IN RE:
APPLICATION OF
COLIN AND LISA MCGROARTY

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

APPEAL NO. 2026-15

DECISION

The Zoning Hearing Board of Tredyffrin Township, Chester County, Pennsylvania (the "Board"), after proper advertisement, met on Thursday, May 28, 2026, to hear evidence on the application (the "Application") of Colin and Lisa McGroarty (the "Applicants") for the property located at 9 Cypress Lane, Berwyn, Pennsylvania 19312 (UPI No. 43-10E-38.3) (the "Property") in the R-1 Residence Zoning District of Tredyffrin Township (the "Township"). The Applicants seek a dimensional variance from the Tredyffrin Township Code of Ordinances (the "Code") Section 208-22.D to permit the construction of a front porch addition with a front yard setback of 34 feet, where a minimum front yard setback of 40 feet is otherwise required; and any other relief that may be required.

Acting Chairperson Bradford Murphy and Alternate Members Erika Diaz and Edward Sweeney heard the Application for the Board. Erin McPherson, Director of Planning and Zoning and Zoning Officer, and Robert C. Jefferson, Esquire, Assistant Solicitor for the Board, were also present.

The Applicants were not represented by legal counsel. Mr. McGroarty testified on behalf of the Application. Patricia Monsell (7 Cypress Lane) and Ling Pu (10 Cypress Lane) requested and were granted party status during the proceeding without objection.

At the conclusion of the hearing, the Board, by a 3 to 0 vote, granted the requested relief. The Applicants 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 Applicants presented 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 April 11, 2026;

Exhibit B-2 Proof of Publication of the notice in the *Daily Local News* on May 13, 2026, and May 20, 2026;

Exhibit B-3 Affidavit of Mailing Notice to the neighboring property owners on May 14, 2026; and

Exhibit B-4 Affidavit of Posting, dated May 13, 2026.

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

5. The Applicants are the owners of the Property.

6. The Property is located at 9 Cypress Lane, Berwyn, Chester County, Pennsylvania (UPI No. 43-10E-38.3).

7. The Property is located in the R-1 Residence Zoning District of the Township.

8. The Property has a quadrilateral shape and contains frontage on Cypress Lane.

9. The Property is bordered on its sides and to the rear by single-family detached dwellings.

10. The Property measures approximately 0.77 acres in area.

11. The Zoning Officer clarified that the Property contains steep slopes.[1]

[1] Section 208-6 (Definitions; word usage) defines "slopes, steep" as "[t]hose areas as regulated in §208-118 herein having slopes from 15% to 25%, delineated and measured over a cumulative six-foot change in vertical elevation,

12. The Property is currently improved with a single-family detached dwelling, two patios, a deck, a landing, walkways, driveway, and other attendant improvements.

13. Code Section 208-22.D (Area, bulk and height regulations relating to dwellings) provides, in relevant part, that "Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 40 feet."

14. The existing dwelling located on the Property complies with the minimum front yard setback requirement.

15. The existing dwelling was constructed in 1966.

16. The Applicants have not constructed any additions to the dwelling in the last ten years.

17. The Applicants originally proposed to remove the landing and portion of the walkway and construct a new roof-covered porch.

18. The proposed roof-covered concrete porch will be constructed at the front of the dwelling.

19. The proposed porch will be approximately six feet deep and 44 feet wide, with a total area of approximately 278 square feet.

20. A portion of the proposed porch will encroach approximately six feet into the front yard setback resulting in an approximately 34-foot front yard setback.

21. The majority of the proposed porch will comply with the 40-foot minimum front yard setback requirement.

22. The roof-covered porch will have a standing-seam metal roof.

---

which occurs over a minimum ten-foot horizontal area, as measured parallel to any contour line. (The percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance over which the rise or fall occurs.)"

23. As a result, the Applicants require a dimensional variance from Code Section 208-22.D.

24. The Applicants have not requested any other zoning relief.

25. As part of the overall construction project, the Applicants propose to remove the existing landing, consisting of 36 square feet of impervious surface, and a portion of the existing walkway, consisting of 108 square feet of impervious surface.

26. During the course of the hearing, the Zoning Officer explained that the Applicants improperly calculated their impervious surface.

