

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, December 6 2023 – 7:00 pm

Stokes Assembly Hall – Township Administration Building
1039 Wilmington Pike, West Chester, PA

For general inquiries or questions about any of the items on this agenda, please contact the Township office either by phone (610) 692-1930 or via e-mail at administration@westtown.org.

Call to Order and Pledge of Allegiance

Adoption of Agenda

Approval of Minutes

Planning Commission Meeting November 8, 2023

Announcements

Public Comment – Non-Agenda Items

Old Business

1. Ordinance Amendments – Outdoor Burning

With the assistance of the Emergency Management Coordinator (EMC), the Township staff has prepared language changes to the outdoor burning regulations, Chapter 63 Open Burning. The proposed changes include addition of definitions, purpose, and regulations pertaining to the use of recreational fire, specifically fire pits, outdoor fire places and portable burning units, use of bonfires and burning of yard waste materials.

2. Ordinance Amendments – Managed Meadow

The Township staff has revised previously prepared draft amendments to Section 170-1507, Landscaping and Site Design, of the Westtown Township Zoning Ordinance to provide a definition of managed meadow to exempt these intentionally planted areas from enforcement under the Property Maintenance Code. Currently, such meadows might be non-compliant with the permitted height of grass requirement.

New Business

1. Sketch Plan Application – 1032 and 1036 Wilmington Pike

The applicant, Kurt Wolter, has submitted a sketch plan for the proposed development of a distribution building with retail space on adjacent properties at 1032 and 1036 Wilmington Pike, formerly known as the Abbey Green Irish Shop. Both properties are located within the C-2 Highway Commercial Zoning District. The sketch plan is for a one-story 9,550 square foot building with a 1,000 square feet of retail (office) space and associated parking facilities.

2. ZHB Application – 1001 S Walnut Street

The applicants, Colin and Taj Chavous, has submitted a ZHB application for a special exception for a major home occupation and associated variances for a family based contracting business specializing in residential deck building as per Section 170-160(G). The 0.69 acre property is located at the corner of South Walnut Street and Oakbourne Road in the R-2 Residential Zoning District, and improved with a single-family dwelling and detached garage. The hearing is scheduled for January 8, 2024.

Public Comment

Reports

1. Board of Supervisors Meeting November 20, 2023 – Kevin Flynn
2. Board of Supervisors Meeting December 4, 2023 – Jack Embick/Tom Sennett
3. Environmental Advisory Council Meeting November 28, 2023 – Russ Hatton

Adjournment

Next PC Meeting: **December 20, 2023, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday December 18, 2023, 7:30 PM** – Jim Lees/Russ Hatton

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, November 8, 2023 – 7:00 PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Tom Sennett (TS), Jim Lees (JL), Brian Knaub (BK), and Kevin Flynn (KF) were present. Joseph Frisco (JF) was absent. Also present was Albert Federico, Township Traffic Engineer.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:06 PM.

Adoption of Agenda (JE/JL) 5-0

Mr. Embick made a motion to adopt the agenda. Mr. Sennett seconded. Mr. Embick proposed new business items to be discussed first. Mr. Lees seconded. All were in favor of the motion.

Approval of Minutes (JE/JL) 5-0

Mr. Embick made a motion to adopt the meeting minutes from October 18, 2023. Mr. Lees seconded. All were in favor of the motion.

Announcements

1. Ms. Carter announced that conditional use hearing #4 for the Stokes Estate Flexible Development is scheduled for November 29, 2023 at 7pm.
2. Ms. Carter also announced that conditional use hearing to develop the portion of the existing Parkway Shopping Center at 929 S. High Street in West Goshen Township is scheduled for November 20, 2023 at 6pm.

Public Comment – Non Agenda Items

1. Vicki Irvine and Martha OMalley, the property owners of 1125 Kolbe Lane and 1126 Kolbe Lane respectively, expressed their concerns about the potential development of 1115 Wilmington Pike and 12 E Pleasant Grove Road for a funeral home. Ms. OMalley explained that there was some surveying activity on said parcels and it was her understanding that due to the lack of proper access from Route 202, an easement was needed through the Township-owned property to gain proper access from E Pleasant Grove Road. She felt that such access would create traffic concerns for the community and wanted to know more about a land development process and whether the neighboring property owners will be notified in case of an application. Ms. Irvine added that E Pleasant Grove Road could be a very dangerous road. Mr. Hatton responded that the PC did not receive any application yet. Ms. Carter acknowledged that the Township was made aware of such proposal, but believed that the Township was not in favor in granting such easement. She also clarified that one of the parcels is zoned Planned Office Campus (POC) District where funeral home is a permitted by right use, while the other parcel proposed to be used as a driveway access is zoned R-1 Residential District. Ms. Carter added that no land development application has been received and if that occurs, it would be posted on the Township website and the PC's agenda for discussion. She encouraged residents to periodically check the webpage and/or provide her with their contact information to be notified when such application comes in.

