

PO Box 79
Westtown, PA 19395



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www.westtownpa.org

Westtown Township

Zoning Hearing Board Application

Township Use Only

Date Received: March 11, 2022 Project No.: 2022-09
 Parcel ID: 67-5-71 Zoning Dist: A/C Flex
 Date Paid: March 11, 2022 PC Date: 3/23/2022
 Hearing Date: 4/13/2022 Property Posted: _____
 Dates Advertised: _____
 Reviewed by: May 4

Applicant & Owner Information

Applicant Diana + Brad Moehler Phone 610-812-3666
 Property Address 1029 Preserve Lane City West Chester Zip 19382
 E-mail diana.gallo126@gmail.com

Property Owner _____ Phone _____
(if different from Applicant)
 Mailing Address _____ City _____ Zip _____
(if different from Property Address)
 E-mail _____

Request

Please select all that apply and provide a brief description of the requested relief or approvals sought.
i.e. 6 ft encroachment into rear yard, or Special Exception for construction of ADU.

- 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 de minimus variance of 2.2 ft on right side yard.
- Section 2108:** Special Exceptions _____

Please provide a narrative of your request in an attachment that includes all required information and any other supporting documentation.

1. Property information

Setbacks of existing primary or accessory structure(s)
Lot Size: 9600 SF Front: 27' Side (R): 12.8' Side (L): 17.2' Rear: 47'

Existing property use: Residential

Existing structure(s): house, screened in porch

2. Description of all proposed improvements, additions and/or change of use. 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, and sidewalks, including those within 250 feet of adjoining properties or structures. For physical changes to the lot or structures, indicate the size of all proposed improvements, setbacks to property lines, materials to be used and general construction to be carried out.

3. For **VARIANCES**, provide a response to each of the following hardship standards:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the area and bulk regulations or design standards of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, but shall not allow a change in use to one not permitted by right in that district.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

4. For **SPECIAL EXCEPTIONS**, provide a response to how the proposed use impacts each of the following:

- A. Relationship to the Comprehensive Plan. Consideration that the size, scope, extent, and character of the proposed use will be consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
- B. 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.
- C. 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.
- D. Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
- E. 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.

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.

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

———— CERTIFICATION ————

Please review and certify the following information.

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.

I agree to pay additional funds (if necessary) as requested by the Township.

The Zoning Officer and Zoning Hearing Board may request additional information and documentation to prepare for said hearing.

By checking this box, I certify that the information presented in this application and all attachments is true and correct.

Please ensure the following documents have been included in your application packet:

- Completed and signed application form
- Check in the amount of the applicable application fee
- Narrative responding to all applicable prompts
- Proof of property ownership (Copy of Deed or Agreement of Sale)
- Six (6) copies of plans or sketch of the proposed improvements

Plan drawings are preferred, but not required, to be prepared by a registered engineer, architect, or surveyor. Any measurements/setbacks should be accurate and clearly depicted on provided plot plans or elevations. If the applicant's plans are larger than 11" x 17", the applicant must submit one set of plans reduced to no larger than 11" x 17". Digital copies of plan sets shall be submitted if available.

- Any additional photos or supporting documentation (optional)

Applications may be submitted in person, mailed, or electronically as a PDF. The application fee must be submitted before an application can be accepted for review.

Signature of APPLICANT *Dana T. Moehler*

Date 3/8/2022

Print Name Dana T. Moehler

Signature of OWNER _____
(If different from applicant)

Date _____

Andy Bianco

From: Diana Gallo Moehler <diana.gallo126@gmail.com>
Sent: Friday, March 11, 2022 8:20 AM
To: Andy Bianco
Subject: 1029 Preserve Lane variance
Attachments: 1029 Preserve Lane Variance.docx

1. We are requesting a de minimus dimensional variance for a side set back for a patio for our property at 1029 Preserve Lane. We would like to request a variance of 2.2 feet to have the patio come to the edge of our home, which is setback 12.8 feet from our property line on the right side.

