

RESIDENT/ PROPERTY OWNER NOTICE
WHITPAIN TOWNSHIP ZONING HEARING BOARD

Whitpain Township Zoning Hearing Board will hold a public meeting on Thursday, January 15, 2026 at 7:00 p.m. at the Whitpain Township Building, 960 Wentz Road, Blue Bell, Pennsylvania, 19422 in order to hear and possibly render decision(s) on the following new matter:

2477-25 – Estabrak and Balsam Habboush for the property located at 1167 Fairview Avenue, Blue Bell, PA 19422 requests the following zoning relief from of the Whitpain Township Zoning Code to construct a single-family house: (1) a special exception under 160-17 to permit side yard setbacks of 12 ft and 18 ft; and (2) a variance from Section 160-203 to permit the new house to encroach into the side yard setback. This property is located in the R-1 Residence Zoning District.

This notice is being mailed to you in accordance with the Township's Zoning Ordinance, including Section 160-240, that requires the mailing or serving notice to the owners or occupiers, if known, of every lot on the same street within 500ft of the property that is the subject of the hearing or, if not on the same street, within 150ft of the subject property.

Copies of the application, exhibits, site plans or other materials received by the Township in connection with the above matter are on file with the Zoning Officer at the Township Building. Paper copies may be requested in writing from the Township at a cost as permitted by law. Applications and plans are also available for review on the Township's website at www.whitpaintownship.org. All hearings will be held in-person and, unless an accommodation has been granted, all applicants, witnesses and individuals seeking to be a party to the proceeding or any individual wanting to provide public comment must be present to participate. Therefore, be advised that only testimony, evidence and public comment made before the Zoning Hearing Board may be considered as part of each hearing. Persons who wish to attend or participate in the above-referenced hearings and require an auxiliary aid, service or other accommodation, please contact the Township ADA Coordinator at 610-277-2400 or send an email to buildingandzoning@whitpaintownship.org within five days of the hearing.

Members of the public who wish to be considered a party to the proceedings may contact Whitpain Township at 610-277-2400 or send an email to buildingandzoning@whitpaintownship.org to request information about the procedure. The Zoning Hearing Board determines at the hearing who may participate in the hearing as a party in accord with Section 908(3) of the Pennsylvania Municipalities Planning Code hereafter referred to as the "MPC." The MPC permits party status to any person or persons "affected" by the Application. Having taxpayer status and/or township resident status alone is not enough to obtain party status; however a person whose property or business

abuts the property that is the subject of the Application is typically deemed to be affected and sufficient for party status. Ultimately, it is the Zoning Hearing Board that makes the party status determination after reviewing the request.

You need not be a party in order to provide comment on an application. The Zoning Hearing Board will hear public comment on each application prior to closing the hearing. Following the close of the hearing, the Zoning Hearing Board will render a decision, unless it deems that additional time is required for consideration and deliberation, in which case it will continue the public meeting to an announced date and time for that purpose.

**ZONING HEARING BOARD
OF WHITPAIN TOWNSHIP**



RECEIVED

DEC 10 2025

Case #: ZHB# 2477-25

Whitpain Township
960 Wentz Road
Blue Bell, PA 19422
610.277.2400

Codes@WhitpainTownship.org

WHITPAIN TOWNSHIP
Code Enforcement Department
Zoning Hearing Board Application

1. Required Information:

Applicant Name: Estabrak and Balsam Habboush

Applicant is: ☒ Property Owner ☐ Legal Council ☐ Equitable Owner ☐ Tenant

Applicant Address: c/o Amee S. Farrell, Esquire - 910 Harvest Dr. Box 3037 Blue Bell, PA 19422

Phone: (610) 941-2547 Email: afarrell@kaplaw.com

Subject Property Address: 1167 Fairview Avenue

2. Application Type (select all that apply):

☒ Variance ☐ Appeal of the determination of Zoning Officer ☐ Appeal from a Zoning Enforcement Notice

☒ Special Exception ☐ Request to extend a previously granted variance or special exception prior to expiration

☐ Other: _____

3. Description of Project and Relief Request in Detail (required):

Special Exception (or a variance in the alternative) to permit a single-family residence on an undersized
and narrow lot, where reduced sideyard setbacks are necessary due to size and configuration of
existing lot. See attached Addendum for additional information.

