

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
WESTTOWN TOWNSHIP, PENNSYLVANIA**

APPLICANT: Bournelyf Special Camp (BSC) **CASE NUMBER:** 2019-08

HEARING DATE: September 19, 2019 **PREPARED BY:** William Ethridge, AICP
Director of Planning & Zoning

REQUEST

The applicant is seeking a Special Exception to continue to operate the existing day camp facility with swimming pool, for handicapped children upon the premises as a principal use.

LOCATION AND DESCRIPTION OF SITE

1066 S. New St consists of 20.44 acres (parcels 67-4-3 (5.5ac), 67-4-3.2 (7.14ac), and 67-4-3.5 (7.8ac). It is zoned R-1 Residential District. S. New St is a collector street and the western most north-south road in Westtown. It runs the length of the township connecting communities in East Bradford and Thornbury. The property is currently the home of the Church of the Loving Shepherd (CLS), which is the equitable owner of the tract and the principal use of the property. On the eastern side of the property there are four buildings associated with CLS. On the western most side of the property BSC maintains a swimming pool, pool house, parking lot, and outdoor activity area.

The property is located along 630 feet of the west side of S New St, 650' north of the intersection of S. New St and West Pleasant Grove Rd.

PROPERTY BACKGROUND

In May of 2000 CLS applied to the township to construct, use, and operate a swimming pool to be used for campers attending BSC. The ZHB recognized that BSC had never been formally approved as a permitted use at the property despite operating there since 1980. The ZHB subsequently approved the Special Exception application in the attached letter (WT-ZHB-3-2000, exhibit #4 of the applicant's package). The order permitted BSC to operate a day camp for handicapped children "as an accessory use to the principal religious use extant upon the premises" as well as permission to construct a swimming pool facility. Three conditions were attached to BSC's operations; that landscape screening be installed along the west side property line consisting of 350' of hardwoods and evergreens, the same along the south property line consisting of 300', and that any future lighting plan for the pool or parking lot be oriented so as not to cause any glare upon adjacent properties or any public road.

SPECIAL EXCEPTION STANDARDS

General standards for the granting of Special Exceptions are contained within 170-2018 of the Township Code and are attached to this report as Attachment A.

Specific standards for the granting of a Swimming Club are contained within 170-702.E (2-10) of the Township Code and are attached to this report as Attachment B.

FINDINGS

The minimum lot size in the R-1 zoning district is one acre (43,560 sqft). The subject property consists of 5.5 acres and easily exceeds the minimum lot size. The swimming pool and the outdoor challenge course both meet or exceed all required setbacks under 170-702.E 2-9.

According to the most recent aerial photographs of the property, additional landscape screening may be required between the subject property and 1056 S. New St, as well as along the property line with 1050 S. New St, per 170-702.E.10. This should be a 50' visual buffer of plantings similar to what was required in WT-ZHB-3-2000.

Swimming clubs are permitted by special exception in the R-1 zone. Since 2000 BSC has operated as an accessory use to CLS. CLS has offered to sell BSC the 5.5 acres of land upon which the swim club has operated. If that arrangement were to take place, BSC would become the principal use of the property, which is why they are before the ZHB with this application. According to the applicant's narrative, BSC and CLS will continue to maintain a mutually beneficial partnership. CLS has in the past, and will continue to offer BSC parking, office space, and indoor activity space.

BSC gains access to South New Street via a recorded easement agreement, which is included in their application materials. No new buildings or changes in the current partnership between BSC and CLS are proposed in conjunction with this application.

RECOMMENDATION

Provided the question regarding landscaping between BSC and its residential neighbors is resolved, this Office recommends the Zoning Hearing Board **APPROVE** the applicant's request to operate a swim club as a principal use at the subject property.



William Ethridge
Director of Planning & Zoning

9/13/19
Date

ATTACHMENT A

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

**§ 170-2108 Special exceptions.
[Amended 3-3-2003 by Ord. No. 2003-2]**

Where this chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this chapter. The procedures for acting on a special exception request shall be the same as those specified for variances under § 170-2107, except that the findings contained in Subsections A(5)(a) through (e) of § 170-2107 shall not be applicable. Where any use or any applicable design criteria subject to conditional use approval also is a part of an overall land development plan subject to application for approval of a special exception, such use or design criteria may be considered for approval by the Zoning Hearing Board as part of the applicable special exception application in lieu of separate submission of an application for conditional use approval. Similarly, where any use or any applicable design criteria subject to special exception approval also is a part of an overall land development plan subject to application for conditional use approval, such use or design criteria may be considered for approval by the Board of Supervisors as part of the applicable conditional use application in lieu of separate submission of an application for approval of a special exception.

- A. Application shall be made in writing, indicating the section of this chapter under which an exception is sought. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, sidewalks, and other pedestrian areas, including those within 250 feet of adjoining properties or structures.
- B. Further, a description of the uses proposed shall be included in sufficient detail so that potentially detrimental impacts, if any, can be determined.
- C. The Board shall hear and decide all requests for special exceptions, as identified within this chapter, in accordance with the following standards and criteria:
 - (1) Relationship to the Comprehensive Plan. Consideration of the size, scope, extent, and character of the proposed special exception and assurance that such proposal is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
 - (2) Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is

susceptible to regulatory restriction through the imposition of appropriate conditions.

- (3) Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.
 - (4) Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
 - (5) Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.
- D. Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have disabilities as defined in and protected by such laws.
- (1) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - (2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - (3) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

ATTACHMENT B

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 170-702 Area and bulk regulations.

The following regulations shall apply:

- E. Nonresidential uses permitted by special exception, specifically excluding major home occupations which are considered accessory to a residential use: **[Amended 12-5-1994 by Ord. No. 94-6; 5-1-1995 by Ord. No. 95-2; 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4]**
- (1) Minimum lot area: two acres.
 - (2) Minimum lot width at building setback: 200 feet.
 - (3) Side yard minimum width:
 - (a) One: 50 feet.
 - (b) Both: 100 feet.
 - (4) Minimum rear yard: 50 feet.
 - (5) Maximum building coverage (all uses): 20%.
 - (6) Maximum total impervious coverage: 40%.
 - (7) Minimum front yard: 50 feet, except that, for uses in the vicinity of major roads, as noted below:
 - (a) One hundred feet minimum from the future right-of-way line of Route 202 or Route 3.
 - (b) Sixty feet minimum from the future right-of-way line of Route 926 or Route 352.
 - (8) Minimum lot width at street line: 50 feet minimum, except 250 feet minimum at the future right-of-way line of Routes 202, 3, 352, or 926, if the use would have direct access onto any of these routes.
 - (9) Maximum building height: three stories, not to exceed 38 feet.
 - (10) Buffer requirements. In addition to the requirements of § **170-1508** of this chapter, there shall be a fifty-foot buffer strip maintained on the property containing a use permitted by special exception when such use abuts any A/C, R-1, R-2, or R-3 District. Such buffer strip shall be in addition to any and all applicable area and bulk regulations, including setback regulations. The buffer strip shall be planted and shall not include any paved area.