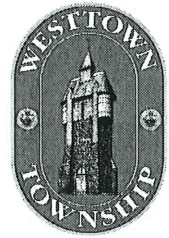
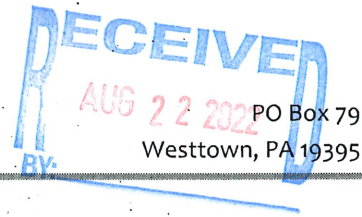


# Westtown Township

## Zoning Hearing Board Application



P: 610.692.1930  
F: 610.692.9651  
www.westtownpa.org

### Township Use Only

Date Received: Aug 22, 2022 Project No.: 2022-14  
Parcel ID: 67-5E-33 Zoning Dist: R-1  
Date Paid: Aug 22, 2022 PC Date: Sept 7, 2022  
Hearing Date: \_\_\_\_\_ Property Posted: \_\_\_\_\_  
Dates Advertised: \_\_\_\_\_  
Reviewed by: May 108

### Applicant & Owner Information

Applicant Laurie Ann Fish & John Daniel Fish Phone 610-888-1982  
Property Address 1061 Windy Knoll Road City West Chester Zip 19382  
E-mail catfish63@gmail.com

Property Owner Laurie & John Fish Phone 610-888-1982  
(if different from Applicant)  
Mailing Address 1061 Windy Knoll Road City West Chester Zip 19382  
(if different from Property Address)  
E-mail catfish63@gmail.com

### 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 170-602B(6) - 15' encroachment into minimum side yard setback
- Section 2108:** Special Exceptions 170-2108D - Reasonable accommodations for persons with disabilities

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: 57,433 SF Front: 65 Side (R): 130 Side (L): 36.2' Rear: 155

Existing property use: Single family residential

Existing structure(s): single family dwelling

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: See attached

- 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: See attached

- 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 

Date 8/22/22

Print Name Laurie Fish

Signature of OWNER \_\_\_\_\_

Date \_\_\_\_\_

(If different from applicant)

Nicholas J. Caniglia, Esquire  
Pierce, Caniglia & Taylor  
125 Strafford Avenue, Suite 110  
Wayne, PA 19087  
Attorney I.D. #27968  
610-688-2626  
[Nick@piercecanigliataylor.com](mailto:Nick@piercecanigliataylor.com)

ATTORNEY FOR APPLICANT  
LAURIE & JOHN FISH

### **SUMMARY OF RELIEF REQUESTED**

**Variance, Special Exception, or other Relief Requested:** The Property is zoned R-1 Residential. Applicant seeks to construct an addition to the side of their home and requests a variance from §170-602B(6) relating to minimum side yard setbacks and/or a special exception under §170-2108D to allow for reasonable accommodations for persons with disabilities.

**Background:** Applicant, Laurie Fish, is a disabled person as defined by the Fair Housing Act, 42 U.S.C. §3602(h). A municipality is required to make reasonable accommodations to afford the disabled person equal opportunity to enjoy their dwelling. Ms. Fish suffers from Severe Rheumatoid Arthritis which is a chronic and progressive disease. As the disease progresses it results in substantial functional limitations affecting the overall mobility of the afflicted. The condition requires modifications to the sufferer's home to support the ability to live independently. (See, Exhibit A-4, Letter from Treating Physician).

**Description of Proposed Improvements:** Applicant seeks to convert their existing one-story garage to a single level ground floor living-space to accommodate her disability. Applicant proposes a 15-foot intrusion into the required side-yard setback with the adjacent property located at 1059 Windy Knoll Road. (See, Letter from affected Neighbor in support of application, Exhibit A-14). The only portion of the structure within the required setback is a new attached one-story garage which is necessary for Ms. Fish to have ingress and egress to her home and her new living area with the progression of her disease. The proposed addition complies with all other zoning requirements including the impervious coverage requirement. The area of the structure in the required setback is 15' x 25'. (Plot Plan attached as Exhibit A-5).

### **FOR VARIANCES**

**Unique Physical Circumstances of the Property:** The existing home is located on the northern most side (left) of the Property. The existing garage is the closest structure to the setback. The other areas of the lot are affected by steep slopes, sanitary sewer system and pump, and a stormwater detention system.

**Necessary to Enable Reasonable Use of the Property:** In order to accommodate the disability of Ms. Fish there is no other area the addition could be located accommodate her reasonable needs.

**Hardship Not Caused by Applicant:** The Applicant did not construct the home or previously request an addition to their home. The disability suffered by Ms. Fish is a random occurrence.

**Not Alter Essential Character of Neighborhood:** There is no change of use of the Property. The Property will continue to be used for residential purposes. The adjacent neighbor has no objection (Exhibit A-14).

**Minimum Variance:** The addition proposed by the Applicant is the minimum to accommodate the necessity of ground level living for Ms. Fish.

#### **FOR SPECIAL EXCEPTIONS**

**Comprehensive Plan:** The Board of Supervisors adopted §170-2108D in an attempt to meet the requirements of the Fair Housing Act. The existence of this provision in the zoning ordinance indicates the Township's express acceptance that the ordinance is consistent with the Comprehensive Plan.

**Suitability of Tract:** The Property is used as a single family dwelling. It will continue to be used as a single-family dwelling.

**Impact on Neighborhood:** As previously stated the addition has no impact on the neighborhood. The adjacent neighbor has no objection to the Plan.

**Impact on Circulation:** There is no impact on circulation. The garage and driveway remains on the northern side of the Property.