4. Signatures:

Applicant: [Signature] Date: 12/10/2025

Property Owner: same as Applicant Date: _____

For Township Use Only

Fee: <u>\$650.00</u>	Zoning District: <u>R-1</u>
Article: <u>IV</u>	Section: <u>160-17</u>
Article: <u>XXVIII</u>	Section: <u>160-203</u>
Article: _____	Section: _____
Article: _____	Section: _____
Article: _____	Section: _____
Reviewed By: <u>TD</u>	Review Date: <u>12/11/25</u>

Amee S. Farrell
Direct Dial: (610) 941-2547
Direct Fax: (610) 684-2010
Email: afarrell@kaplaw.com
www.kaplaw.com

December 10, 2025

VIA ELECTRONIC MAIL [TDECARO@WHITPAINTOWNSHIP.ORG] AND HAND DELIVERY

Travis DeCaro
Code Enforcement Officer
Whitpain Township
960 Wentz Road
Blue Bell, PA 19422

RE: 1167 Fairview – Zoning Hearing Board Submission

Dear Travis:

This office represents Estabrak (Joe) and Balsam Habboush, owners of the above noted property (“**Property**”). Enclosed for processing in connection with the Property are one (1) original and six (6) copies of the Whitpain Township Zoning Hearing Board Application packets, together with the requisite exhibits.

Each packet includes:

- a. Signed Zoning Application, on the Township’s required form;
- b. Addendum to the Application;
- c. Deed for the Property;
- d. Photographs of the Property; and
- e. 2-sheet Zoning Plan submission.

Also included herewith is a check, payable to Whitpain Township, in the amount of \$650.00, which I understand to be the applicable filing fee.

Kindly date stamp one of the application copies as proof of filing and return to the messenger. Please distribute the within application packets to the appropriate parties and schedule the application for the next available Zoning Hearing Board Hearing.

Travis DeCaro – Whitpain Township
December 10, 2025
Page 2

Please do not hesitate to contact me with any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amee S. Farrell', with a long horizontal stroke extending to the right.

Amee S. Farrell

ASF:asf

cc: (via electronic mail w/enclosures)
Joe Habboush (EHabboush@Pennoni.com)

Amee S. Farrell, Esquire
Brielle A. Brown, Esquire
Kaplin Stewart Meloff Reiter & Stein, PC
Union Meeting Corporate Center
910 Harvest Drive
Post Office Box 3037
Blue Bell, PA 19422
(610) 941-2547
afarrell@kaplaw.com
bbrown@kaplaw.com

Attorneys for Applicant

**BEFORE THE ZONING HEARING BOARD OF
WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA**

<i>In the Matter Of</i>	:	<i>Premises:</i>
Estabrak and Balsam Habboush	:	1167 Fairview Avenue
<i>Owner/Applicant</i>	:	TMP #66-00-02017-00-5

ADDENDUM TO ZONING HEARING BOARD APPLICATION

Estabrak and Balsam Habboush (“**Applicant**”), by and through their attorneys, Amee S. Farrell, Esquire, and Brielle A. Brown, Esquire, hereby file this addendum to the application to the Whitpain Township Zoning Hearing Board (“**Application**”) seeking a special exception as further described herein for the property located at 1167 Fairview Avenue and in support thereof, states as follows:

1. **Owner/Applicant.** Applicant, having an address of 1151 Fairview Avenue, Blue Bell, PA, 19422 is the owner of the property herein described, by virtue a deed, dated April 16, 2020, and recorded May 6, 2020, with the Montgomery County Recorder of Deeds. A copy of the Deed is included herewith at **Exhibit “A”** for reference.

2. **Description of the Property.** The property consists of an approximately 18,804 s.f. (0.43 acre) parcel, located at 1167 Fairview Avenue, Blue Bell, and more particularly described as Montgomery County Tax Parcel #66-00-02017-00-5 (“**Property**”).

3. **Zoning Classification.** According to the Whitpain Township Zoning Code and associated Zoning Map (collectively, “**Zoning Code**”), the Property is located in the R-1 Residential District (“**R-1 District**”) which permits, *inter alia*, single-family detached residential and accessory uses.



