



Zoning Hearing Board

[Public Notice](#)

Date received:
06/01/2023 @ 1709

Date & Time posted:
06/02/2023 @ 1035

UPDATED:
06/07/2023 @ 0906

[Agenda Link](#)

Date received:
06/05/2023 @ 1122

Date & Time posted:
06/05/2023 @ 1131

UPDATED:
06/07/2023 @ 0906

[Minutes Link](#)

Date received:
09/07/2023 @ 1106

Date & Time posted:
09/07/2023 @ 115

Public Notice/Agenda/Minutes

Date: Thursday, June 15, 2023

Location: 1014 Darby Rd, Havertown, Pa., 19083 – All Rooms

Time: 7:30 P.M.

NOTICE
HAVERFORD TOWNSHIP
ZONING HEARING BOARD

NOTICE is hereby given that the Zoning Hearing Board will hold a Public Meeting on Thursday, June 15, 2023, at 7:30 PM, in the Commissioners Meeting Room, 1014 Darby Road, Havertown, PA at which time the Board will consider appeals from the zoning provisions of the General Laws of the Township of Haverford, Chapter 182:

Z23-10 George and Annie Kannarkat, owners of 2346 Poplar Rd. (401 E Eagle Rd.), Havertown, PA., D.C. Folio # 22 03 00833 00 seek a variance from the provisions of §182-727 to construct an open, aluminum, black 4-foot fence that will encroach into the required 30' primary front yard setback on a corner property between 22.05' and 27.27'. Zoned R-4. Ward 3.

UPDATE: Correct mailing address is 2345 Poplar Rd.

Z23-11 Edmund and Michelle Grant, owners of 104 Allgates Drive, Haverford, PA, D.C. Folio # 22 04 00001 64, and equitable owners of a portion of 108 Allgates Drive, Haverford PA., D.C. Folio # 22 04 00001 65, seek a variance from the provisions of §182-802.B to permit 1,523 sq ft from 108 Allgates Drive to be transferred and merged into 104 Allgates Drive, which transfer will decrease the lot area of 108 Allgates Drive and thereby will increase the existing nonconforming impervious coverage of 108 Allgates Drive from 43.29% to 45.43%. Zoned SRD. Ward 5.

Z23-12 James and Bernadette Sharp, owners of 608 Furlong Ave., Havertown, PA. D.C. Folio # 22 09 01075 00 who seek a variance from the provisions of §182-711.B(1) to construct an 11'-4" x 18'-4" extension to an existing 9' x 18'-4" garage, a total of 20'-4" x 18'-4" that will encroach 4' into the required 10' separation between an accessory building and the rear most portion of the main building. Zoned R-6 Single family. Ward 2.

All interested parties are invited to attend and be heard in accordance with the rules and procedures established by the Board. The Board will conclude the hearing at 11:00 PM and any unfinished business will be continued to a future meeting date.

Published May 31st and June 7th 2023

AGENDA

MEETING OF THE ZONING HEARING BOARD OF HAVERFORD TOWNSHIP, THURSDAY, **June 15, 2023**, AT **7:30 P.M.** IN THE COMMISSIONERS MEETING ROOM, 1014 DARBY ROAD, HAVERTOWN, PA 19083.

MEMBERS: Robert Kane, Chairman
 William Rhodes, Vice Chairman
 Jessica Vitali, Secretary
 Edward Magargee
 Jesse Pointon

ALSO PRESENT: Ernie Angelos, Esq., Solicitor
 Kelly Kirk, Zoning Officer
 Arlene LaRosa, Court Stenographer

Item #1:

Motion: to approve the clarification of the Zoning Board's decision and resolve of the appeal of *JPM Haverford Road v. Haverford Township Zoning Hearing Board*, Delaware County Court of Common Pleas Docket No. CV-2022-009922, as presented and recommended by the solicitor, for the property located at 2228 Haverford Road (ZHB case no. Z22-28).

