

**IN RE:
APPLICATION OF
ADAM ABOUNA**

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

APPEAL NO. 2026-02

DECISION

The Zoning Hearing Board of Tredyffrin Township, Chester County, Pennsylvania (the “Board”), after proper advertisement, met on Thursday, January 22, 2026, to hear evidence on the application (the “Application”) of Adam Abouna (the “Applicant”) for the property located at 18 Robins Lane, Berwyn, PA 19312 (UPI No. 43-10F-84) (the “Property”) in the R-2 Residential Zoning District of Tredyffrin Township (the “Township”). The Applicant seeks dimensional variance relief from Section 208-26.B of the Tredyffrin Township Code of Ordinances (the “Code”) to increase the building coverage on the Property from 22.1% to 27.9% where 20% is the maximum building coverage permitted, in order to allow for the installation of an addition to an existing single-family home.

Present at the hearing were Chairperson Daniel McLaughlin, 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 and Zoning Officer; and Amanda J. Sundquist, Esquire, Solicitor for the Board.

The Applicant was represented by Brielle Brown, Esquire. The Applicant and Mikhail Zavyazkin, the Applicant’s engineer, testified on behalf of the Application. No one sought party status. Public comment was received by the Board.

At the conclusion of the hearing, the Board, by a 3 to 0 vote, granted the requested relief subject to the conditions set forth herein. The Applicant waived the time period for issuance of this written decision under the Pennsylvania Municipalities Planning Code (the “MPC”).

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 and documentary evidence 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 December 29, 2025;
- Exhibit B-2 Proof of Publication of the notice in the *Daily Local News* on January 8, 2026 and January 15, 2026;
- Exhibit B-3 Affidavit of Mailing Notice to the neighboring property owners on January 8, 2026; and
- Exhibit B-4 Affidavit of Posting, dated January 7, 2026.

Applicant's Exhibits:

- Exhibit A-1 Zoning Application, with supporting documentation;
- Exhibit A-2 Deed for the Property;
- Exhibit A-3 Aerial and Existing Conditions Photographs;
- Exhibit A-4 Letters;
- Exhibit A-5 Existing Features Plan; and
- Exhibit A-6 Proposed Conditions Plan.

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

5. The Property is located at 18 Robins Lane, Berwyn, PA (UPI No. 43-10F-84).
6. The Property is located in the R-2 Residential Zoning District.
7. The Applicant owns the Property.
8. The Property has frontage on Robins Lane to the south, and is bordered by residential properties on all other sides.
9. The Property is encumbered with steep and very steep slopes, which are located throughout the Property.
10. The Property is nonconforming in regard to minimum lot area.
11. While the gross lot area of the Property is 26,314 square feet, the net lot area is 7,468 square feet, where 18,000 square feet is required.
12. The Property is also nonconforming in regard to impervious coverage with 42.9% where 40% is permitted.
13. The Property is nonconforming in regard to building coverage with 22.1% building coverage where 20% is permitted.
14. Currently existing on the Property is a single-family dwelling, driveway, deck, and walkways.
15. The Applicant proposes to construct an addition to the rear of the existing single-family dwelling.
16. The proposed addition will measure 27 feet x 16 feet (432 square feet).
17. The Applicant proposes to remove the existing deck, portions of the walkway, and portions of the driveway during construction.
18. As a result, the proposed addition will not result in an increase to the existing impervious coverage, which will remain 42.9%.
19. However, it will result in an increase in the existing building coverage to 27.9%.
20. As a result, the Applicant requires a dimensional variance in order to construct the proposed addition.
21. The proposed addition represents the minimum space needed for the addition.

22. The Property is heavily wooded.
23. The proposed addition would not be visible to neighbors.
24. The addition will be utilized, in part, for an in-law suite.
25. However, the in-law suite will be integrated into the home and not used as a rental unit.
26. The adjacent neighbors submitted letters that they do not object to the proposed addition.
27. The proposed addition will be designed to match the existing home.
28. Jackie Zigarovicz, 69 Oak Lane, appeared and provided public comment.
29. Ms. Zigarovicz's property is located to the rear of the Property.
30. Ms. Zigarovicz alleged that she had not been notified of the hearing; however, Exhibit B-3 indicates a notice was sent to her address.
31. Ms. Zigarovicz expressed concern about stormwater runoff onto her property.
32. The Applicant agreed to meet with Ms. Zigarovicz to discuss stormwater.
33. No one appeared to seek party status.
34. Mr. Zavyazkin was admitted as an expert in land surveying and land development.
35. Granting the requested dimensional variance will not alter the essential character of the neighborhood or be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare of the community.
36. Granting the requested dimensional variance will not substantially or permanently impair the use or development of adjacent properties.

II. Discussion

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 MPC (53 P.S. § 10910.2) and Section 208-150.B of the Township Code, 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;

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).

The Applicant seeks to install a modest addition to the rear of the existing single-family dwelling for an in-law suite. The Property is significantly restrained with steep and very steep slopes, which results in a reduction in lot area to a nonconforming condition. The Applicant is removing other impervious coverage from the Property to minimize the amount of variance relief required. The Property is wooded, and the addition will not be visible to neighboring property owners. Given the foregoing, the Board finds that the Applicant has met his burden of proof for the requested dimensional variance.

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. Mr. Zavyazkin was admitted as an expert in land surveying and land development.
4. The Applicant has established entitlement to the requested dimensional variance from Code Section 208-26.B to permit 27.9% building coverage where 20% is permitted in order to construct an addition.

The Board, therefore, enters the following:

ORDER

AND NOW, this 26th day of February, 2026, confirming its oral decision of January 22, 2026, upon consideration of the Application of Adam Abouna for the Property located at 18 Robins Lane, Berwyn, PA (UPI No. 43-10F-84), IT IS HEREBY ORDERED that the following relief is GRANTED: a dimensional variance from Code Section 208-26.B to permit building coverage of 27.9% where 20% is permitted in order to construct an addition to the single-family dwelling.

**ZONING HEARING BOARD OF
TREDYFFRIN TOWNSHIP**



DANIEL MCLAUGHLIN, Chairperson



ROBYN FORBES DRUCKER, Vice Chairperson



BRADFORD MURPHY, Member

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."