4. **Existing Conditions.** The Property is a long, narrow, undeveloped lot with frontage on Fairview Avenue. Residential structures front along the western frontage of Fairview Avenue. The eastern frontage of Fairview Avenue serves as the rear lots for structures fronting on Route 202/Dekalb Pike to the east. Photographs of the existing conditions of the Property are included herewith at **Exhibit “B”** for reference.

As evidenced by the Deed, included herewith at Exhibit “A” the Property was established by virtue of a September 21, 1946 plan of subdivision, and as such, predates the present dimensional requirements of the Zoning Code.

ALL THAT CERTAIN tract or piece of land with the buildings thereon erected Situate in the Township of Whitpain, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a Survey thereof made by Herbert H. Metz, Registered Engineer Lansdale Pennsylvania dated September 21, 1946 as follows to wit:

As a result, the Property is legally nonconforming as to lot size (approximately 18,804 s.f./0.43 acre provided, where a minimum of 30,000 s.f. is required) and lot width (65 feet provided, where a minimum of 150 feet is required) (See §160-14).



5. **Proposed Improvements.** Applicant proposes to develop the lot with one (1) single-family detached residence, as permitted in the R-1 District (“**Proposed Improvements**”). The Proposed Improvements satisfy bulk and dimensional criteria of the R-1 District related to front yard and rear yard setbacks, maximum building height, minimum green area, and maximum non-green area. However, given the narrow nature of the lot, the Property cannot be developed in accordance with the side yard setback requirements of the R-1 District, as the R-1 District requires side yard setbacks of a minimum of 45 feet each, and 100 feet in the aggregate (§160-17); a requirement which cannot be satisfied on a lot that is only 65 feet in width.

The Proposed Improvements are generally depicted on a two (2) sheet Site Plan set prepared by Estabrak J. Habboush, P.E., and included herewith at **Exhibit “B”** for reference (“**Proposed Plan**”).

6. **Modification of the Side-Yard Setback Requirement.** Section 160-17 of the Zoning Code, *Side yards for single-family dwellings*, (Amended 7-2-1962 by Ordinance No. 4-6) provides:

In the case of a single-family dwelling, there shall be two side yards, one on each side of the main building, together having an aggregate width of at least 100 feet, but neither side yard shall be less than 45 feet wide; *provided that in the case of a lot held in single and separate ownership at the time this chapter becomes effective, of a width less than 150 feet, a single-family dwelling may be built thereon with side yards of less width when authorized as a special exception*; and provided further that in the case of a single-family dwelling constructed with its greater dimension parallel to the street, a porch may project into one of the side yards, provided that the width of such side yard is not thereby reduced to less than the required minimum of 45 feet.

(emphasis added)

7. **Zoning Relief Requested.** Applicant hereby requests: (i) a special exception pursuant to §160-17, to permit development of a single-family residence on the Property with side yard setbacks of 12'-0" and 18'-0" (as depicted on the Proposed Plan) where the Property is nonconforming as to size and width and was established prior to the effective date of §160-17; and (ii) a variance in the alternative, should it be determined that the special exception provisions of §160-17 do not apply.

8. **Grounds for Relief.** Given the undersized and narrow nature of the Property, application of the side yard setback requirements of §160-17 would render the lot undevelopable for the permitted single-family residential use. Recognizing the hardship created by the side yard setback requirements for undersized lots, §160-17 of the Zoning Code permits a reduction in the side yard setback requirement by special exception for lots held in single and separate ownership

prior to the effective date of the Chapter (via 1962 amendment). As evidenced by the Deed included herewith at Exhibit A, the Property was created by plan in 1946 and has been transferred through subsequent deeds as a separate tax parcel since its creation. As such, it satisfies the only specific objective criteria of §160-17 – that it be held in single and separate ownership since at least 1962 – and Applicant is entitled to the special exception.