Our current property information is as follows:

Lot size: 9600 SF

Setbacks:

Front: 27 feet

Side (Right): 12.8 feet

Side (Left): 17.2 feet

Rear: 47 feet

Existing property use: residential

Existing structures: house and screened-in porch

2. The proposed improvement is a patio with a fireplace. Please see attached drawings.

3. Variance hardship descriptions:

- a. Due to the narrowness of the plot, the current setback requirement of 15 feet is less than the setback of our primary structure (12.8 feet).
- b. The request is for the patio to be allowed a variance of 2.2 feet to be even with the existing building setback on the right side. Strict conformity to the zoning ordinance would impede our ability to maximize the useable space in our rear yard.
- c. The applicant has a hardship due to the setback set by the township and the lot structure of the neighborhood.
- d. The house is only setback 12.8 feet from the property line. Due to the fact that the patio will come inline with the current building setback, it will not alter the essential character of the neighborhood. It does not infringe on the space of the adjacent property (it will be the same distance from the property as the existing structure).
- e. We are asking for the minimal modification possible to allow the patio to extend to the end of the house and not further into the side yard.

PREPARED BY:
Angela Plowman, Esq.
P.O. Box 6222
Leesburg, VA 20178



RETURN TO:
NVR Settlement Services, Inc.
980 Harvest Drive Suite 110
Blue Bell, PA 19422
(267) 464-3750
UPI#: 67-5-71

Consideration: \$715,000.00
Municipal Tax: \$7,150.00
State Tax: \$7,150.00

THIS INDENTURE

Made the 11th day of March, 2019

Between NVR Inc., a Virginia Corporation, (hereinafter called the Grantor) party of the first part

and

Bradley Moehler and Diana Theresa Moehler, a married couple, (hereinafter called the Grantee) party(ies) of the second part:

Witnesseth, that the said party of the first part, inconsideration of

SEVEN HUNDRED FIFTEEN THOUSAND AND NO/100 (\$715,000.00) Dollars

lawful money of the United States of America, unto it well and truly paid by the said Grantees, at or before the sealing and delivery, hereof the receipt whereof is hereby acknowledged, has granted, bargain and sold, aliened enfeoffed, released and confirmed, and by these present does grant, bargain, sell alien, enfeoff, release confirm and convey unto the said Grantee or parties of the second part, their heirs and assigns,

All that certain parcel or lot of land, situate in the Township of Westtown, County of Chester, Commonwealth of Pennsylvania as shown on Plan entitled, "Preliminary/Final Overall Subdivision Plan, West Chester Area School District, Rustin Residential" recorded with the Recorder of Deeds Office, Chester County, Pennsylvania at Plat 19951, page 1, et seq.

Being Lot 41

UNDER AND SUBJECT to that certain Post Construction Stormwater Management (PCSM) Instrument Filing Notice recorded August 3, 2015 with the Recorder of Deeds Office, Chester County, Pennsylvania in Deed Book 9155, page 1143, as the same may be amended, modified or supplemented from time to time. Stormwater facilities on Grantee's lot shall be maintained as required by the PCSM and Grantee shall provide access to Grantee's lot as necessary for such maintenance.

UNDER AND SUBJECT TO exceptions, reservations, restrictions, covenants, easements, oil and gas leases, prior conveyances and reservations of mining and mineral rights, and right of ways as may appear upon the property herein described or in prior instruments of record, as such may affect the property herein described.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the Reversions and Remainders, Rents, Issues and Profits thereof; and all the estate, Right, Title, Interest, Property, Claim and Demand whatsoever of it, the said Grantor in law as in equity, or otherwise howsoever, of, in, and to the same and every part thereof.

TO HAVE AND TO HOLD the same to and for the use of the said Grantee his/her successors and assigns forever, and the Grantor, for its successors and assigns, hereby covenants and agrees that it will **WARRANT SPECIALLY** the property hereby conveyed.

