IN RE:

APPLICATION OF

ROCKWELL GLYNN LP

BEFORE THE ZONING HEARING BOARD

OF TREDYFFRIN TOWNSHIP,

CHESTER COUNTY, PENNSYLVANIA

ZHB 2026-22

DECISION

The Zoning Hearing Board of Tredyffrin Township, Chester County, Pennsylvania (the "Board"), after proper advertisement, met on Thursday, July 23, 2026 and Thursday, August 27, 2026, to hear evidence on the application (the "Application") of Rockwell Glynn LP (the "Applicant") for the property located at 537 Red Fox Lane, Wayne, Pennsylvania 19087 (UPI No. 43-11C-3) (the "Property") in the R-1 Residence Zoning District of Tredyffrin Township (the "Township"). The Applicant seeks a dimensional variance from Section 208-22.E of the Tredyffrin Township Code of Ordinances (the "Code") to permit the construction of two building additions with a minimum side yard setback of 12.2 feet, where a minimum single side yard setback of 15 feet is otherwise required, and an aggregate side yard setback of 26.1 feet, where a minimum aggregate side yard setback of 40 feet is otherwise required. Over the course of the hearing the request for a minimum side yard setback of 12.2 feet, where 15 feet is otherwise required, was withdrawn, due to a redesign of the plan bringing the Property into compliance with the Code, and the variance request for an aggregate side yard setback of 26.1 feet was modified to 31.9 feet.

Chairman Daniel McLaughlin, Vice Chairperson Robyn Forbes-Drucker and Member Bradford Murphy, and Alternate Members Edward Sweeney and Matthew Richards[1] appeared on behalf of the Board. 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.

[1] Mr. Sweeney and Mr. Richards did not participate in the vote on this matter.

The Applicant was represented by Nicholas Caniglia, Esquire. Luke Attanasi, representative of the Applicant, testified on behalf of the Application.

Christopher and Susan Huey, 531 Red Fox Lane, were admitted as parties without objection. Mr. and Ms. Huey were represented by Robert Sing, Esquire. Adam and Lucy Drobot, 541 Red Fox Lane, and Daniel Shimberg, 577 Red Fox Lane, were admitted as parties without objection. No one appeared to provide public comment.

At the conclusion of the July 23, 2026 hearing, the matter was continued until the Board's August 27, 2026 hearing night. At the conclusion of the August 27, 2026 hearing, the Board, by a 3 to 0 vote, granted the requested relief as set forth in the Order. The Applicant waived the time period set forth in the Municipalities Planning Code ("MPC") for issuance of this written decision.

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 and the parties had a full and complete opportunity to present evidence and testimony to the Board.

4. During the course of the hearing, the Board marked and admitted the following Board exhibits into evidence:

Board Exhibits

Exhibit B-1: Zoning Application, with supporting documentation;

Exhibit B-2: Proof of Publication (with Legal Notice appearing in the *Daily Local News* on July 9, 2026 and July 16, 2026);

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

Exhibit B-4: Affidavit of Posting on July 14, 2026.

Applicant's Exhibits

Exhibit A-1: Zoning Application;

Exhibit A-2: Deed;

Exhibit A-3: Site Plans;

Exhibit A-4: Design Plans and Elevations;

Exhibit A-5: Rendering;

Exhibit A-6: Letter to Neighbors;

Exhibit A-7: Aerial photographs;

Exhibit A-8: Photograph;

Exhibit A-9: Photograph;

Exhibit A-10: Photograph;

Exhibit A-11: Photograph;

Exhibit A-12: Photograph;

Exhibit A-13: Settlement Plan; and

Exhibit A-14: Plan Exhibit.

5. The Applicant owns the Property, which is located at 537 Red Fox Lane, Wayne, Tredyffrin Township, Chester County, Pennsylvania (UPI No. 43-11C-3).

6. Mr. Attanasi is a partner in the Applicant.

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

8. The Property is a long and narrow lot.

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

10. The Property measures approximately 16,240 square feet in lot area, and therefore, the Property is nonconforming regarding minimum lot area.

11. Code Section 208-22.A requires a minimum lot width of 100 feet.

12. The Property has a lot width of 58 feet, and therefore, the Property is nonconforming regarding minimum lot width.

13. The Property has frontage along and access onto Red Fox Lane.

14. The Property is surrounded by residential properties.

15. Currently located on the Property is a single-family detached dwelling, patio, shed, detached garage, driveway, and walkway.

16. The existing single-family dwelling has a western side yard setback of 11.6 feet, and an eastern side yard setback of 13.4 feet, resulting in an aggregate side yard setback of 25 feet.

17. Code Section 208-22.E requires a minimum single side yard setback of 15 feet, and a minimum aggregate side yard setback of 40 feet.

18. As a result, the existing single-family dwelling is nonconforming in regard to the minimum single side yard setback requirement and the minimum aggregate side yard setback requirement.

19. The Applicant proposes to remove the rear patio, walkways, and the shed.

20. The existing dwelling is in poor condition.

21. The Applicant proposes to remove the existing home down to its foundation and rebuild it.

22. The Applicant proposes to construct two additions to the dwelling as rebuilt, one located in the front of the home which will include a porch and one located to the rear of the home with a patio.