Applicant requests the zoning relief outlined herein to allow Applicant to make reasonable use of the Property consistent with the nature and character of the surrounding residential uses and provisions of the R-1 District permitting modification of the dimensional requirements of the R-1 District for development of a single-family residence on an undersized lot. Failure to grant side yard setback relief – whether in the form of a special exception or variance – will render the parcel undevelopable. The relief represents the minimum that will afford relief and the least modification of the regulation at issues. Finally, the relief will allow reasonable use of the Property without causing any detrimental impact on any neighboring properties. Accordingly, Applicant requests that the Zoning Hearing Board grant the requested relief.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Amee S. Farrell", with a long horizontal flourish extending to the right.

AMEE S. FARRELL, ESQUIRE
BRIELLE A. BROWN, ESQUIRE
Attorneys for Applicant

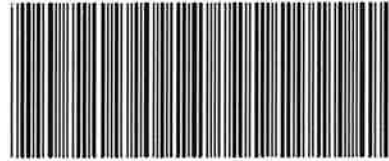
EXHIBIT “A”



RECORDER OF DEEDS
MONTGOMERY COUNTY
Jeanne Sorg

One Montgomery Plaza
Swede and Airy Streets ~ Suite 303
P.O. Box 311 ~ Norristown, PA 19404
Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 6179 PG 01991 to 01995
INSTRUMENT # : 2020032322
RECORDED DATE: 05/06/2020 11:30:34 AM



5761203-0018Q

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed Document Date: 04/16/2020 Reference Info:	Transaction #: 6038432 - 1 Doc(s) Document Page Count: 4 Operator Id: dawhitner
RETURN TO: (Simplifile) Services Abstract 794 Penllyn Blue Bell Pike Suite 200 Blue Bell, PA 19422 (215) 654-6160	PAID BY: SERVICES ABSTRACT

*** PROPERTY DATA:**

Parcel ID #: 66-00-02017-00-5
Address: 1167 FAIRVIEW RD

PA
Municipality: Whitpain Township (100%)
School District: Wissahickon

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$15,000.00

FEES / TAXES:

Recording Fee:Deed	\$86.75
Additional Names Fee	\$0.50
Affordable Housing Names	\$0.50
State RTT	\$150.00
Whitpain Township RTT	\$75.00
Wissahickon School District RTT	\$75.00
Total:	\$387.75

DEED BK 6179 PG 01991 to 01995
Recorded Date: 05/06/2020 11:30:34 AM

I hereby CERTIFY that this document is
recorded in the Recorder of Deeds Office in
Montgomery County, Pennsylvania.



Jeanne Sorg
Recorder of Deeds

Rev1 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

***COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION**

Prepared By: **Services Investors, LLC d/b/a Services Abstract Company**
ATTN: Carolyn Grove
794 Penllyn Blue Bell Pike, Suite 120
Blue Bell, PA19422
Phone: 215-654-6160

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
 66-00-02017-00-5 WHITPAIN TOWNSHIP
 1167 FAIRVIEW RD
 MCMULLAN FRANCIS G III & BARBARA C FAMILY TRU\$15.00
 B 006 L U 041 2103 04/30/2020 JG

Return To: **Services Investors, LLC d/b/a Services Abstract Company**
ATTN: Carolyn Grove
794 Penllyn Blue Bell Pike, Suite 120
Blue Bell, PA19422
Phone: 215-654-6160

66-00-02017-00-5
1167 Fairview Avenue, Blue Bell, PA
19422
File No. 509-004204-B

Trustees' Covenant Deed (Indiv.)

This Deed, made on April 16, 2020, between,

Francis G. McMullan, III & Barbara C. McMullan, Trustees of the Francis G. McMullan, III & Barbara C. McMullan Family Trust

hereinafter called the Grantor of the first part, and

Estabrak Habboush and Balsam Habboush

hereinafter called the Grantees of the second part,

Witnesseth, that the said Grantor for and in consideration of the sum of **Fifteen Thousand and 00/100 Dollars, (\$15,000.00)** lawful money of the United States of America, unto him/her/them well and truly paid by the said Grantees, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released and confirmed and by these presents do grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantees, his/her/their heirs and assigns. as tenants by the entirety;

ALL THAT CERTAIN tract or piece of land with the buildings thereon erected Situate in the Township of Whitpain, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a Survey thereof made by Herbert H. Metz, Registered Engineer Lansdale Pennsylvania dated September 21, 1946 as follows to wit:

BEGINNING at an iron pin set at the end of Greenway Street (now known as Fairview Road) which iron pin is at the distance of thirty six feet Northwestwardly from the center line of the tracks of the Lehigh Valley Transit Company measures at right angles thereto and in line of land of Dr. J.R. Weston, formerly of Tamsen E. Shelly; thence extending partly along the end of Greenway Street (now known as Fairview Road) and partly along said land of Dr. J. R. Weston, North forty eight degrees, fifty minutes West, Three hundred twenty six and eighty one hundredths feet to an iron pin; thence by land of Percival R. Latch the two following courses and distances 1) North forty one degrees, ten minutes East, Sixty feet to an iron pin and 2) South forty eight degrees fifty minutes East three hundred feet to an iron pin set at a point Thirty six feet Northwestwardly from the center line of the tracks of the Lehigh Valley Transit Company and measured at right angles thereto, said point being at the Northwesterly side of a Sixteen feet wide roadway, laid out over other of the said Percival R. Latch for the use of said Percival R. Latch on the Northeasterly side of the within described premises; thence along the Northwesterly side of said Sixteen feet wide roadway, South seventeen degrees, five minutes West, Sixty five and seventy two one-hundredths feet to the first mentioned point and place of beginning.

TOGETHER with the right, liberty and privilege to the previous Grantees of this property, their heirs and assigns of ingress, egress and regress over, along and upon the above mentioned sixteen feet wide

roadway bounding the within described premises on the Southeast and thereof, the use of which road way in to be in common with Percival R. Latch, owner of the premises on the Northeast side of the within described premises, his heirs and assigns.

TOGETHER also with the right to use of a well located on land of the said Percival R. Latch, bounding the within described premises on the Northeast side of thereof which well is located about three feet from the Northeast side of the within described premises and about eighty feet more or less from the Northwestern side of the above mentioned sixteen feet wide roadway, the said Grantees herein, their heirs and assigns to have the use of said well and the water therefrom and to pipe said water from said well to and upon the within described premises, the cost of maintenance and repair of said water pipe line to be at the sole expense of the previous Grantees of this property, their heirs and assigns.

PARCEL NO. 66-00-02017-00-5

BEING PART OF the same premises which John Paul Jr., Executor of the Estate of Anthony Smolinski, by Deed dated 12/18/1998 and recorded 06/16/1999 in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5275, Page 1508, granted and conveyed unto Francis G. McMullan, III and Barbara G. McMullan, husband and wife, as tenants by the entirety.

AND ALSO BEING PART OF the same premises which Francis G. McMullan, III and Barbara C. McMullan, who acquired title as Barbara G. McMullan, husband and wife, by Deed dated 01/24/2020 and recorded 02/05/2020 in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 6170, Page 2910, granted and conveyed unto Francis G. McMullan, III and Barbara C. McMullan, Trustees of the Francis G. McMullan, III and Barbara C. McMullan Family Trust.

TOGETHER with all and singular the improvements, ways, streets, alleys, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor, in law, equity, or otherwise howsoever, of, in and to the same and every part thereof.

TO HAVE AND TO HOLD the said lot or piece of ground, hereditaments and appurtenances and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, his/her/their heirs and assigns, to and for the only proper use and behoof of the said Grantees heirs and assigns, forever.

AND THE SAID Grantor does covenant, promise and agree, to and with the said Grantees heirs and assigns, by these presents that the said Grantor has not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or incumbered in title, charge, estate or otherwise howsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her/their hand and seal dated the day and year first above written.

Sealed and delivered in the presence of:

Francis G. McMullan, III & Barbara C. McMullan, Trustees of the Francis G. McMullan, III & Barbara C. McMullan Family Trust

Witness

Judith A. Betz

Francis G. McMullan, III, Trustee

Barbara C. McMullan
Barbara C. McMullan, Trustee

State/Commonwealth of Florida

County of Marion

On this 16th day of April, 2020, before me, the undersigned officer, personally appeared Francis G. McMullan, III & Barbara C. McMullan, Trustees of the Francis G. McMullan, III & Barbara C. McMullan Family Trust, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Judith A. Betz