Item #2 Continued Case:

Z23-05 DMG Elite Properties, LLC, owners of 8 Campbell Ave, Havertown, PA, D.C. Folio # 22-30-00224-00, seeks variances from the provisions of §182-802D(1) to allow a change in nonconforming use from a restaurant to a mixed use building with an office/showroom with 4 apartments above, from §182-208C to allow the new building to be reconstructed within the existing nonconforming footprint of the existing building, and from §182-707.B to allow 11 spaces where 18 are required. Zoned R-6. Ward 3.

Item #3 New Cases:

Z23-10 George and Annie Kannarkat, owners of 2346 Poplar Rd. (401 E Eagle Rd.), Havertown, PA., D.C. Folio # 22 03 00833 00 seek a variance from the provisions of §182-727 to construct an open, aluminum, black 4-foot fence that will encroach into the required 30' primary front yard setback on a corner property between 22.05' and 27.27'. Zoned R-4. Ward 3. **UPDATE: Correct mailing address is 2345 Poplar Rd.**

Z23-11 Edmund and Michelle Grant, owners of 104 Allgates Drive, Haverford, PA, D.C. Folio # 22 04 00001 64, and equitable owners of a portion of 108 Allgates Drive, Haverford PA., D.C. Folio # 22 04 00001 65, seek a variance from the provisions of §182-802.B to permit 1,523 sq ft from 108 Allgates Drive to be transferred and merged into 104 Allgates Drive, which transfer will decrease the lot area of 108 Allgates Drive and thereby will increase the existing nonconforming impervious coverage of 108 Allgates Drive from 43.29% to 45.43%. Zoned SRD. Ward 5.

Z23-12 James and Bernadette Sharp, owners of 608 Furlong Ave., Havertown, PA. D.C. Folio # 22 09 01075 00 who seek a variance from the provisions of §182-711.B(1) to construct an 11'-4" x 18'-4" extension to an existing 9' x 18'-4" garage, a total of 20'-4" x 18'-4" that will encroach 4' into the required 10' separation between an accessory building and the rear most portion of the main building. Zoned R-6 Single family. Ward 2.

AJOURNMENT

***This agenda does not necessarily reflect the order in which the cases will be heard.**

**MINUTES OF THE REGULAR MEETING
OF THE HAVERFORD TOWNSHIP ZONING HEARING BOARD HELD ON
June 15, 2023**

A regular meeting of the Haverford Township Zoning Hearing Board (the “Board”) was held on June 15, 2023. The meeting was held in the Haverford Township Municipal Building, Haverford Township, Pennsylvania. The meeting commenced at approximately 8:00 p.m. Present were Chairman Robert Kane, Vice-Chairman William Rhodes, Member Edward Magargee, Member Jessica Vitali, and Member Jesse Pointon. Also present were the Township’s Zoning Officer, Kelly Kirk, the Township’s Deputy Zoning Officer, Margie Buchanan, and the Board’s solicitor, Ernest S. Angelos, Esq. The hearing was recorded by a court stenographer.

After Chairman Kane called the meeting to order, the first order of business was the Pledge of Allegiance. Next Chairman Kane proceeded with old business before the Board, that being Case No. Z23-05.

Case Z23-05 is the application of DMC Elite Properties, LLC, the owner of 8 Campbell Ave, Havertown, PA, who seeks variances from the provisions of (1) §182-802.D(1) to allow a change in nonconforming use from a restaurant to a mixed use building with an office/showroom with 4 apartments above; (2) §182-208C to allow the new building to be reconstructed within the existing nonconforming footprint of the existing building; and (3) §182-707.B to allow 11 parking spaces where 18 are required. The applicant was represented by counsel, George Lavin, Esquire. This matter was continued from the Board’s April 20, 2023, May 4, 2023 and June 1, 2023 meeting dates for additional testimony.

The hearing re-commenced, and the Applicant presented additional testimony and evidence. Following a period of additional discussion with the Applicant about the need for additional information regarding the specific relief being requested and a period of public comment, with

several residents commented in favor of and against the application, the matter was continued to the Board's July 20, 2023 meeting date for further evidence and testimony.

