IN RE:
APPLICATION OF
AZCO PARTNERS

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

APPEAL NO. 2026-04

DECISION

The Zoning Hearing Board of Tredyffrin Township, Chester County, Pennsylvania (the "Board"), after proper advertisement, met on Thursday, February 26, 2026[1] and Thursday, March 26, 2026, to hear evidence on the application (the "Application") of Azco Partners (the "Applicant") for the property located at 125 Swedesford Road, Unit 299, Wayne, PA 19312 (UPI No. 43-5M-55) (the "Property") in the C-2 Commercial Zoning District of Tredyffrin Township (the "Township"). The Applicant seeks a dimensional variance from the Tredyffrin Township Code of Ordinances (the "Code") Section 208-126. B to permit the installation of a 66 square foot wall sign where 40 square feet is the maximum permitted sign area.

Present at the hearing were Chairperson Daniel McLaughlin 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 Alfred Fuscaldo, Esquire. Hausch Patel, authorized representative of the Tenant, testified on behalf of the Application. No one appeared at the hearing to seek party status or offer public comment.

At the conclusion of the March 26, 2026 hearing, the Board, by a 2 to 0 vote, granted the requested relief. The Applicant waived the time period for issuance of this written decision under the Pennsylvania Municipalities Planning Code (the "MPC").

[1] The hearing was opened on February 26, 2026 for the limited purpose of continuing the Application on the record, at the request of the Applicant, to the Board's March 26, 2026 meeting.

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 January 28, 2026;

Exhibit B-2 Proof of Publication of the notice in the *Daily Local News* on February 12, 2026 and February 19, 2026;

Exhibit B-3 Affidavit of Mailing Notice to neighboring property owners on February 11, 2026;

Exhibit B-4 Affidavit of Posting, dated February 11, 2026;

Exhibit B-5 E-mail correspondence from counsel requesting a continuance to the March Board meeting; and

Exhibit B-6 Proof of Publication of the notice in the *Daily Local News* on March 11, 2026, and March 18, 2026.

Applicant's Exhibits:

Exhibit A-1 Zoning Application;

Exhibit A-2 Property Aerial;

Exhibit A-3 Proposed signage and rendering; and

Exhibit A-4 Current surrounding tenant signs.

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

5. The Applicant is the owner of the Property.

6. The Property is a large commercial shopping center with multiple individual units.

7. The Applicant leases an individual unit located on the Property to SKJD Food, LLC (the "Tenant").

8. Harsh Patel is the authorized representative of the Tenant at the Property.

9. The Tenant proposes to operate an Indian food restaurant at the Property.

10. The leased unit is located at 125 Swedesford Road, Unit 299, Wayne, PA 19312 (U.P.I. No. 43-5M-55).

11. The Property is located in the C-2 Commercial District.

12. The Property has access on East Swedesford Road and Valley Forge Road.

13. The Tenant's individual unit is located at the far end of the shopping center away from the access points.

14. There is an extensive parking area between the access points and the store fronts.

15. Code Section 208-126.B permits the following sign area, stating: "One square foot of sign area is permitted per linear foot of the building façade where the sign is to be installed with a maximum of 40 square feet permitted."

16. The Applicant proposes to install a 66 square foot wall sign.

17. As a result, the Applicant requires a dimensional variance.

18. The proposed sign measure be 120 inches by 79 inches.

19. The proposed sign will have individual channel letters.

20. The proposed sign will have internal LED illumination.

21. The proposed sign is consistent in size with other tenants' signs in the shopping center.

22. Some tenants in the shopping center have signs larger than that proposed by the Applicant.

23. The proposed sign is necessary to assist customers and emergency services to easily and safely identify the Tenant's leased unit.

24. The proposed sign will not be visible to residential homes in the vicinity of the shopping center.

25. No one appeared at the hearing to seek party status.

26. No one appeared at the hearing to provide public comment.

27. Granting the requested 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.

28. Granting the requested 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 proposes to install a 66-square-foot wall sign. The proposed sign is consistent with other tenant wall signage in the shopping center and will not be visible to residential homes. Given the size of the parking lot and the location of the access points to the Property and the Tenant's unit, a larger sign area is necessary in order to allow customers and emergency services to locate the unit. The Board finds the Applicant has met its burden of proof for this 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. The Applicant has established entitlement to the requested dimensional variance from Code Section 208-126.B to permit a 66 square foot wall sign where 40 square feet is the maximum permitted sign area.

4. The Board, therefore, enters the following:

ORDER

AND NOW, this 23rd day of April, 2026, confirming its oral decision of March 26, 2026, upon consideration of the Application of Azco Partners for the Property located at 125 Swedesford Road, Tredyffrin Township, Chester County, specifically Unit 299 (UPI No. 43-5M-55) for installation of a wall sign, IT IS HEREBY ORDERED that the following relief is GRANTED:

1. A dimensional variance from Code Section 208-126.B to permit a 66-square-foot wall sign where 40 square feet is the maximum wall sign permitted.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

DANIEL MCLAUGHLIN, Chairperson

EDWARD SWEENEY, Alternate 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."