23. The rebuilt dwelling on the existing foundation would retain its existing nonconforming setbacks.

24. The Applicant initially proposed to construct the two additions with a 12.2-foot western side yard setback and a 13.9-foot eastern side yard setback, for an aggregate side yard setback of 26.1 feet.

25. The Applicant required a dimensional variance from Code Section 208-22.E in order to permit the proposed setbacks.

26. Thereafter, after discussions with the neighboring property owners, the Applicant revised its plans for the two proposed building additions.

27. In particular, the Applicant reduced the footprints of the proposed dwelling with building additions, resulting in a decrease in size from 4,300 square feet to 3,300 square feet.

28. The proposed building additions would have a 15-foot western side yard setback and a 16.9-foot eastern side yard setback, resulting in an aggregate side yard setback of 31.9 feet.

29. As a result, the Applicant no longer required dimensional variance relief for the individual side yard setbacks, as the proposed additions are now in compliance with the Code.

30. However, the Applicant requires relief from the minimum aggregate side yard setback requirement.

31. The permitted building envelope on the Property is 18 feet wide, which is not sized for a single-family dwelling.

32. The Applicant agreed to remove the third floor proposed for the dwelling.

33. The Applicant agreed to plant screening trees or bushes along the western side of the Property to create a privacy screen.

34. The Applicant will install a stormwater management system that will comply with Township requirements.

35. The Applicant agreed to relocate the proposed stormwater management system away from one of the trees located on the Drobots' property.

36. The existing garage will remain on the Property, but it will be renovated.

37. The existing garage will remain a single story.

38. Christopher and Susan Huey, 531 Red Fox Lane, were admitted as parties without objection.

39. Adam and Lucy Drobot, 541 Red Fox Lane, were admitted as parties without objection.

40. Daniel Shimberg, 577 Red Fox Lane, was admitted as a party without objection.

41. The proposed variance will not alter the character of the neighborhood.

42. Granting the proposed variance will not be injurious to the neighborhood or otherwise be detrimental to the public health, safety and welfare of the community.

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). In reviewing a request for dimensional variance relief, the Board is guided by general criteria for variance relief pursuant to Section 208-150.B (Standards for review of proposed special exception or variance) of the Ordinance, which provides, in relevant part, as follows:

> The Zoning Hearing Board may grant a variance, provided that the following findings are made where relevant in a given case:
>
> 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 required by law is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter 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 this chapter 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.

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.

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*, 721 A.2d 43, 47 (Pa. 1998). Thus, the grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation. *Id.*

The Applicant seeks a dimensional variance to permit the construction of two additions to an existing single-family home as rebuilt. The Property is long and narrow, and is nonconforming in regard to lot width and minimum lot area. The Applicant has worked with the adjacent property owners to eliminate the need for the individual side yard setback relief which was originally requested. However, the Applicant still requires relief, albeit reduced from the original request, in regard to aggregate side yard setback. The Applicant has worked with the adjacent property owners to reduce the massing of the additions, and to address concerns such as screening and stormwater management. The Board concludes that the variance 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. The Board further concludes that the variance represents the minimum

variance that will afford relief and will represent the least modification possible of the regulation in issue.

For the foregoing reasons, the Board unanimously found that the Applicant met its burden for the requested variance relief from Section 208-22.E of the Code.

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 demonstrated that it is entitled to dimensional variance relief from Ordinance Section 208-22.E to permit the proposed additions to have an aggregate side yard setback of 31.9 feet.

The Board, therefore, enters the following:

ORDER

AND NOW, this 24th day of September, 2026, confirming its oral decision of August 27, 2026, upon consideration of the Application of Rockwell Glynn LP requesting dimensional variance relief from Section 208-22.E of the Code to permit the construction of two additions to an existing single-family home with an aggregate side yard setback of 31.9 feet for the Property located at 537 Red Fox Lane, Wayne, Tredyffrin Township, Chester County, Pennsylvania (UPI No. 43-11C-3), in the R-1 Residence District of the Township, IT IS HEREBY ORDERED that the application shall be GRANTED subject to the following conditions:

1. The proposed side yard setbacks for the proposed additions shall be in conformity with the evidence and testimony presented to the Board. That is, there will be a 15-foot western side yard setback and a 16.9-foot eastern side yard setback.

2. A vegetated privacy screen consisting of trees and bushes will be installed along the western side yard setback.

3. The proposed dwelling shall be two stories in height.

4. The location of the stormwater management system will be adjusted to preserve the tree on the Drobots' property.

5. The proposed use and construction will be in substantial conformity with the evidence and testimony presented to this Board.

6. The Applicant shall obtain all required permits and approvals.

7. The Applicant shall comply with all applicable federal, state, county and Township laws and regulations and ordinances.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

Daniel F. McLaughlin, Chairman

Robyn Forbes Drucker, Vice-Chairperson

Bradford Murphy, Member

Please be advised that Code Section 208-148 (Expiration of special exceptions and variances) 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."