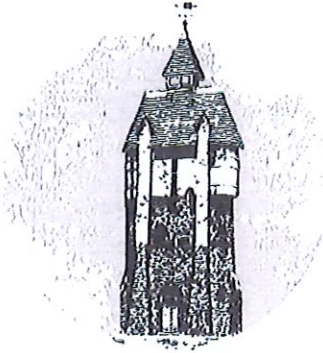


EXHIBIT #4



## WESTTOWN TOWNSHIP

1081 Wilmington Pike  
West Chester, PA 19382  
610-692-1930

Post Office Box 79  
Westtown, PA 19395  
FAX 610-692-9651

May 12, 2000

Zoning decision on camp  
and pool

Rev. John Woodcock  
Church of the Loving Shepherd  
1066 S. New Street  
West Chester, Pa 19382

In re: **Application of Church of the Loving Shepherd**

Dear Rev. Woodcock:

Enclosed herewith is a true and correct copy of the Opinion of the Westtown Township Zoning Hearing Board rendered this date with reference to the above-captioned matter.

Very Sincerely Yours,

*Ronald C. Nagle*  
(HRG)

Ronald C. Nagle  
Chairman, Zoning Hearing Board

cc: Fred Fromhold, Esquire (w/encl.)

enclosure

**CERTIFIED MAIL NO. Z 272 583 533**  
**RETURN RECEIPT REQUESTED**

Wt/loving shepherd.2000-3

IN RE: THE APPLICATION OF : BEFORE THE ZONING HEARING BOARD  
CHURCH OF THE LOVING : OF WESTTOWN TOWNSHIP  
SHEPHERD : WT-ZHB-3-2000

### OPINION

This is an application by the Church of the Loving Shepherd, legal and equitable owner of a tract of land containing 13.3 acres, more or less, situate at 1066 South New Street Road, this Township. The premises is designated on the Tax Maps of the Assessor of Chester County as Tax Parcels 67-04-03 and 67-04-03.5. The Owner is a duly constituted church and religious institution as contemplated in the Zoning Ordinance of Westtown Township and maintains and conducts as the primary use of the premises a religious use. The premises is located in an R-1 Residential District where the use is permitted as a special exception. In addition to the principal use as a religious institution and as a use accessory thereto, the Applicant has for some time been operating a summer day camp to serve the needs of physically and/or mentally handicapped children. Although this use would in like manner be permitted in the zoning district by special exception, no application has ever been made or permit issued with respect to the day camp operation. The Applicant also desires to construct on the premises a swimming pool for use, primarily, in conjunction with the day camp operation.

Pursuant to the application filed, a hearing was scheduled and held on the Applicant's application commencing on Wednesday, April 5, 2000 at 7:00 P.M. at the Oakbourne Building, 1014 South Concord Road, this Township.

The hearing was duly advertised according to law by publication in the Daily Local News, a newspaper of general circulation in the Township, on March 28 and April 3, 2000. In addition,

notices were sent to the Applicant, the Township and to persons whose names are on file with the Township to receive such notices and to adjacent property owners. The property was also posted.

At the hearing, there appeared Ronald C. Nagle, Esquire, Chairman of the Zoning Hearing Board, and Dr. Robert Garrett, a member of the Board, constituting a quorum of the Zoning Hearing Board. Also appearing were Ronald M. Agulnick, Esquire, Solicitor for the Board and Fred Fromhold, Esquire, Attorney for the Applicant.

From the testimony adduced and exhibits presented the Board makes the following:

### **I. FINDINGS OF FACT**

1. The Applicant is the legal and equitable owner of the subject tract of land and, pursuant to a special exception previously granted, has constructed a facility for the conduct of religious services. The premises is used for that purpose and the Applicant regularly conducts a program of religious services before an established congregation. Its use in this regard and the lawfulness thereof is not questioned.

2. At some point in time, the Applicant, recognizing the serious absence of facilities to enrich the life of children with physical and mental handicaps, undertook to provide day camp facilities for these challenged children. Unfortunately, the Applicant assumed that it was not required that any application needed to be filed with the Township under its land use regulations.

3. The program has been most successful and fills a basic need in the community and at the same time is clearly a type of outreach program that is typically sponsored and administered by religious institutions.

4. Except for scheduled field trips and swimming activities, the use is conducted on the same lot as is the Applicant's religious activities and is clearly subordinate to the use of the premises as a church.

5. The Applicant desires to construct a specially designed pool to permit the swim program to be conducted at the church facility thereby avoiding transporting the children to other locations and to permit better use of the time and assets supporting the program.

6. The proposed location is relatively close to two residences and while neither of the owners of these properties has voiced any objection to the day camp activity or the installation of the swimming pool, some evergreen screening along two property lines will mitigate any potential interference with the residential uses thereon.

7. The areas where screening is required are as follows:

a. Along the westerly property line of lands now or late of Bailey as shown on Exhibit A-3, extending from the south westerly corner thereof to the northerly point of land 349.43 feet more or less. This screening shall consist of a mixture of hard wood and evergreen trees planted not further apart than 6 feet on center.

b. Along the southerly property line of lands now or late of Chojnacki-Utradt as shown on Exhibit A-3, extending from the northwesterly corner of Applicant's land along the common lot line a distance easterly of 298.98 feet. There presently exists some screening along this lot line and the Applicant need only fill in substantial gaps in the existing screening with a similar planting scheme to that required along the Bailey lot line.

8. The Applicant has not proposed any specific lighting plan for the pool and its parking lot but any such lighting must be so oriented as not to cause any glare on adjacent lands of others or upon any public road.

9. The pool will not be used as a commercial venture but its use will be limited to persons being members or invited guests of the Applicant and of organizations sponsored by the Applicant. Provided, however, sponsorship shall not be deemed to include outside organizations or entities

seeking to use the pool merely for fund raising activities or recreational purposes. By way of example, and not limitation, a Boy Scout Troop regularly sponsored by the Applicant and meeting at the church on a regular basis would be permitted use of the pool facility, but a hospital seeking to use the premises for a fund raising dinner party could not.

10. The use of the premises as a day camp including the pool facility as so limited would not be contrary to the public health, safety, morals or welfare nor would such use be violative of any objective standards set forth in the applicable ordinance.

11. By reason of the foregoing, the swimming pool facility to be constructed is a structure accessory to the church facility and the day camp is an accessory use to the religious use, the principal use upon the property.

From the foregoing, we enter the following

**ORDER**

AND NOW, this        day of May, 2000, upon consideration of the testimony received and exhibits presented, it is ordered:

1. The special exception sought to operate the day camp facility for handicapped children upon the premises as an accessory use to the principal religious use extant upon the premises shall be and hereby is granted in and only in accordance with the testimony given and representations made by Applicant at the hearing in this matter and not otherwise.

2. Permission to construct, use and operate the swimming pool facility as presented in the testimony shall be and hereby is granted in and only in accordance with the testimony given and representations made by Applicant at the hearing in this matter and not otherwise. The permission granted is subject to Applicant's initial and continuing compliance with the conditions

set forth as findings of fact numbers 7, 8 and 9 which are incorporated herein by reference as fully as if set forth at length.

Upon presentation of proper applications, payment of all proper fees and performance by Applicant of all conditions precedent thereto, the Zoning Officer is authorized and directed to issue the proper permits for the construction, use and occupancy of the Day Camp and Swimming Pool Facility as prayed for in and only in accordance with the applicable provisions of all applicable ordinances and in and only in conformity with the terms of this Order and the conditions included herein and not otherwise.

WESTTOWN ZONING HEARING BOARD

*Rebecca Garrett*  
*Erica Clark*