27. Specifically, the Applicants utilized the gross lot area, instead of the net lot area, to calculate the impervious surface.

28. The Zoning Officer explained that the Applicants would have to remove additional impervious surface in order to avoid increasing impervious surface.

29. As a result of the improper calculation and the advice from the Zoning Officer, the Applicants orally proposed to remove the existing 208-square-foot patio on the Property.

30. The Zoning Officer confirmed that removing the existing 208-square-foot patio, along with the removal of the landing and portion of the walkway, would avoid any increase in impervious surface.

31. As a condition of approval, the Applicants agreed to remove the existing 208-square-foot patio.

32. The Applicants presented credible evidence that other properties in the vicinity have front porches.

33. Patricia Monsell (7 Cypress Lane) and Ling Pu (10 Cypress Lane) requested and were granted party status during the proceeding without objection.

34. Patricia Monsell (7 Cypress Lane) and Ling Pu (10 Cypress Lane) expressed support for the Applicants' Application.

35. Members of the public were provided with an opportunity to present public comment.

36. The Township did not take a position on the subject application.

37. Granting the requested variance will not alter the essential character of the neighborhood or be injurious to the neighborhood or otherwise be detrimental to the public health, safety, and welfare of the community.

38. Granting the requested variance will not substantially or permanently impair the use or development of adjacent properties.

II. Discussion

A variance is a departure from the exact provisions of a zoning ordinance. *S. Broad St. Neighborhood Ass'n v. Zoning Bd. of Adjustment*, 208 A.3d 539, 547 (Pa. Cmwlth. 2019). 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.

When seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations. Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998). Thus, the grant of a dimensional variance is of lesser moment. Id. 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). In determining if a party has met its burden to demonstrate unnecessary hardship for a dimensional variance, the courts may consider multiple factors, including the economic detriment to the applicant, whether the cost to conform the property to the zoning ordinance is prohibitive, and the characteristics of the surrounding neighborhood. Singer v. Philadelphia Zoning Bd. of Adjustment, 29 A.3d 144, 149 (Pa. Cmwlth. 2011).

The Applicants seek to remove the landing and portion of a walkway and construct a new roof-covered front porch, which will encroach approximately six feet into the 40-foot front yard setback. The Applicants presented credible evidence that other properties in the vicinity have front porches. Additionally, Patricia Monsell (7 Cypress Lane) and Ling Pu (10 Cypress Lane) expressed support for the Application. Further, to prevent the increase of impervious surface, the Applicants agreed to remove the existing 208-square-foot patio. The Zoning Officer confirmed that, with the removal of the 208-square-foot patio, the Applicants will not increase their impervious surface. The requested dimensional variance will not alter the essential character of the neighborhood or be injurious to the neighborhood or otherwise be detrimental to the public health, safety, and welfare of the community. Further, the requested dimensional variance will not

substantially or permanently impair the use or development of adjacent properties. As a result, the Board finds the Applicants have met their burden of proof.

III. Conclusions of Law

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

2. The Board has jurisdiction over this matter.

3. The Applicants have established entitlement to the requested variance from Code Section 208-22.D to permit the construction of a roof-covered porch that will encroach approximately six feet into the front yard setback, where a 40-foot minimum front yard setback is otherwise required.

4. The Board, therefore, enters the following:

ORDER

AND NOW, this 6th day of July, 2026, confirming its oral decision of May 28, 2026, upon consideration of the Application of Colin and Lisa McGroarty for the Property located at 9 Cypress Lane, Berwyn, Chester County, Pennsylvania (UPI No. 43-10E-38.3), IT IS HEREBY ORDERED that the following relief is GRANTED:

1. A variance from Code Section 208-22.D to permit a 34-foot front yard setback, where a 40-foot minimum front yard setback is otherwise required, in order to construct an approximately 278-square-foot roof-covered porch.

Subject to the following conditions:

1. As agreed to, the Applicants shall remove the existing 208-square-foot patio.
2. The proposed use and construction shall be in substantial conformity with the evidence and testimony presented to the Board.

3. The Applicants shall obtain all required permits and approvals.

4. The Applicants shall comply with all other federal, state, county, and Township laws, regulations, and ordinances.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

BRADFORD MURPHY, Acting Chairperson

ERIKA DIAZ, Alternate Member

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."