**Economic Impact:** There is limited economic impact. Applicant will pay the Township building permit and grading permit fees.

**Compliance with Requirements of Zoning Code for "Persons with Disabilities":** Ms. Fish is a person with a disability for which reasonable accommodations must be made in accordance with the Westtown Zoning Ordinance and Federal Law. Subsection (3) of the Ordinance, §170-2108D(3), provides that the ordinance "*may*" be limited to the time period which the person with the disability occupies or utilizes the premises. Clearly, upon a different occupant taking possession of the property, the proposed addition cannot be razed. Hence, the use in the ordinance of the discretionary word "may" rather than the mandatory "shall".

**LAURIE AND JOHN FISH  
1061 Windy Knoll Road  
West Chester, Westtown Township, PA**

**EXHIBIT LIST**

- A-1 Application
- A-2 Deed to the Property
- A-3 Photo – Aerial of Neighborhood
- A-4 Letter from Doctor describing disability
- A-5 Site Plan
- A-6 Photo – Front of Home (Looking East)
- A-7 Photo – Right Side of Home (South)
- A-8 Photo 2 – Right Side of Home (South)
- A-9 Photo – Left Side of Property (North)
- A-10 Plan – Location of stormwater retention
- A-11 Proposed Grading Application
- A-12 Floor Plans of Addition
- A-13 Elevations
- A-14 Letter from Neighbor

Respectfully Submitted By:  
Nicholas J. Caniglia, Esquire  
Pierce, Caniglia & Taylor  
125 Strafford Avenue, Suite 110  
Wayne, PA 19087  
610-688-2626  
[Nick@pierceanigliataylor.com](mailto:Nick@pierceanigliataylor.com)

✓ 1515019-02256  
Tax Parcel: 67-5E-33  
Being known and Numbered as 1061 Windy Knoll Road, West Chester, Pennsylvania

Prepared by:  
Title Services  
75 Shannon Road  
Harrisburg, PA 17112  
(717) 901-8342



Return to:  
Title Services  
75 Shannon Road  
Harrisburg, PA 17112  
(717) 901-8342

Consideration: \$485,000.00

Local Taxes: \$4,850.00

State Taxes: \$4,850.00

## THIS DEED,

**MADE THE** 1<sup>st</sup> day of November, in the year Two Thousand Nineteen (2019)

**BETWEEN** David A. Norwood and Marcelle Ferrar Norwood, husband and wife, Grantor(s)

and

John Daniel Fish and Laurie Anne Fish, husband and wife, Grantee(s):

**WITNESSETH**, that in consideration of the sum of Four Hundred Eighty-Five Thousand and 00/100 Dollars (\$485,000.00), in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantee(s),

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, hereditaments and appurtenances, situate in Westtown Township, Chester County, State of PA, bounded and described according to a Final Plan of "Westtown Country Estates", made by Ambric Testing and Engineering Associates, Inc., Philadelphia, PA, dated 8-28-1963, last revised 2-5-1965, and recorded 2-19-1965 in Plan Book 20, Page 12 as follows, to wit:

BEGINNING at a point of curve on the Southeasterly side of Windy Knoll Road (50 feet wide) which point of curve is measured North 64 degrees 54 minutes East, 28.42 feet from a point marking the intersection of the Southeasterly side of Windy Knoll Road with the Easterly side of Thomas Road (50 feet wide); thence extending from said beginning point along the Southeasterly, Easterly and Northeasterly sides of Wind Knoll, Road, the two (2) following courses and distances: (1) on a line curving to the left, having a radius of 150 feet, the arc distance of 229.642 feet to a point of tangent; and (2) North 22 degrees 49 minutes West, 86.220 feet to a point in the bed of a certain 20 feet wide drainage easement; thence extending through the bed of said easement North 67degrees 14 minutes East, 291.975 feet to a point; thence extending South 23 degrees 52 minutes East, 124.741 feet to a point a corner of land of Henry H. Sineath; thence extending along the same the two (2) following courses and distances: (1) South 28 degrees 45 minutes West, 161.07 feet to a point; and (2) South 64 degrees 54 minutes West, 308.70 feet to the first mentioned point and place of BEGINNING.

BEING Lot No. 23 as shown on said Plan.



UNDER AND SUBJECT TO the same rights, privileges, agreements, right-of-ways, easements, conditions, exceptions, restrictions, and reservations as exist by virtue of prior recorded instruments, plans, Deeds of Conveyance, or visible on the ground.

BEING KNOWN AND NUMBERED as 1061 Windy Knoll Road, West Chester, Pennsylvania 19382.

BEING THE SAME PREMISES which Neil P. Stong and Florence A. Stong, his wife, by deed dated August 31, 1995 and recorded September 12, 1995 in the Office of the Recorder of Deeds in and for Chester County, Pennsylvania in Record Book 3936, Page 2083, granted and conveyed unto David A. Norwood and Marcelle Ferrar Norwood, Grantors herein.

