



Westtown Township

Zoning Hearing Board Application

PO Box 79
Westtown, PA 19395



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Township Use Only	
Date Received: <u>7/22/19</u>	Date Accepted: <u>8/9/19</u>
Project No.: <u>2019-08</u>	Fee/Date Paid: _____
Parcel No.: <u>67-4-3</u>	Acreage of Property: <u>5.5</u>
Zoning Dist.: <u>R-1</u>	

Applicant & Owner Information

Property Owner <u>Church of the Loving Shepherd</u>	Phone <u>610-692-8280</u>
Mailing Address <u>1066 S. New Street</u>	City <u>West Chester</u> Zip <u>19382</u>
E-mail <u>office@LovingShepherd.org</u>	
Applicant <u>Bournelyf Special Camp</u>	Phone <u>610-692-9027</u>
Mailing Address <u>1066 S. New St.</u>	City <u>West Chester</u> Zip <u>19382</u>
E-mail <u>ed@BSWC.org or board@bswc.org</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>

Description of request

Please provide below or attach a narrative of your request to enable the Zoning Hearing Board Solicitor to prepare a correct and true advertisement. As part of the narrative, please describe:

- * The property under consideration (size of lot, dimensions, etc.) and its physical location (e.g. nearby intersections, landmarks, etc.).
- * The present use of the property (residential, retail, office, etc.), and all existing improvements located on it (house, garage, and shed; office and parking lot; etc.).
- * The proposed improvements, additions and/or change of use. For physical changes to the lot or structures, indicate the size of all proposed improvements, materials to be used and general construction to be carried out. Attach a plan or sketch for illustration.
- * State the variance, special exception, or other relief requested and cite the appropriate section(s) of the Zoning Ordinance.
- * Provide the reasons why the relief you requested is needed and why the relief should be granted (Please see §2104-2108 of the Zoning Ordinance, as amended, where applicable).

SEE ATTACHED

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 5/22/19

Print Name _____

Timothy J. Green

Signature of OWNER _____

(If different from applicant)

Lewis P. Ren, Moderator for Church of the Loving Shepherd

Date 5/22/19

Signature of ZONING OFFICER _____

William P. Skelly II

Date 7/25/19

—OFFICIAL USE ONLY—

Mailed/faxed to Zoning Solicitor on: _____

8/9/19

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

DESCRIPTION OF REQUEST

The Church of the Loving Shepherd (CLS) is located at 1066 South New Street and is the legal and equitable owner of a tract of land containing approximately 21.4 acres. The total parcel is comprised of several tax parcels. The premises is designated on the Tax Maps of the Assessor of Chester County as Tax parcels 67-04-03 (5.5 Acres), 67-04-03.2 (7.14 Acres), and 67-04-03.5 (7.8 Acres). The Owner is a religious institution and conducts its primary use of the premises as a religious use. In 1980, CLS established Bournelyf Special Camp (BSC), a summer camp for individuals with intellectual and developmental disabilities. The camp is part of the "programmed ministries" that align with the CLS Mission to "provide Christian fellowship of faith and acceptance" that "allows the members and the larger community to nurture and grow".

Bournelyf Special Camp has operated on the CLS campus since 1980, but it was not until May of 2000 that it was officially approved as an "Accessory Use" by the Westtown Township Zoning Hearing Board. On April 5, 2000, the Westtown Township Zoning Hearing Board held hearing WT-ZHB-3-2000. During that hearing, CLS made application to construct, use and operate a swimming pool to be used for the campers attending BSC. The ZHB recognized that the Summer Camp had never been formally approved and set forth to consider both the approval of the swimming pool and the special exception to operate a day camp. (Letter and Opinion from WT-ZHB-3-2000 attached as Exhibit #4)

The Order from WT-ZHB-3-2000 granted "the special exception to operate the day camp facility for handicapped children upon the premises as an accessory use to the principal religious use". In addition, the ZHB granted approval to construct, use and operate the swimming pool facility as presented in the testimony. The approval was subject to several conditions, each relating to the **FINDINGS OF FACT** numbered 7, 8, and 9. Those conditions related to a plant screening, limited lighting, and refraining from use of the pool as a commercial venture.

