



WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
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Westtown, PA 19395
FAX (610) 692-9651

www.westtownpa.org

NOTICE OF VIOLATION

September 27, 2018

Steven & Joanne Italiano
811 Kimberly Ln
West Chester PA, 19382

Re: Construction of a fence and/or gate without a permit, construction of a fence and/or gate within the future right-of-way of a street (Kimberly Ln)

Dear Homeowners,

During routine site visits as a part of his regular duties, the Building Inspector for Westtown Township observed what he believed were two new gates and a new fence along your front property line. Believing the fence might be located within the right-of-way to Kimberly Lane he reported this information to me. A review of permit records for your property was conducted and no permits were located for either gate or fence.

You are hereby notified that you are in violation of Chapter 170 (Zoning) of the Westtown Township Code. The Section of the code which you have violated and an explanation of the violations are listed below. You must comply with this notice of violation promptly and must commence action to correct or remove the above-listed violations and all violations must be completed, corrected, or removed no later than **Friday October 26, 2018**. In no case shall you abandon the premises in such condition as to create a hazard or menace to the public safety, health or welfare.

You are in violation of Westtown Township Code, Chapter 170, Article XV, Section 1505B & 1505G

Section 1505B states:

A permit is required for the installation of all other fences exceeding 40 feet in length and within the front, rear or side setback areas, except fences enclosing agricultural uses, or those constructed in conjunction with a permit for the installation of a swimming pool. A plot plan locating the proposed fence shall be submitted with the permit application. The plot plan may be an informal sketch plan, not necessarily to exact scale, showing the property boundaries and accurately locating the proposed fence. The property owner or contractor shall notify the PA One Call System before beginning construction of the fence.

Section 1505G states:

No fence or wall shall be constructed on a property within the existing or future right-of-way of a street, nor in any location that would obstruct a permanent easement.

Kimberly Lane is identified as a local street. As a local street, the future right-of-way width is 50' (measured 25' from the centerline of the road on either side). Township staff visited your property on September 27, 2018 to determine the location of your fence and gates, as they relate to the future right-of-way for Kimberly Ln. During this field measurement it was determined that a segment of your fence along Kimberly Ln was installed closer to the centerline of the street than 25'. A minimum distance of twenty-five feet (25') is required therefore your fence is in violation of Township Code.

The Township is allowing you twenty-nine (29) days to submit a permit application with site plan, for the fence and gates (attached). After a review of your application further action may be required to allow your existing fence to remain in its current location. You must submit a permit no later **than Friday October 26, 2018** otherwise the Township will seek enforcement remedies.

This listing or violation may not represent all violations presently occurring at the property, other violations may appear upon application for required permits or upon further investigation, and the township reserves it's right to take any and all action authorized to enforce its code as to all violations.

Violations of other ordinances may have occurred and the township reserves its rights to enforce these any other township ordinances.

I certify that this Notice of Violation as served by regular and certified mail upon the above-named individual(s) at the address(es) set forth above on **Thursday September 27, 2018**. If you have any questions regarding this notice please contact me.

Sincerely,



Will Ethridge, AICP
Director of Planning & Zoning

CC: R. Pingar – Township Manager

A. Kirk – Building Inspector

Certified letter #: 7015 0640 0003 7711 0503

Attachment: Westtown Township building permit application (9 pages)