Unofficial Copy



And the said grantors hereby covenant and agree that they will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, said grantors have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
In the Presence of

[Signature]  
(Witness)

[Signature]  
David A. Norwood

[Signature]  
Marcelle Ferrar Norwood

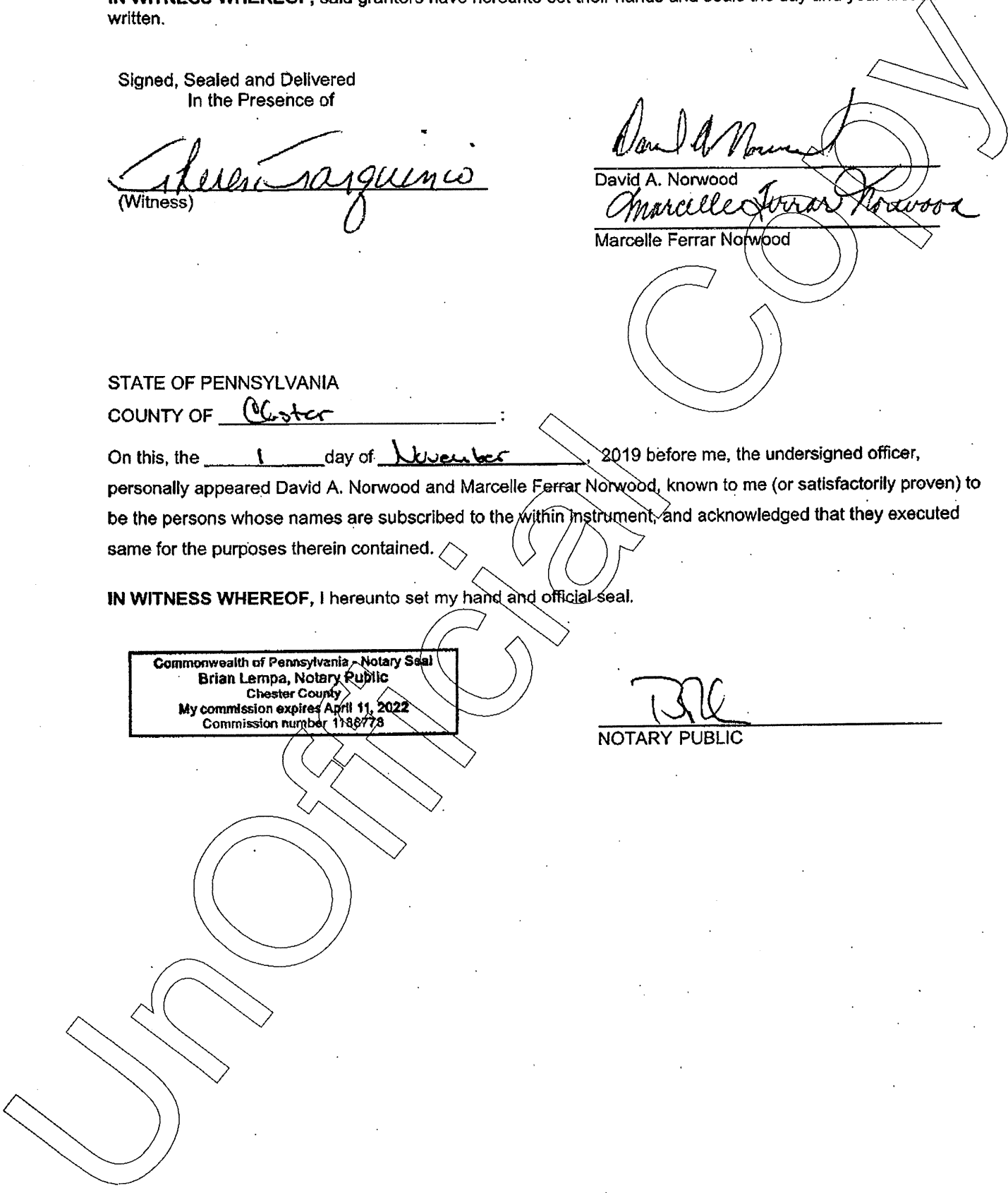
STATE OF PENNSYLVANIA  
COUNTY OF Chester :

On this, the 1 day of November, 2019 before me, the undersigned officer, personally appeared David A. Norwood and Marcelle Ferrar Norwood, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed same for the purposes therein contained.

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

Commonwealth of Pennsylvania - Notary Seal  
Brian Lempa, Notary Public  
Chester County  
My commission expires April 11, 2022  
Commission number 1188778

[Signature]  
NOTARY PUBLIC



I do hereby certify that the precise residence and complete post office address of the within grantee is:

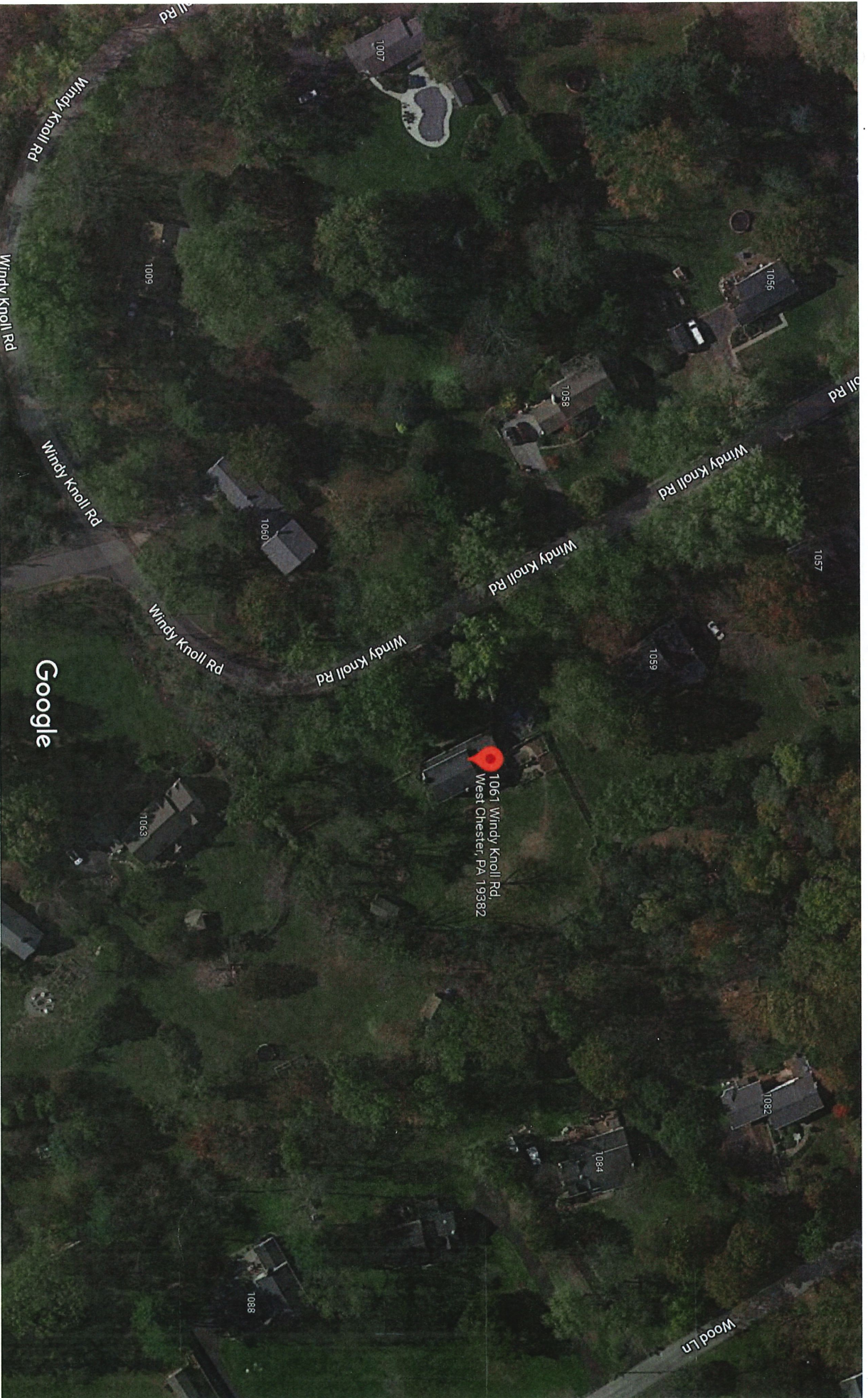
1061 Windy Knoll Rd West Chester, PA 19382

11/12, 2019.

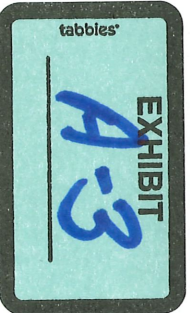
Patricia A. Pickard

Agent for Grantees

Unofficial Copy



Google





Main Line HealthCare  
Physician Network

MAIN LINE HEALTH INTEGRATIVE AND FUNCTIONAL MEDICINE

135 S BRYN MAWR AVE  
SUITE 100  
BRYN MAWR PA 19010  
Phone 484-337-2670  
Fax 484-337-2671

Zoning Hearing Board of Westtown Township  
1039 Wilmington Pike  
West Chester, PA 19382

August 10th, 2022

Dear Members of the Zoning Hearing Board:

Laurie Fish is my patient, and has been in my care for many years. Two years ago she was diagnosed with Severe Rheumatoid Arthritis which is a chronic and progressive autoimmune disease characterized by pain, stiffness, inflammation, bone erosion and the destruction of joints. As this medical condition progresses it causes substantial functional limitations. These limitations include difficulty climbing stairs, traversing rugged or rough terrain - overall mobility as well as severe limitations to hand and feet function and dexterity. This condition often requires modifications to a patient's home to help support the patient's ability to live independently.