Since that time, BSC operations have been mainly limited to a specific parcel, noted as Tax parcel 67-04-03 (5.5 Acres). The pool, and the pool house facility are located on this parcel as well as an outdoor exercise and play area. The CLS facility has been used for parking, office space and indoor activities. BSC and CLS have enjoyed a symbiotic relationship and plan to continue that interaction well into the future. To further enhance that commitment, CLS has offered an opportunity for BSC to purchase the parcel on which most of their operations currently reside (Letter of Intent attached as Exhibit #5). There is no intent of either BSC or CLS to change their mission or operations. However, since the Special Exception to operate a day camp was granted as an accessory use to CLS, both the BSC and CLS Board of Directors thought it prudent to seek approval of the Westtown Township Zoning Hearing Board for an amended or new Special Exception.

Therefore, Bournelyf Special Camp is applying for a Special Exception to permit use of a property, noted as tax parcel 67-04-03 located in the R-1 zoning district to allow for a use of the property as the Day Camp that it has operated since 1980. This use is permitted by special exception according to the Westtown Township Code of Ordinances Article VI Chapter 170 Zoning.

Specifically Chapter 170-601 B. (2) states.

B.

Uses by special exception. The following uses shall be permitted when authorized by the Zoning Hearing Board as a special exception, in accordance with the terms of this article and the standards and criteria contained in § 170-2108 of this chapter.

The design standards for uses permitted by special exception, as contained in § 170-603 of this article, shall apply to all uses permitted by special exception in the R-1 District.
[Amended 9-15-1997 by Ord. No. 97-3; 3-3-2003 by Ord. No. 2003-2]

(2)

Day camp, riding academy, swimming club, athletic field, golf course (excluding golf driving range and miniature golf course), provided the Board concludes that there is sufficient acreage available for such uses. Area and bulk regulations contained in § 170-702E(2) through E(10) shall apply.

Bournelyf Special Camp intends to address each of the following Code sections as required by Westtown Ordinance Chapter 170-601 B in order for the Westtown Zoning Hearing Board to consider this application: Specifically, § 170-2108, § 170-603, and § 170-702E(2) through E(10), below:

§ 170-2108

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.

RESPONSE: Application is in writing. As the above description indicates that there are to be no major changes to the operation of the camp's mission or function. Attached is a copy of the parcel as well as drawings indicating the location of the existing pool and exercise area. (See Exhibit-1)

BSC may seek to add an additional building in the future for office and meeting space, but the exact location, size, lighting, and parking for that building have not been determined. Included is an easement plan that shows the areas intended to be eased by CLS in favor of BSC to allow for adequate parking as the camp currently operates. There are currently approximately 40 parking spots as well as two means of ingress and egress. (See Exhibit-3)

B.

Further, a description of the uses proposed shall be included in sufficient detail so that potentially detrimental impacts, if any, can be determined.

RESPONSE: BSC will continue to operate as a six (6) to eight (8) week summer camp for individuals with intellectual and developmental disabilities. The camp incorporates the use of the existing pool and exercise area to challenge campers physically and to teach aquatic skills. The flow of camp arrival and departures will not be altered from existing practices since there is adequate existing driveway and parking space for both the camp and the church. In the event that an additional space for office and meeting use is proposed, all permits and approvals required by Westtown Township will be sought. Appropriate screening and lighting plans will be provided.

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.

RESPONSE: The Westtown Township Comprehensive Plan, adopted March 18, 2019, promotes the conservation and enhancement of community character while embracing a diverse and livable community. BSC submits that while there are some structures on the 5.5 acre parcel it inhabits, the majority of the space is open and with approval will remain largely open and uninhabited for a major portion or each year. Additionally, BSC would encourage consideration of trails that would connect to or through the parcel for the use by our campers as well as residents. While the comprehensive plan does not specifically address existing “day camps” it does promote supporting existing businesses and provide incentives for additional “Mixed Use”. BSC and CLS both submit that approval of this Special Exception could be considered a mixed use with virtually no change realized by the residents of Westtown Township.

(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.

RESPONSE: The parcel proposed to be purchased by BSC has operated successfully and without incident with respect to environment, highway access, and sewer and water service. There is a separate septic system that serves the pool house located on the parcel. The system is fully operational and was inspected and met the requirements of the Westtown Township On-Lot Sewage Management Program in November of 2016.

(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.