IN WITNESS WHEREOF, the said Corporation has caused these presents to be executed and its common or corporate seal hereunto affixed. Dated the day and year first above written.

Witness:

NVR Inc., a Virginia Corporation

Carl Casper

Robert W. McCracken

Robert W. McCracken, Vice President

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF MONTGOMERY

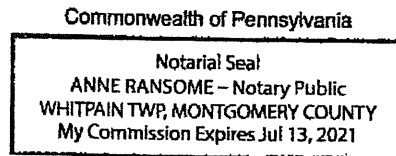
On this, the 11th day of March, 2019, before me, the undersigned officer, personally appeared Robert W. McCracken, Vice President of NVR Inc., a Virginia Corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Anne Ransome
Notary Public

My Commission Expires:

7/13/2021



Being Parcel No.: 67-5-71

Having erected thereon a dwelling known as 1029 Preserve Lane, West Chester, PA 19382

And Being the same property conveyed to NVR Inc., a Virginia Corporation by Deed recorded in Deed Book 9742 page 1614 in the Office of the Recorder of Deeds Chester County, Pennsylvania.

SPECIAL WARRANTY DEED

FROM

NVR Inc., a Virginia Corporation

TO

Bradley Moehler and Diana Theresa Moehler, a married couple

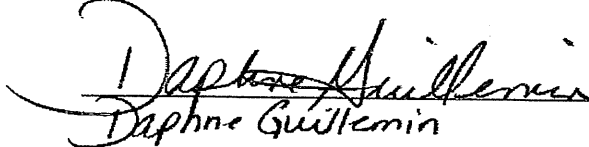
Return Document to:

NVR Settlement Services, Inc.
980 Harvest Drive Suite 110
Blue Bell, PA 19422

CERTIFICATE OF RESIDENCE

I, the undersigned, hereby certify that the correct address of the within named grantee to be:

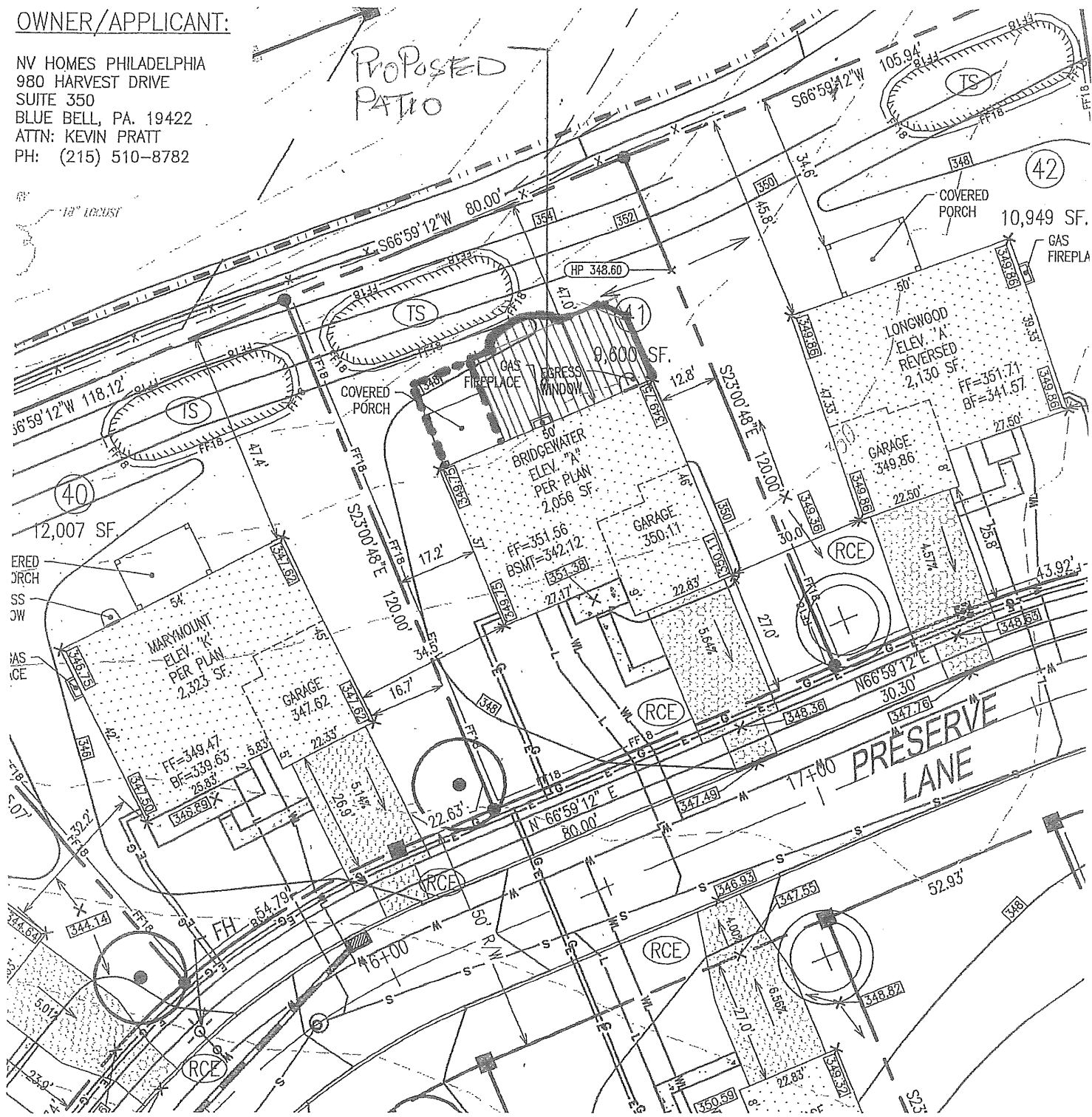
1029 Preserve Lane, West Chester, PA 19382