Sincerely,

Rachel Sugarman, DO





EXHIBIT  
A-6

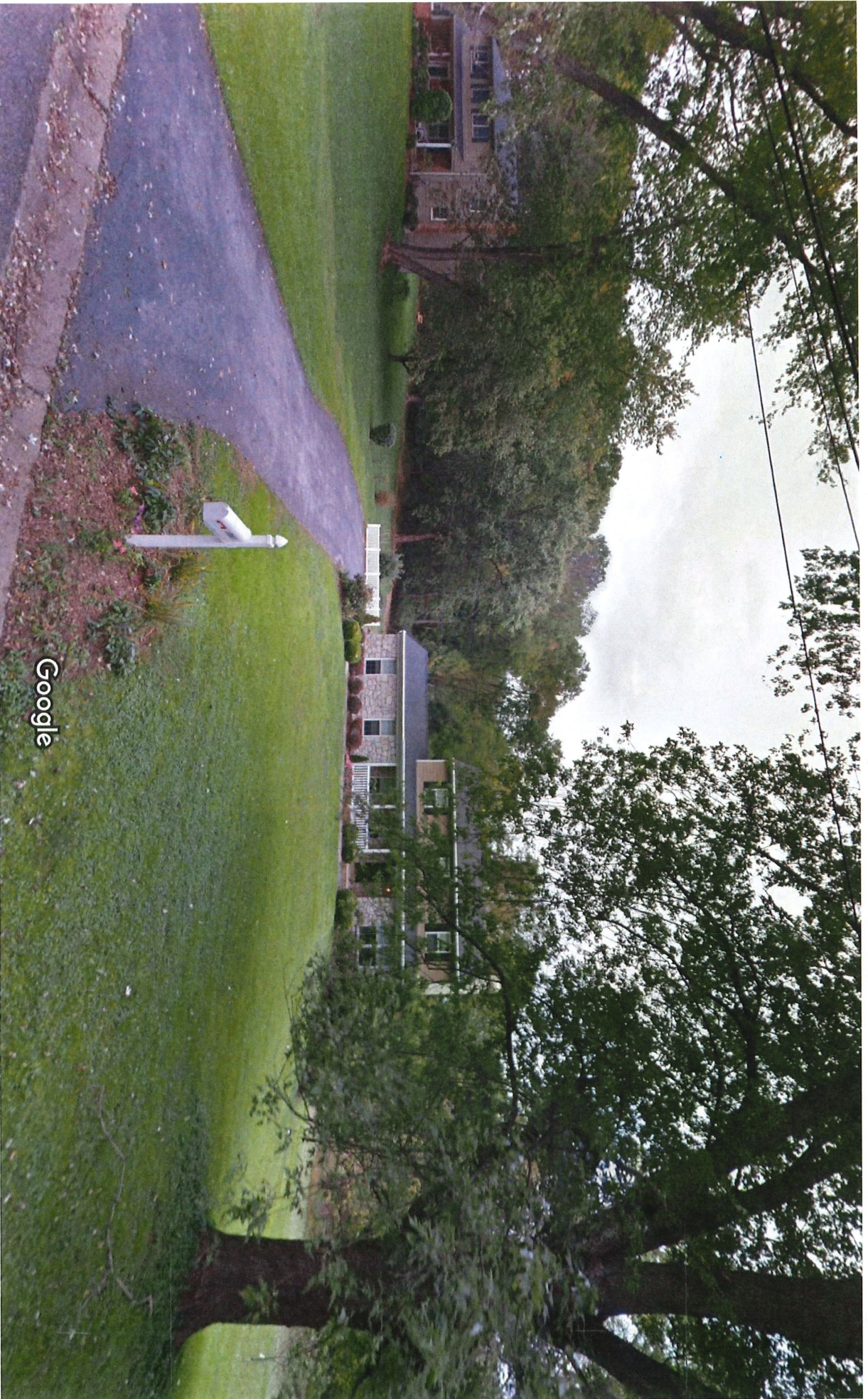
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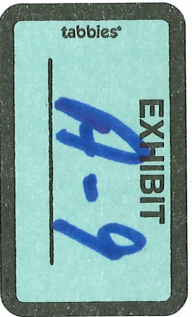
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A-7  
tabbles®



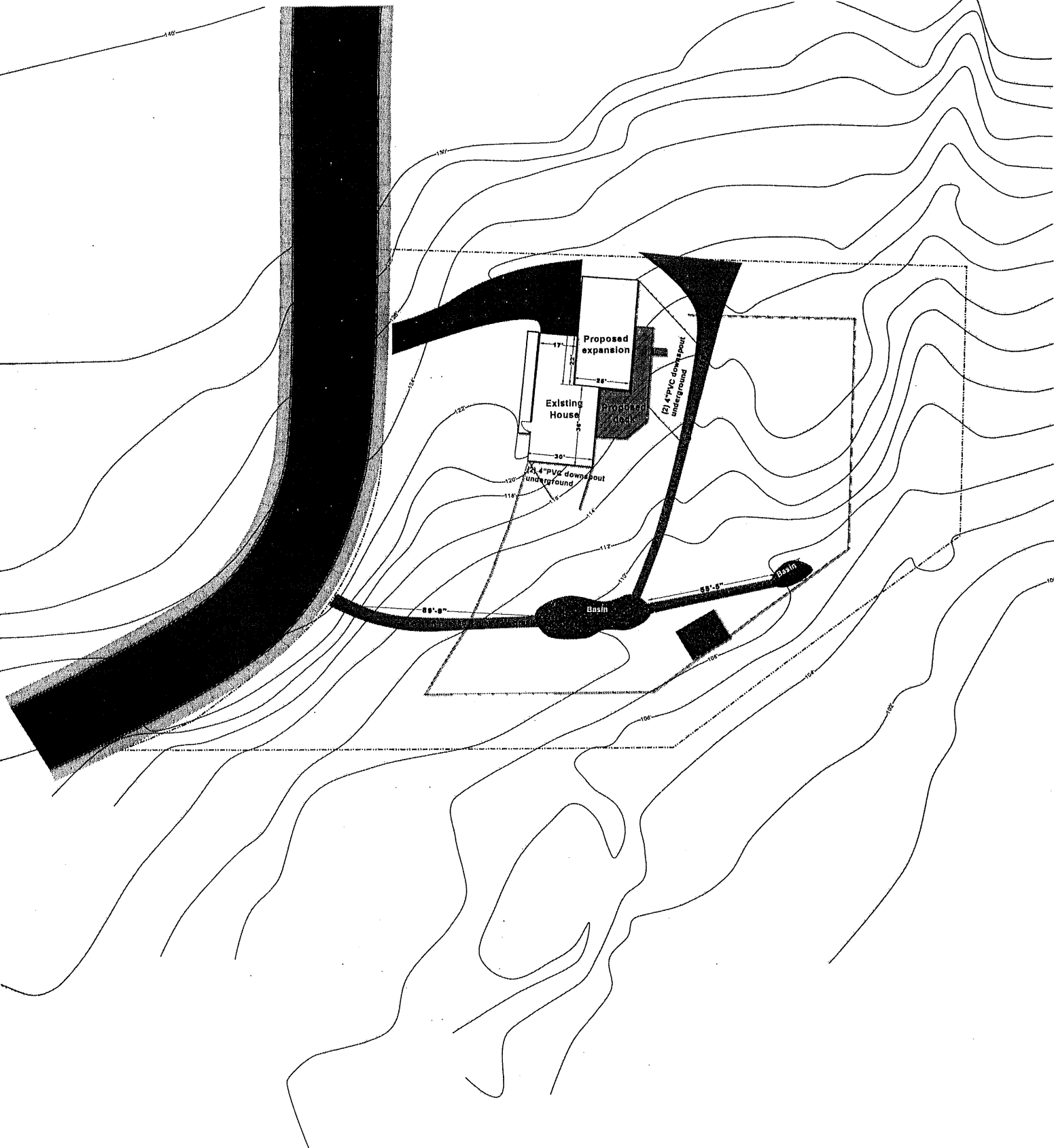
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EXHIBIT  
A-8



