

Westtown Township

PO Box 79
Westtown, PA 19395



P: 610.692.1930
F: 610.692.9651
www.westtownpa.org

Zoning Hearing Board Application

Township Use Only

Date Received: 6/3/19 Date Accepted: 6/5/19
Project No.: 2019-06 Fee/Date Paid: 7850⁰⁰
Parcel No.: 07-3-6 Acreage of Property: 112.62 AC
Zoning Dist. A/C 177 total

Applicant & Owner Information

Property Owner <u>West Chester Area School District</u> Phone <u>484-266-1250</u>
Mailing Address <u>1181 McDermott Drive</u> City <u>West Chester</u> , PA Zip <u>19380</u>
E-mail <u>kcampbell@wcasd.net</u>
Applicant <u>West Chester Area School District</u> Phone <u>484-266-1250</u>
Mailing Address <u>1181 McDermott Drive</u> City <u>West Chester</u> , PA Zip <u>19380</u>
E-mail <u>kcampbell@wcasd.net</u>

Request

Section 2104: Appeals from the Zoning Officer	_____
Section 2105: Challenge to the validity of the Zoning Ordinance or Map	_____
Section 2106: Challenge to the Flexible Development Procedure	_____
Section 2107: Variances	_____
Section 2108: Special Exceptions	<u>X</u>

Applicant shall deposit with the Township a fee deemed sufficient to pay the Hearing expenses. These costs may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the Hearing. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings.

In the event that the costs of the hearing exceed the funds deposited, the Applicant shall pay to the Township funds equal to such excess costs within thirty (30) days of the Township's request. Failure to deposit the additional funds shall be just reasons for terminating the proceedings.

It is my understanding that the Zoning Officer and Zoning Hearing Board may request additional information and documentation to prepare for said hearing.

CERTIFICATION: I certify that the information presented in this application and all attachments is true and correct.

Signature of APPLICANT  Date 5/20/19

Print Name Kevin Campbell

Signature of OWNER _____ Date _____
(If different from applicant)

Signature of ZONING OFFICER _____ Date _____

_____**OFFICIAL USE ONLY**_____

Mailed/faxed to Zoning Solicitor on: 6/5/19

Hearing scheduled on: _____ Advertised on: _____

_____**FEE SCHEDULE**_____

Variance, Special Exception — \$850
Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$850
Challenge to the Zoning Ordinance/Map — \$2,500

UNRUH TURNER
BURKE & FREES

ATTORNEYS AT LAW

ROSS A. UNRUH
Runruh@utbf.com

May 31, 2019

VIA FIRST CLASS MAIL

William Ethridge, AICP
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

RE: Documents for Bayard Rustin High School

Dear Mr. Ethridge:

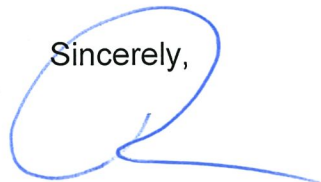
Enclosed please find a copy of the following documents for Bayard Rustin High School for your review:

1. One (1) original copy of the Zoning Hearing Board Application signed by West Chester Area School District for a modification to a previously granted special exception;
2. One (1) copy of the Addendum to the Zoning Hearing Board Application;
3. One (1) copy of the proposed Ordinance Amendment;
4. One (1) copy of the Petition to Amend the Ordinance; and
5. One (1) copy of the Act 247 County Referral form.

Also, enclosed please find a check in the amount of eight hundred fifty (\$850) dollars for the Zoning Hearing Board Application for a special exception in accordance with the fee schedule for the Township.

Once you have reviewed the enclosed documents, if you have any questions, please do not hesitate to call my office at 610-692-1371.

Sincerely,



Ross A. Unruh

RAU/lmb
Enclosures

MAILING ADDRESS: P.O. Box 515, West Chester, PA 19381-0515, T: 610.692.1371, F: 610.918.1361

OFFICE ADDRESS: 17 West Gay Street, Suite 200, West Chester, PA 19380-3090

www.utbf.com

West Chester Area School District - Special Exception Application Addendum

Requested Modification to Special Exception Previously Approved

This is an application by the West Chester Area School District, the legal owner of a tract of land situate on the northwest corner of Street Road (Pa.Rte 926) and Shiloh Road, this Township, containing 177 acres more or less.

In the January 31, 2003 Opinion and Order of the Westtown Township Zoning Hearing Board in Matter WT-ZHB-5-02, the Zoning Hearing Board granted a special exception pursuant to § 170-501B(3) to permit the School District to construct, maintain and operate a secondary school to be known as Bayard Rustin High School. A condition of the approval required that prior to any installation of outdoor lighting for evening events, an application had to be filed to the Zoning Hearing Board for a modification of the special exception and a finding that all external impacts have been sufficiently mitigated.

Consequently, on June 30, 2010, the Zoning Hearing Board received an application from the School District for the modification of the special exception to allow for the installation of outdoor lighting for evening events.

On September 12, 2011, the Zoning Hearing Board issued an Opinion and Order authorizing among other things, the installation, use and operation of outdoor lighting for evening events. As part of its approval, the Zoning Hearing Board included certain conditions of the approval. Specifically, Condition 3a stated in pertinent part the following:

“The number of evening events for which the outdoor lighting may be used are limited to **twenty** regularly scheduled events per academic year plus, if the football team so qualifies, up to three championship games...” (emphasis added).

In order to provide more opportunities for working parents to watch their children participate in their athletic activities, the School District would like to now have thirty (30) regularly scheduled evening events in the academic year. Accordingly, the School District files this application to request a modification of Condition 3(a) of the September 12, 2011 Order of the Zoning Hearing Board. The School Districts requests that Condition 3(a) be modified to allow for “**thirty** regularly scheduled events” instead of the now “twenty regularly scheduled events” as stated in the September 12, 2011 Order.

The School District further requests that to the extent that any other portion of the January 31, 2003 Opinion and Order or the September 12, 2011 Opinion and Order is inconsistent with the requested modification, it shall be adjusted accordingly.

In accordance with Section 170-2108.C of the Township Ordinance, the School District maintains as follows:

1. The proposed modification is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan;
2. The tract is suitable with respect to environmental conditions, highway access, and the availability of sewer and water services;
3. The proposed modification will not alter unduly the character of the existing neighborhood and adjacent tracts. It is an appropriate use of the property.
4. The proposed modification will have no impact on traffic circulation.
5. The proposed modification will not create additional demands on municipal services.

Attachments

Attached please find the January 31, 2003 Opinion and Order and the September 12, 2011 Opinion and Order of the Westtown Township Zoning Hearing Board.