Notary Public



JUDITH A BETZ
Commission # GG 245800
Expires December 4, 2022
Bonded Thru Budget Notary Services

DEED

File No. 509-004204-B

Grantor: Francis G. McMullan, III & Barbara C. McMullan, Trustees of the Francis G. McMullan, III & Barbara C. McMullan Family Trust

Grantee: Estabrak Habboush and Balsam Habboush

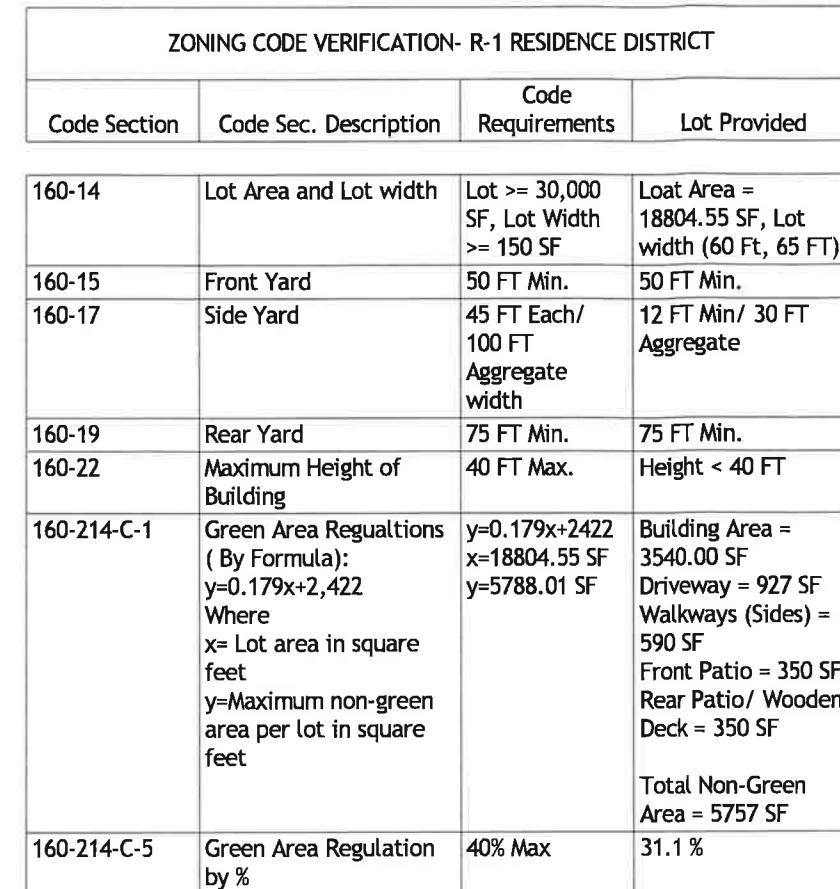
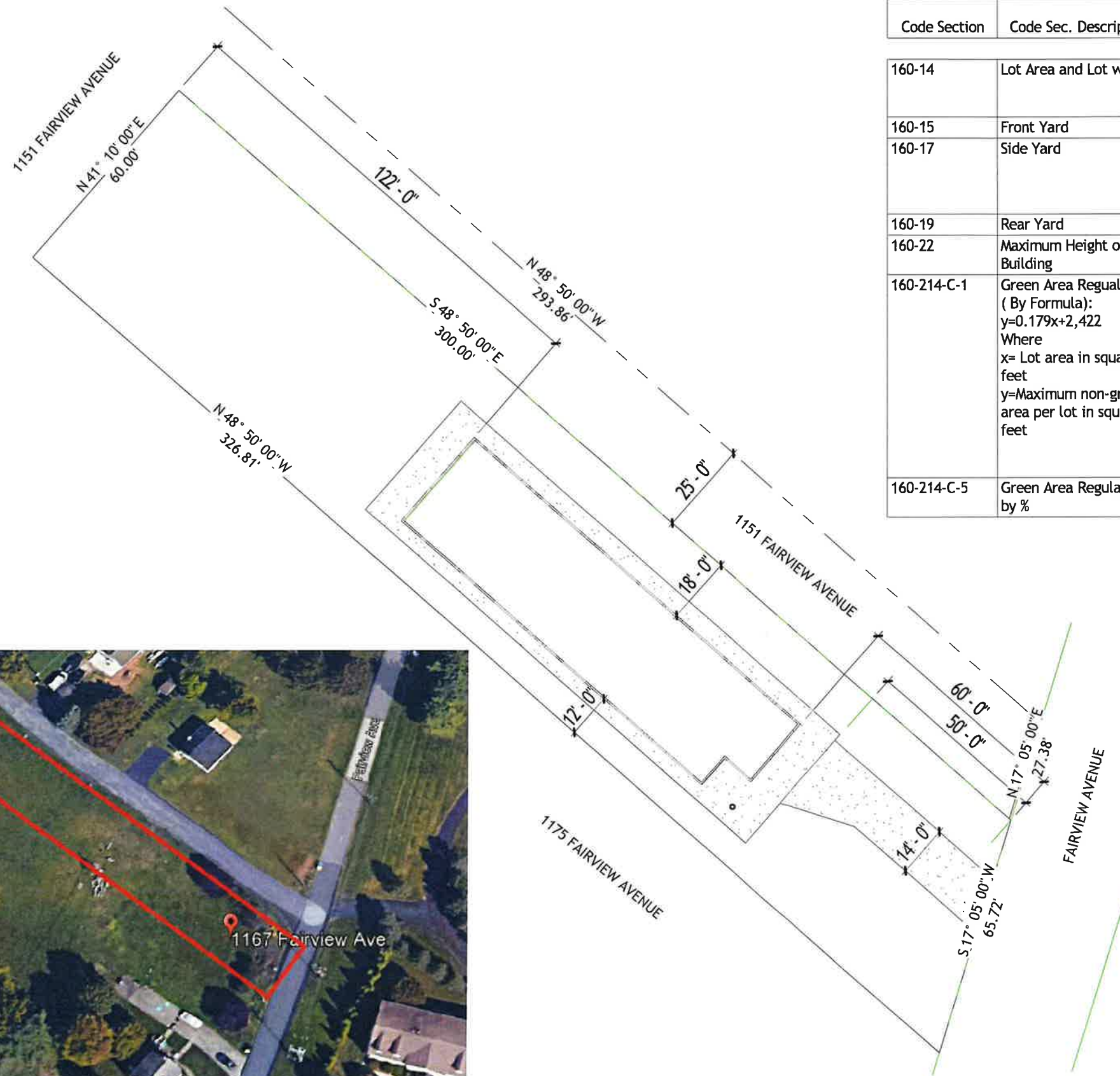
I certify the address of the Grantee to be, and mail tax bill to:

1151 FAIRVIEW AVE, BLUE BELL PA 19422Certified by: ISIAH ARAYPremises: 1167 Fairview ~~Road~~, Blue Bell, Whitpain, Montgomery County, State/Commonwealth of PennsylvaniaAVE

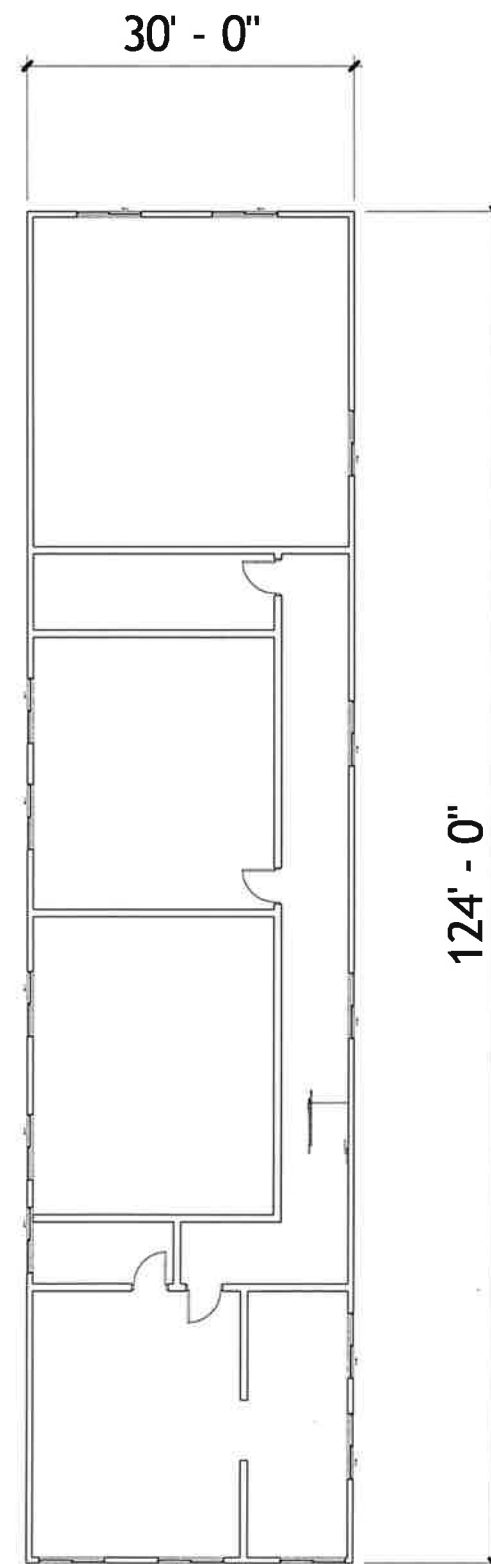
EXHIBIT “B”