The next order of business was new cases Z23-10, Z23-11 and Z23-12.

Case Z23-10 is the application of George and Annie Kannarkat, owners of 2346 Poplar Rd., Havertown, PA, who seek a variance from the provisions of §182-727 to construct an open, aluminum, black 4-foot fence that will encroach into the required 30' primary front yard setback on a corner property between 22.05' and 27.27'. The property is located in the Township's R-4 Zoning District.

The hearing commenced and testimony and evidence were presented and admitted into the record on behalf of the Applicants. At the conclusion of Applicants' case, the Chairman asked for public comment, in which a resident who received certified mail, Janice Dea, 405 East Eagle Road, testified in favor of the application. Following the conclusion of public comment, the Board proceeded to its next case, Z23-11.

Case Z23-11 is the application of Edmund and Michelle Grant, owners of 104 Allgates Drive, Haverford, PA, D.C. Folio # 22 04 00001 64, and equitable owners of a portion of 108 Allgates Drive, Haverford PA., who seek a variance from the provisions of §182-802.B to permit 1,523 sq ft from 108 Allgates Drive to be transferred and merged into 104 Allgates Drive, which transfer will decrease the lot area of 108 Allgates Drive and thereby will increase the existing nonconforming impervious coverage of 108 Allgates Drive from 43.29% to 45.43%. The property is Zoned SRD.

The hearing commenced and testimony and evidence were presented and admitted into the record on behalf of the Applicants. At the conclusion of Applicants' case, the Chairman asked for public comment, in which there was none. Following the conclusion of public comment, the Board proceeded to its next case, Z23-12.

Case Z23-12 is the application of James and Bernadette Sharp, owners of 608 Furlong Ave., Havertown, PA. D.C. who seek a variance from the provisions of §182-711.B(1) to construct an 11'-

4" x 18'-4" extension to an existing 9' x 18'-4" garage, which would result in an enlarged garage measuring 20'-4" x 18'-4", and which will encroach 4' into the required 10' separation between an accessory building and the rear most portion of the main building. The property is Zoned R-6 Single family.

The hearing commenced and testimony and evidence were presented and admitted into the record on behalf of the Applicants. At the conclusion of Applicants' case, the Chairman asked for public comment, in which there was none. Following the conclusion of public comment, the Board recessed into executive session for discussions with its solicitor.

Upon resumption of the public hearing, the board proceeded with a motion to approve the Minutes from the Board's June 1, 2023 meeting. Upon a motion duly made and seconded, the motion passed unanimously.

Next the board proceeded with a motion on Case Z23-10. Upon a motion duly made and seconded to approve the application, the motion passed unanimously with the following conditions:

1. The project must be completed within 1 year of the date of the approval; and
2. The project must conform to the notes of testimony.

Next the board proceeded with a motion on Case Z23-11. Upon a motion duly made and seconded to approve the application, the motion passed unanimously with the following conditions:

1. The lot line adjustment shall remain subject to recommendation by the Planning Commission and approval by the Board of Commissioners; and
2. That the final plan reflective of the new lot line adjustment shall be recorded in the county land records of Delaware County.

Next the board proceeded with a motion on Case Z23-12. Upon a motion duly made and seconded to approve the application, the motion passed 4-1 (Member Vitali voted in opposition) with the following conditions:

1. That water runoff shall be controlled so as not to adversely affect neighboring

properties; and

2. The project must be completed within 1 year of the date of the approval; and
3. The project must conform to the notes of testimony.

Finally, the board proceeded with approving a clarification and resolution to Court of Common Pleas Docket No. CV-2022-9922 (Case Z22-28). Upon a motion duly made and seconded, the motion passed unanimously.

With no further new or old business before the Board the meeting was adjourned at 10:42pm.

**HAVERFORD TOWNSHIP
ZONING HEARING BOARD**

BY: _____
Recording Secretary