IN RE:
APPLICATION OF
BRETT STOPPER &
GEORGE HASSON

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

APPEAL NO. 2026-25

DECISION

The Zoning Hearing Board of Tredyffrin Township, Chester County, Pennsylvania (the "Board"), after proper advertisement, met on Thursday, August 27, 2026, to hear evidence on the application (the "Application") of Brett Stopper and George Hasson (the "Applicants") for the property located at 2045 Howells Road, Malvern, Pennsylvania 19355 (UPI No. 43-3-11) (the "Property") in the R-2 Residence Zoning District of Tredyffrin Township (the "Township"). The Applicants seek a variance from Section 208-112.A(1) of the Tredyffrin Township Code of Ordinances (the "Code") to permit the construction of a detached garage within the area extending the full width of the lot between the principal building and any street line.

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.

The Applicants did not appear at the hearing. The Applicants did not send legal counsel or other representative on their behalf. No one appeared to seek party status or offer public comment.

At the conclusion of the hearing, the Board, by a 3 to 0 vote, denied the requested relief.

I. Findings of Fact

1. The foregoing recitals are incorporated herein as if fully set forth.

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

2. The Board held a duly convened hearing and provided proper public notice of the same.

3. The Applicants did not appear at the hearing or send legal counsel or other representative on their behalf.

4. The Board admitted the following exhibits as evidence at the hearing:

Board's Exhibits:

Exhibit B-1 Zoning Application, with supporting documentation, dated August 3, 2026;

Exhibit B-2 Proof of Publication of the notice in the *Daily Local News* on August 6, 2026 and August 13, 2026;

Exhibit B-3 Affidavit of Mailing Notice to the neighboring property owners on August 5, 2026; and

Exhibit B-4 Affidavit of Posting, dated August 4, 2026.

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

5. The Applicants are Brett Stopper and George Hasson.

6. The Property is located at 2045 Howells Road, Malvern, Pennsylvania 19355 (UPI No. 43-3-11).

7. The Property is located in the R-2 Residence Zoning District of the Township.

8. Code Section 208-112.A(1) states:

> "Private swimming pools, tennis courts, private garages in accordance with § 208-103B(8), sheds and other accessory buildings and structures not specifically covered in Subsection B hereof shall not be located in the area extending the full width of the lot between the principal building and any street line. An accessory building shall be erected six or more feet from the side or rear lot line, as long as the structure does not exceed 144 square feet and is not more than 10 feet in height. Any building exceeding 144 square feet or 10 feet in height must meet the yard and height regulations of the zoning district in which it is located."

9. The Applicants propose to construct a 480-square-foot two-car detached garage between Howells Road and the existing single-family home.

10. The Applicants did not appear at the hearing.

11. The Applicants did not send legal counsel or other representative to the hearing on their behalf.

12. The Applicants did not provide testimony or evidence at the hearing.

13. Ms. McPherson advised that the Township provides notice of the hearing date by: (1) sending an email to the address provided on the Application with instructions for attending in person; (2) mailing notice of the hearing date; and (3) posting notice on the Property.

14. Ms. McPherson advised that she had not received any communication from the Applicants or anyone on their behalf regarding a need to reschedule the hearing date.

15. Ms. Sundquist advised that she had not received any communication from the Applicants or anyone on their behalf regarding the Application.

16. There is no evidence of record regarding unique physical circumstances peculiar to the Property, which create an unnecessary hardship to the Property.

17. There is no evidence of record that physical circumstances prevent development of the Property in strict conformity with the provisions of the Code.

18. There is no evidence of record that the hardship is not self-created.

19. There is no evidence of record that the variance, if authorized, will not alter the essential character of the neighborhood, substantially impair neighboring properties, or otherwise detract from the public welfare.

20. There is no evidence of record that the variance is the minimum to afford relief.

II. Discussion

Code Section 208-150 (Standards for review of proposed special exception or variance) 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 summarized 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 Applicants did not appear at the hearing to provide evidence and testimony to the Board regarding the Application. Because the Applicants did not appear and present evidence, there is no evidence of record regarding any of the five variance criteria. As a result, the Applicants have not met their burden of proof. The Board notes that nothing contained in this decision would foreclose the Applicants from resubmitting the Application at a future date.

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 not established entitlement to the requested variance from Code Section 208-112.A(1) to permit the installation of a detached garage within the area extending the full width of the lot between the principal building and any street line.

4. The Board, therefore, enters the following:

ORDER

AND NOW, this 24th day of September 2026, confirming its oral decision of August 27, 2026, and the solicitor's letter of August 28, 2026, upon consideration of the Application of Brett Stopper and George Hasson for the Property located at 2045 Howells Road, Malvern, Pennsylvania 19087 (UPI No. 43-3-11) for a variance from Code Section 208-112.A(1) to permit the installation of a detached garage within the area extending the full width of the lot between the principal building and any street line, IT IS HEREBY ORDERED that the relief is DENIED.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

DANIEL McLAUGHLIN, Chairperson

ROBYN FORBES-DRUCKER, Vice Chairperson

BRADFORD MURPHY, Member