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**EXHIBIT**  
**A-10**

# Westtown Township

PO Box 79  
Westtown, PA 19382



## Stormwater, Erosion Control & Grading Permit Application

Township Use Only	Date Approved:
Parcel No.:	Zoning District:
Permit No.:	Permit Fee:

P: 610.692.1930  
F: 610.692.9651  
www.westtownpa.org

### Applicant & Contractor Information

Applicant:  Owner  Contractor  Architect

Proposed Impervious Coverage (ft<sup>2</sup>): 150 Covered Stance

Property Owner Laurie and John Fish Phone: 610-288-1982 Email: Ca-fish63@gmail

Mailing Address 1061 Windy Knoll Road

City West Chester PA Zip 19382

Property Address 1061 Windy Knoll Road

City West Chester PA Zip 19380

1. Contractor Bates Landscaping Ltd. Phone 484-887-8678  
 Contact Jessica Stager Phone 484-867-956  
 Address 315 Lincoln Ave City West Chester PA Zip 19380  
Jessica@BatesLandscaping.net

• Please include the name, contact information, insurance certificates and workers compensation forms for ALL contractors and subcontractors. If additional space is required, please attach on a separate sheet of paper.

2. Architect/ Engineer \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

### Description of Work:

We are going to re-route surface water and downspout runoff through swales in low lying current basin area that we will enlarge and refine for capacity.

I hereby acknowledge that I have read and understand this application and state that the above and attached is accurate and correct to the best of my knowledge and belief. I agree to comply with all codes and zoning ordinances of Westtown Township. The applicant/ owner is responsible for all fees associated with this application.

Signature of Applicant Maie S. Paxson Date 7/28/2022

Print Name Maie S. Paxson

Signature of Property Owner Laurie Fish Date 7/28/2022



# Westtown Township



## Stormwater, Erosion Control & Grading Permit Application

1. Is there any grading or additional impervious coverage that will be done in association with this application?

- No. Continue to Westtown Township Building Permit Application pg. 1
- Yes. Proceed to #2, **Grading**

2. **Grading:** will there be any grading work done in association with this application?

- No, skip to #3, **Erosion Control**
- Yes. the change of grade does not exceed six inches (6"). Proceed to #3, **Erosion Control**
- Yes. The change of grade is greater than six inches (6") Proceed to #3, **Erosion Control**

3. **Erosion Control:** All projects that result in earth disturbance require erosion control measures. Please include the following items with this Permit Application-

- A. A scaled plot plan outlining the location of all existing impervious surfaces and proposed contour lines at 1 foot (1') intervals. Please include all proposed erosion control measures to be installed prior to and maintained during construction.
- B. Proceed to #4.

4. This application is for:

- A residential property. Proceed to #5. **Residential Stormwater Management**
- A non-residential property. Proceed to #6. **Non-residential Stormwater Management**

5. **Residential Stormwater Management:** Please fill out the boxes below.

A. Does the total combined new impervious coverage exceed 1,000 ft<sup>2</sup> but not exceed 2,000 ft<sup>2</sup>?

- No. Proceed to #5, question B.
- Yes. A Stormwater management "Best Management Practice" (BMP) is required. Please consult the Westtown Township Simplified Approach to Stormwater Management for Small Projects booklet and proceed to #5, B.

**Note:** if impervious coverage exceeds 2,000 ft<sup>2</sup> a simplified approach can not be used. Please refer to #6, B. & C. for submission requirements. Proceed to #5, B.

