d 287, 297–98 (Pa. Commw. Ct. 2018).

The Applicant seeks to subdivide the Property into three lots (*i.e.*, the Proposed Subdivision comprising Lot A, Lot B, and Lot C), with two of those lots (Lot A and Lot B) proposed to have lot areas less than the minimum lot area of 30,000 square feet required by Code Section 208-22.A. The Property is constrained by steep slopes and areas less than 50 feet in width, which results in the net lot areas for Lot A and Lot B being 26,569 square feet and 27,839 square feet, respectively. The Property also technically has frontage on three streets, which restricts how big each of the three lots may be. The Applicant did not cause any of the foregoing hardships.

However, the Board finds that the requested variance “is not necessary to enable [the] Applicant to pursue the reasonable use of the Property,” which prohibits the Applicant from establishing the second variance requirement. *Pequea Twp.*, 180 A.3d at 509 (internal citations omitted; alteration added). Indeed, the Board finds that the Applicant may use the Property as two lots or one lot, in compliance with the 30,000-square-foot minimum lot area requirement. This use may not be the “‘best’ use for [the] [P]roperty” according to the Applicant, but the Property “can [still] reasonably be used in a manner consistent with the ordinance.” *Dinu*, 452 A.2d at 97 (citing *Schuler*, 409 A.2d 444 (alteration added)). In other words, there is more than a possibility that the

Applicant can comply with the Code by subdividing the Property into two lots or using it as one lot. *See Fowler*, 187 A.3d at 297–98.

The Board also finds the stormwater management and safety concerns of the Planning Commission as well as Ms. Shine and Mr. Chen to show that the variance, if granted, would alter the essential character of the neighborhood and detract from the public welfare, showing that the Applicant has failed to meet the fourth variance factor. Specifically, construction of three homes within the Proposed Subdivision would likely exacerbate the stormwater issues in the neighborhood. The Proposed Subdivision would also increase traffic in the cul-de-sac where children play, potentially putting them at an increased safety risk. Further, none of the lot areas of nearby properties in the neighborhood are comparable to the net lot areas of Lot A and Lot B, with the closest deviation being 0.31 acres.

As a result, the Board finds the Applicant has failed to meet its heavy burden to obtain the requested variance. *See Pequea Twp.*, 180 A.3d at 507 (quoting *Singer*, 29 A.3d at 149).

### **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. Party status was requested and granted by Ann Shine, 526 Park Ridge Drive, and Wei Chen, 509 Park Ridge Drive, without objection.
4. John Doyle, Jr., P.E. was certified as an expert in civil engineering, without objection.
5. The Applicant failed to establish entitlement to the requested variance from Code Section 208-22.A to permit the Property to be subdivided into three lots with two of the lots having

less than the required 30,000 square feet of minimum lot area (Lot A – 26,569 square feet; and Lot B – 27,839 square feet).

The Board, therefore, enters the following:


**ORDER**

AND NOW, this 24<sup>th</sup> day of July, 2025, upon consideration of the Application of 549 Park Ridge, LLC, for a dimensional variance from Code Section 208-22.A to permit the Property to be subdivided into three (3) lots with two (2) of the lots having less than the required 30,000 square feet of minimum lot area, on the Property located at 549 Park Ridge Terrace, Wayne, PA 19087 (UPI No. 43-5D-68.1), IT IS HEREBY ORDERED that the requested relief is DENIED.

**ZONING HEARING BOARD OF  
TREDYFFRIN TOWNSHIP**

  
ROBYN FORBES DRUCKER

  
BRADFORD MURPHY

  
EDWARD SWEENEY

\*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.”\*