RESPONSE: As stated previously, there is no impact to be considered by the granting of this special exception. BSC intends to run as it has for the past 40 years. The camp has typically run three (3) two (2) week sessions each with a maximum of 32 campers in each session. There are typically 17 staff which includes counselors, counselors in training, lifeguards and directors. The relatively large number of staff is required to meet the needs of our campers. The ratio is between 2 to 3 staff for each camper, some campers require one to one staffing.

(4)

Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.

RESPONSE: There will be no increased flow of traffic from existing conditions.

(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.

RESPONSE: BSC operates as a 501 c (3) so they are tax exempt.

§ 170-603

§ 170-603 Design standards.

[Amended 3-3-2003 by Ord. No. 2003-2]

A.

The following standards, as applicable, shall govern all uses permitted by right, special exception and conditional use in the R-1 District:

(1)

Screening: As required by § 170-1508.

RESPONSE: At this time, there are no proposed changes to the operation of the existing camp. There is an existing visual barrier that was placed between the existing pool and neighboring residents as a condition of the Special Exception approval of the pool in 2000. (See Exhibit-32)

(2)

Storage: As required by § 170-1509.

RESPONSE: There are no current storage issues, nor have there been any citations in the previous years 40 of operation.

(3)

Landscaping: As required by § 170-1507.

RESPONSE: There are no proposed additions to parking at this time. As stated previously, plans for an additional structure will comply with all landscaping requirements.

(4)

Access and traffic control: As required by § 170-1510.

RESPONSE: Parking and Interior circulation have been adequate and given there are no changes at this time, no problems are anticipated.

(5)

Interior circulation: As required by § 170-1513.

RESPONSE: Parking and Interior circulation have been adequate and given there are no changes at this time, no problems are anticipated. (See Exhibit #3)

(6)

Parking: As required by Article XVII.

RESPONSE: Parking and Interior circulation have been adequate and given there are no changes at this time, no problems are anticipated. There are currently 40 spaces for parking which is shared by BSC and CLS. The church and camp work schedules so that events which require parking do not occur simultaneously. (See Exhibit #3)

(7)

Lighting: As required by § 170-1514.

RESPONSE: BSC is primarily a daytime operation, with the exception of a “Camp Show” which is held once per year. During that event, which starts during daylight hours but ends after sunset, portable lights are rented to ensure safe dismissal of participants and guests. In the event there are changes to any structure in the future, BSC will comply with the necessary requirements of the township code.

(8)

Signs: As required by Article XVIII.

RESPONSE: No new signs are requested at this time. If future signs are proposed, they will meet all requirements of Article XVIII

§ 170-702E(2)-(10)

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]

(2)

Minimum lot width at building setback: 200 feet.

RESPONSE: The parcel is approximately 5.5 acres and while it is irregular in shape, measures 200 feet at the narrowest point.

(3)

Side yard minimum width:

(a)

One: 50 feet.

RESPONSE: Current structures meet the minimum requirement of 50 feet from the property line. Any future structures would meet the minimum setbacks as well.

(b)

Both: 100 feet.

RESPONSE: The current structures are in excess of 100 feet aggregate and any future structures will be situated to ensure those requirements are met.

(4)

Minimum rear yard: 50 feet.

RESPONSE: Current structures meet the minimum requirement of 50 feet from the property line. Any future structures would meet the minimum setbacks as well.

(5)

Maximum building coverage (all uses): 20%.

RESPONSE: The parcel is approximately 5.5 acres, which calculates to 239,580 square feet. The current building coverage is less than 1000 square feet, which calculates to less than 1% building coverage.

(6)

Maximum total impervious coverage: 40%.

RESPONSE: The parcel is approximately 5.5 acres, which calculates to 239,580 square feet. The existing pool is approximately 5000 square feet, including the pool deck area. Adding the existing building coverage and pool area yields an aggregate of approximately 2.5% of total impervious coverage.

(7)

Minimum front yard: 50 feet, except that, for uses in the vicinity of major roads, as noted below:

RESPONSE: Current structures meet the minimum requirement of 50 feet from the property line. Any future structures would meet the minimum setbacks as well. The property does not border on the roads noted in 7 (a) and (b), 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.

RESPONSE: BSC has a proposed easement from CLS that allows for two (2) Twenty-five (25) foot easements that allow for ingress and egress to the property. (See attached)

(9)

Maximum building height: three stories, not to exceed 38 feet.

RESPONSE: There are currently no structures on the parcel that exceed the height limit. Any future structures will comply with township requirements.