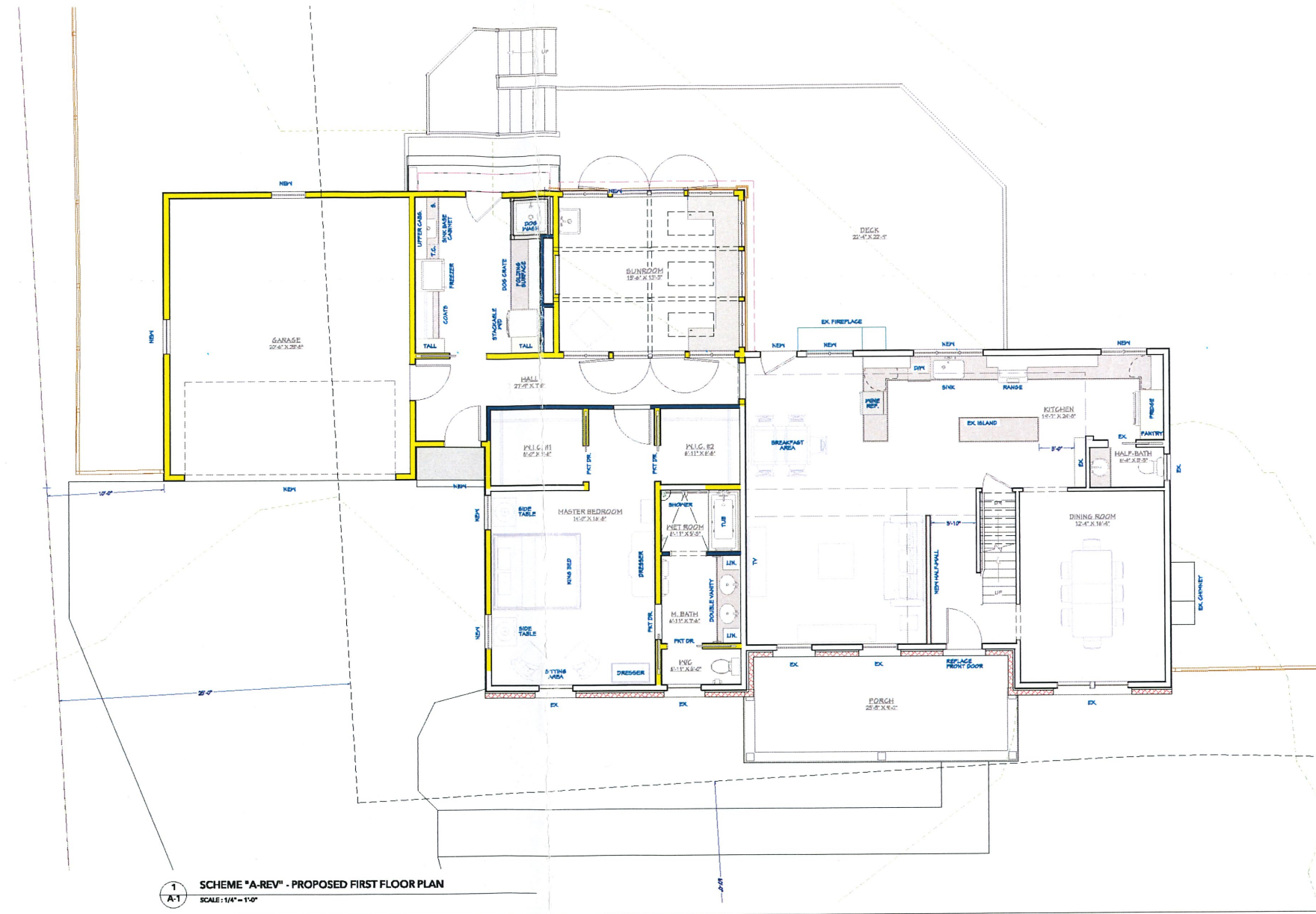
B. Is the total disturbed area greater than 5,000 ft<sup>2</sup>?

- No. Please attach this form to your Westtown Township Building Permit Application and submit it to the Township
- Yes. A Stormwater management "Best Management Practice" (BMP) is required. Please consult the Westtown Township Simplified Approach to Stormwater Management for Small Projects booklet and proceed to the Westtown Township Building Permit Application.

6. **Non-residential Stormwater Management:** Please attach the following to the Westtown Township Building Permit Application:

- A. All non-residential projects that result in an increase of impervious coverage require stormwater management.
- B. All non-residential applications must include an engineered drawing detailing the location of all existing impervious surfaces and proposed contour lines at 1 foot (1') intervals. Include all proposed erosion control measures to be installed prior to and maintained during construction. A detail of the proposed storm water management "BMP" as well as storm water calculations must accompany this application.
- C. All non-residential applications must include an escrow in the amount of \$2,500.00 for engineer review.

SCHEME A REV: MODEL LINK  
<https://3d-viewer.chiefarchitect.com/go?share=315434574680183>



1  
A-1 SCHEME "A-REV" - PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

**COCCON**  
1050 West Chester Pike  
West Chester, PA 19381

REVISED SCHEMES  
SCHEME A REV  
PROPOSED FIRST FLOOR PLAN

Plan Residence  
1061 Winco Knoll Road  
West Chester, PA 19382  
Western Township  
Chestnut County

DATE:

7-26-2022

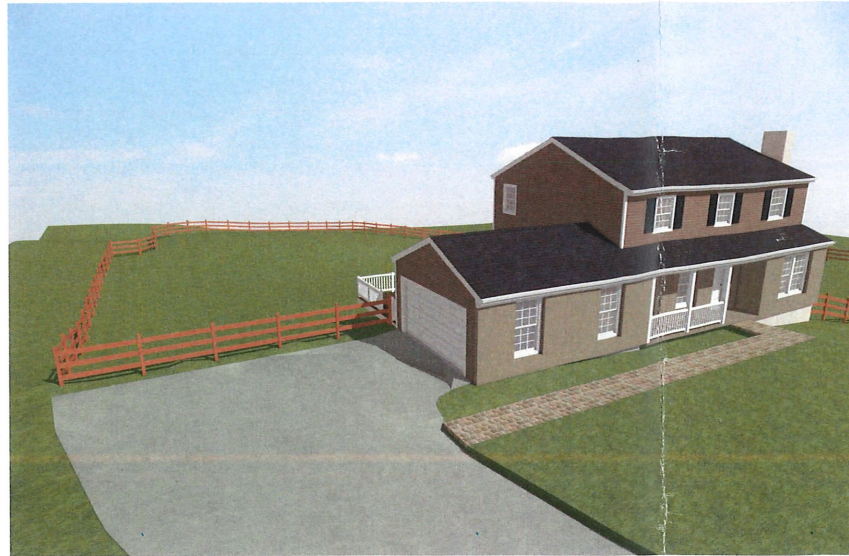
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ASB