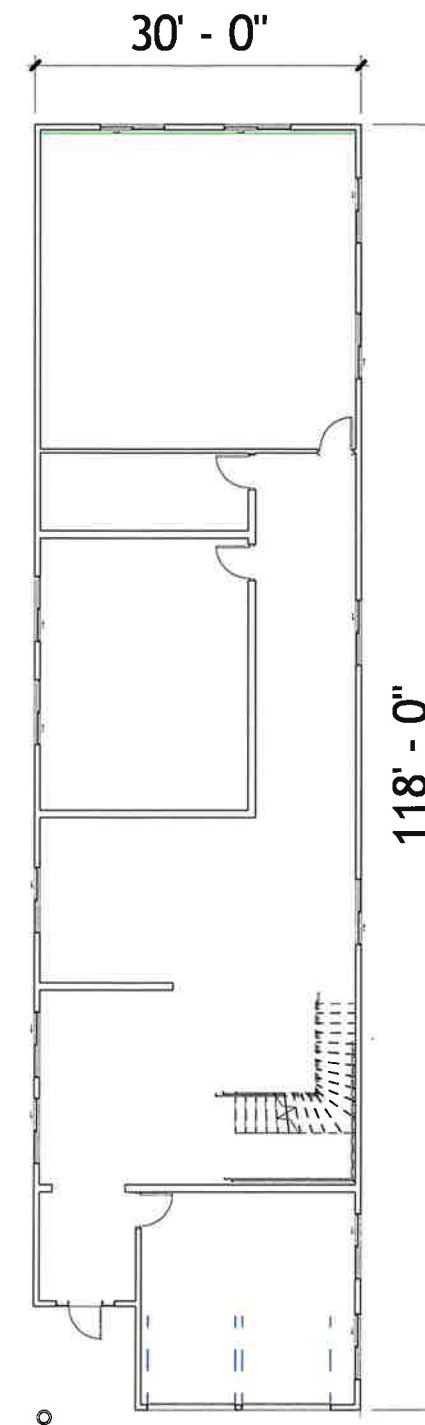




Scale 1" = 30'-0"



SECOND FLOOR PLAN



FIRST FLOOR PLAN

PARCEL NO. 66-00-02017-00-5
OWNER: ESTABRAK & BALSAM
HABBOUSH

PREPARED By:

**Estabrak J. Habobush, PE,
LEED Green Associates**

FOR

Habboush

Single-Family Home

SITE SITUATE IN

**WHITPAIN TOWNSHIP
MONTGOMERY COUNTY,
PA**

No.	Revision/ Issue	Date
	PLAN ORIGINATION DATE	Date

ADDRESS:

**1167 Fairview Avenue
Blue Bell, Pa 19422**

Floor Plans (Conceptual)

Project number	Project Number
Date	12/08/2025
Drawn by	EJH
Checked by	EJH

A101

Scale 1/16" = 1'-0"

12/5/2025 10:22:07 AM