Daphne Guillemain

OWNER/APPLICANT:

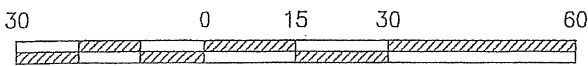
NV HOMES PHILADELPHIA
 980 HARVEST DRIVE
 SUITE 350
 BLUE BELL, PA. 19422
 ATTN: KEVIN PRATT
 PH: (215) 510-8782

PROPOSED
 PATIO



GRADING AND E&S CONTROL PLAN

SCALE: 1"=30'



GRAPHIC SCALE
 1 inch = 30 feet

PROPOSED	ON-LOT	TOTAL
BUILDING FOOTPRINT	2,056 SF.	2,056 SF.
DRIVEWAY COVERAGE	486 SF.	651 SF.
FRONT PORCH/LEADWALK	145 SF.	145 SF.
COVERED PORCH	168 SF.	168 SF.
WELLED EXIT	0 SF.	0 SF.
TOTAL COVERAGE PROPOSED	2,855 SF.	3,020 SF.
TOTAL COVERAGE ALLOWED		4,500 SF.

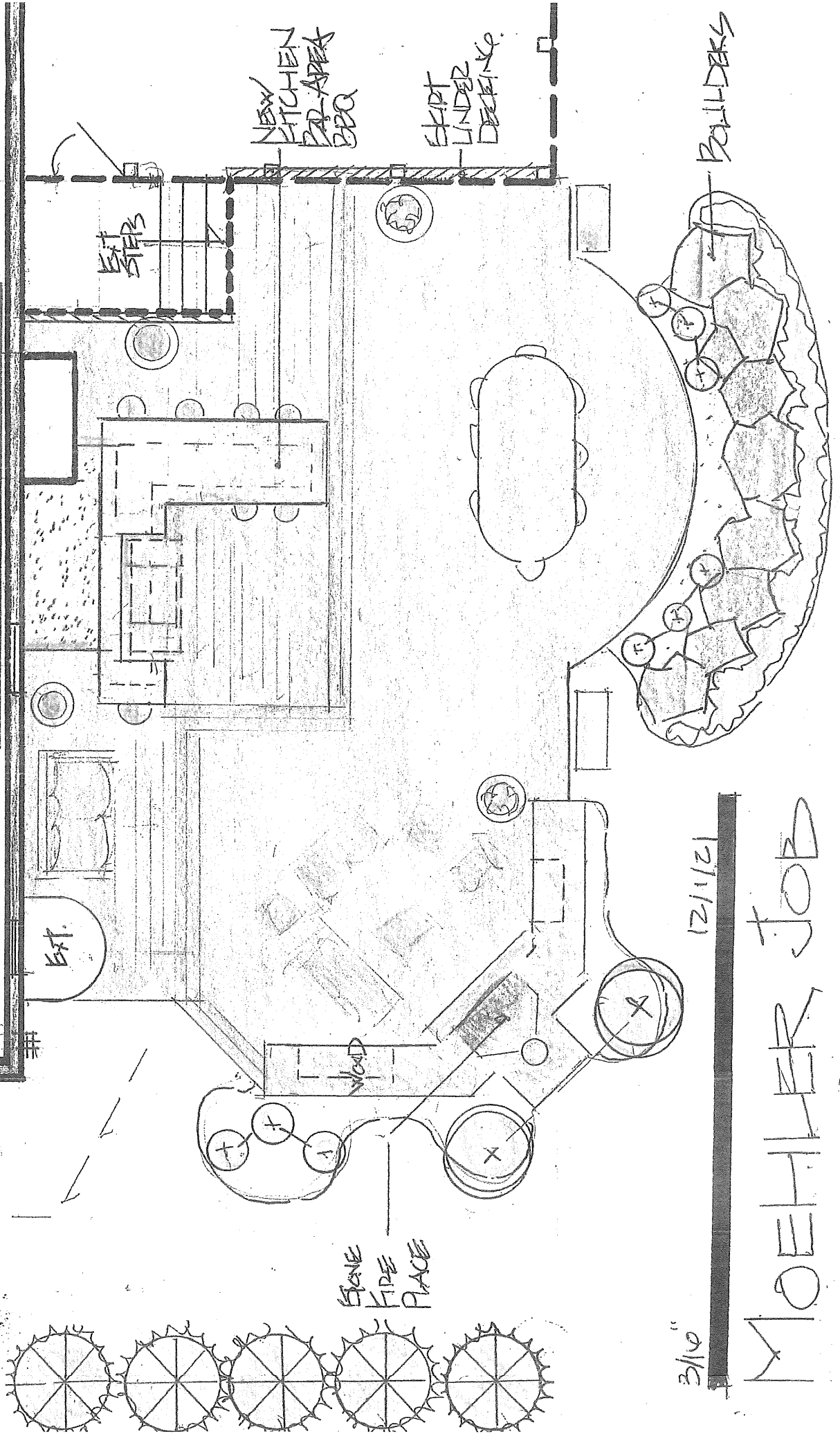
Andy Bianco
Designer/Sales

Office 610-356-4104
Cell 484-894-2485 Fax 484-947-5340
Andy@jhlandscaping.com

DESIGN & BUILD
LANDSCAPE CONSTRUCTION SERVICES

Complete Property Maintenance
COMMERCIAL & RESIDENTIAL

↑
ACCESS
TO FRONT




3/10


MOEHLER JOB

March 21st, 2022


To whom it may concern:

We have reviewed the Moehler's architectural plans for their patio project. We are aware that they are applying for a variance due to the restriction of the lot set back of 15 feet from the property line. Their plan for the patio does not extend past the current setback of their primary structure/home which is 12.8 feet from the property line. We feel this project with the proposed setback of 12.8 feet will not alter the essential character of the Rustin Walk neighborhood.


1031 Preserve Lane


1027 Preserve Lane


1025 Preserve Lane.


1030 Preserve Lane