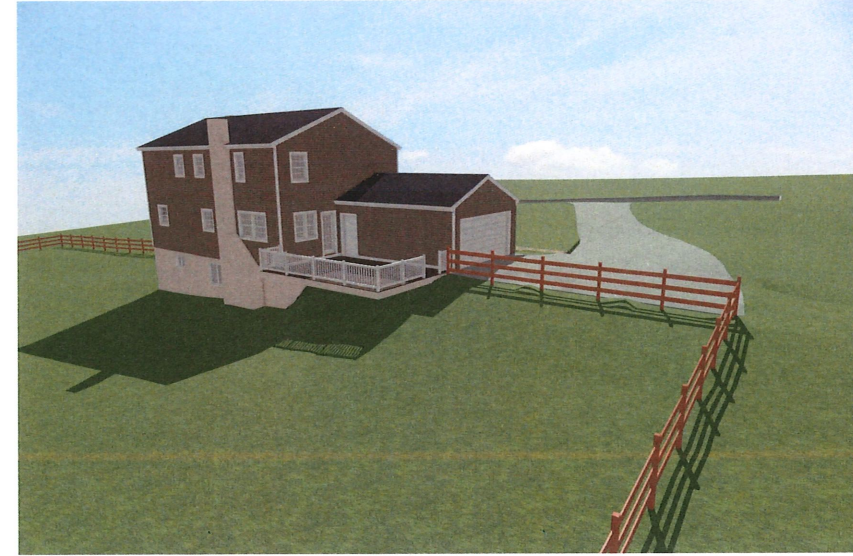
SHEET:

A-1

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EXHIBIT  
A-12



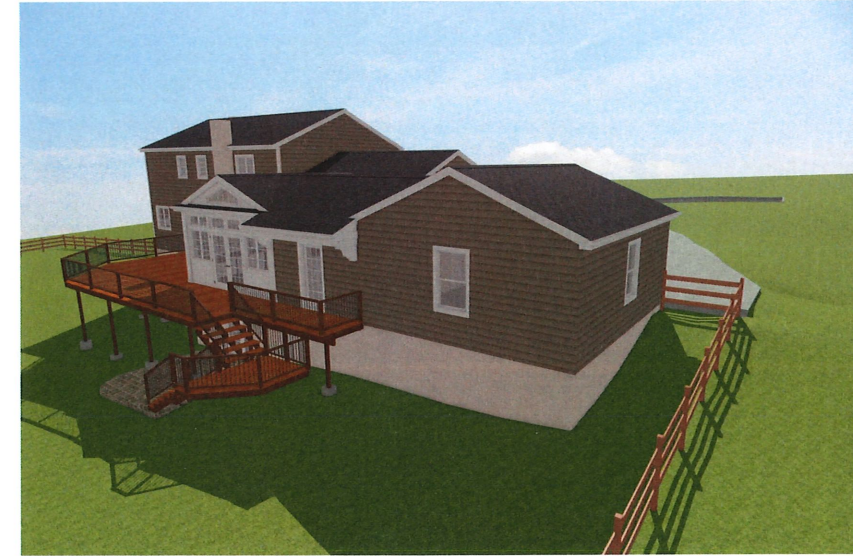
1  
A-2  
VIEW FROM DRIVEWAY - EXISTING CONDITIONS  
SCALE: N.T.S.



2  
A-2  
VIEW FROM REAR YARD - EXISTING CONDITIONS  
SCALE: N.T.S.



3  
A-2  
VIEW FROM DRIVEWAY - PROPOSED DESIGN  
SCALE: N.T.S.



4  
A-2  
VIEW FROM REAR YARD - PROPOSED DESIGN  
SCALE: N.T.S.

**COCCON**  
1100 West Chester Pike  
West Chester, PA 19382

REVISED SCHEMES  
SCHEME A-REV  
PROPOSED DESIGN

File: Resubmittal  
1081 West Chester Road  
West Chester, PA 19382  
Western Township  
Chester County

DATE:

7-20-2022

DRAWN BY:

ASB

SHEET:

A-2

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EXHIBIT  
A-13

1059 Windy Knoll Rd  
West Chester PA 19382

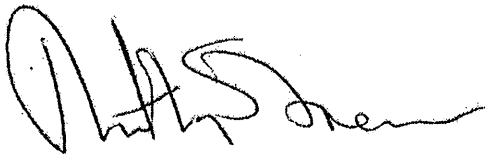
August 9, 2022

Zoning Hearing Board of Westtown Township  
1039 Wilmington Pike  
West Chester PA 19382

RE: Plan for Property at 1061 Windy Knoll Rd

Dear Members of the Zoning Hearing Board

This confirms that John and Laurie Fish of 1061 Windy Knoll Rd have shared with us an architect's plan for a garage within their existing fence location and adjacent to our property. We have no problem with their seeking a variance for that plan.



Anthony S. Freeman



Jessie Freeman

