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

**DECISION**

IN RE: APPLICATION OF **SAINTS SIMON AND  
JUDE SCHOOL, 6 CAVANAUGH COURT**

Hearing was held at the Township  
Municipal Building, Stokes Assembly Hall,  
1039 Wilmington Pike, West Chester,  
Pennsylvania, on June 6, 2019, beginning  
at 6:30 o'clock, p.m.

BEFORE: DAVID J. SCAGGS, Chairman  
LAURA M. SCANLON, Vice Chairman  
JEFFREY R. HOUSE, Member

ALSO PRESENT: WILL ETHRIDGE,  
Zoning & Planning Officer

APPEARANCES:  
RONALD M. AGULNICK, Esquire  
on behalf of the Zoning Hearing Board

ELEANOR J. SCHWANDT, RMR  
COURT REPORTER

1                   MR. AGULNICK: And, now, this  
2           6th day of June, 2019, upon consideration of  
3           the applicant's exhibits and testimony  
4           presented, it appearing that the applicant  
5           has brought itself within the terms for which  
6           variance relief may be granted, and further  
7           appearing that the other open space areas on  
8           applicant's land by reason of topography are  
9           not suitable for the proposed use. The  
10          application for variance relief to construct  
11          and use a totally fenced in area as shown on  
12          Applicant's Exhibit A-3 shall be and hereby  
13          is granted, subject to the following  
14          conditions:

15                   1. The applicant shall  
16          completely enclose with a physical fence the  
17          fence line immediately adjacent to the  
18          adjoining property owner to separate the use  
19          from the adjacent property and protect the  
20          children using the use from the change in  
21          grade that would result were the fence not  
22          erected.

23                   2. The use of the premises  
24          shall be limited to the children enrolled

1 in the pre-K three-year-old and pre-K  
2 four-year-old enrolled children. The  
3 proposed recreation area shall not be used  
4 for unrelated educational uses, but the use  
5 shall be confined to a playground.


6 3. The applicant understands  
7 there is located on the premises a  
8 corrugated steel pipe, and in any  
9 installation or construction the applicant  
10 shall bear the risk of any damage or injury  
11 or impairment of use of that pipe.

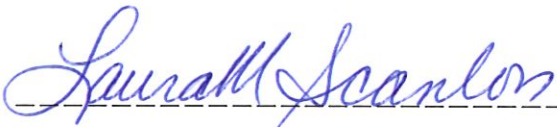
12 Upon compliance with all of the  
13 foregoing, presentation of proper  
14 applications, and payment of the necessary  
15 fees, the variance sought shall be and  
16 hereby is granted in and only in accordance  
17 with the testimony and exhibits presented  
18 and not otherwise.

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**Westtown Township Zoning Hearing Board:**

  
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DAVID J. SCAGGS, Chairman

  
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LAURA M. SCANLON, Vice Chairman

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JEFFREY R. HOUSE