Old Business

1. Ordinance Amendments – Parking Regulations

In considering potential amendments to the Township's parking regulations, the PC asked Al

Federico to research several other requirements pertaining to parking, specifically potentially increasing the required number of parking spaces for single family and multi-family dwellings. Mr. Federico referenced the Township's existing code requirements of 3 parking spaces for single family homes and 2 parking spaces for each dwelling unit within multi-family building. In general, the minimum requirement within the suburban areas is 2 parking spaces for single family homes, thus, Mr. Federico believed that Westtown's requirement is sufficient. He also referred to the ordinance where the BOS may require a street with a sufficient paved width to allow on-street parking on one or both sides if determined it should be necessary to meet parking requirements. Mr. Federico recommended that language be revised. He also brought up the previous discussion on parking within garages, and noted that a typical parking space is 9 feet by 18 feet and with a garage of 20 feet by 20 feet one can potentially fit two sedans. He further explained that the ordinance requires a specific setback for residential parking from the street line to the parking area, which makes the beginning of the driveway not be counted towards meeting the parking requirements. Mr. Federico suggested to some language to mitigate that. Ms. Carter noted that the proposed ordinance language removes specified parking requirements for the visual art center (VAC) and that some of the use-specific parking requirements referenced in Section 170-1705 might not be reflected in the proposed shared parking table. Mr. Federico believed that shared parking provisions would not be applicable to the proposed VAC and considered the VAC as an entertainment use, but promised to look into that. Mr. Hatton asked whether residential parking requirements can be established based on the square footage of the house. Mr. Federico explained that typically the number of parking spaces is determined by the number of units and/or bedrooms regardless of the house size, stating that the number of parking spaces needed would probably be the same, as it would equate to the same number of occupants. He noted that the Township can consider asking for additional parking space for bedroom additions. Ms. Carter referred to the ordinance that requires an additional parking space for an accessory dwelling unit (ADU).

2. Ordinance Amendments - Outdoor Burning

Gerry DiNunzio summarized his request to amend the outdoor burning requirements to provide some clarity when it comes to the use of fire pits. He explained that the majority of outdoor burning complaints that the fire department receives relate to the use of fire pits, which are permitted. He referred to the memo prepared by Ms. Carter that summarized the potential concerns related to the use of outdoor recreational devices and provided recommendations on ordinance changes, including a requirement for no burning after a certain hour and continuous supervision. Mr. DiNunzio expressed concern that limiting burning to certain hours may be too restrictive on recreational burning. Ms. Carter pointed out that the noise ordinance limits unreasonable noise between 7am to 10pm and asked for feedback whether the use of some outdoor recreational devices, such as bonfire, shall be consistent with these time limitations. Mr. Hatton asked about the impact of smoke. Mr. DiNunzio responded that in his 34 years of experience, indoor fireplaces make just as much smoke as outdoor ones. Mr. Embick wanted to know how many complaints were related to fire pits. Mr. DiNunzio said that out of dozen burning complaints, about 10 were related to the use of fire pits, which did not require any enforcement. He wanted to make it clear that fire pits are allowed and to educate the public on this subject to reduce the number of frivolous complaints. Mr. Embick asked whether fire pits are required to be installed on the specific surfaces. Mr. DiNunzio noted that they may not be used on the flammable surface like a deck and must be placed no closer than 10 feet away from the house. He believed that most people use common sense, but it would be helpful to have specific requirements. Mr. Knaub asked about the reason for limiting open burning from 8am to 4pm. Mr. DiNunzio explained that it probably had to do with the timing of sunset. Ms. Carter suggested adding recommended language as discussed in tracked changes to be discussed further. The PC agreed.

New Business

1. Sketch Plan Application – Westtown Marketplace Bank

Gregg Adelman, attorney with Kaplin Stewart, on behalf of the applicant, Westtown AM West TIC, LLC, presented a sketch plan for the proposed development of a Chase Bank on the property at 1502 West Chester Pike known as the Westtown Marketplace shopping center, located within the C-1 Neighborhood and Highway Commercial Zoning District. He explained that the sketch plan for a one-story 3,294 square foot drive-in bank was similar to the plans previously submitted under the zoning variance application, which was discussed and favorably supported by the PC. Mr. Adelman recapped that the Zoning Hearing Board (ZHB) has granted approval for several of the requested variances, but denied request to decrease the number of parking spaces, to which the applicant has filed an appeal and then tried to resolve the matter via settlement agreement. He noted that the Board of Supervisors were in favor of the proposed agreement, but two of the ZHB members expressed their concerns regarding parking related issues on the site and therefore, were not in support of the settlement, which prompted the Township to consider potential amendments to parking regulations. Mr. Adelman described that the revised site plan reflects the overall shopping center's parking compliance based on a ratio of 3.5 parking spaces per 1,000 square feet of gross leasable area if the Township amends its parking requirements for existing shopping centers as proposed. He explained that the shopping center currently has 538 parking spaces, and with the development of the bank under new parking requirements, the center would be required to accommodate 430 parking spaces, which would make the shopping center parking to go from non-conforming to conforming. Mr. Adelman recapped that the site plan had been revised to accommodate the PC's previous comments to change the drive aisle to be one-way and the ZHB comments regarding the placement of the trash enclosure which eliminated the need for a variance from the side yard setback requirement.

Mr. Flynn asked how the trash would be handled without a trash enclosure. Mr. Adelman explained that the applicant does not have a need for an outdoor trash container due to a nature of business involving primarily paper waste, which can be collected inside and then picked up by the hauler. Mr. Lees asked whether the proposed building was the same size as previously proposed. Mr. Adelman confirmed that it was. Mr. Embick wanted clarification whether any relief was needed for a two-way drive. Mr. Adelman explained that the plan was revised with a one-way drive, therefore, no relief was requested. Mr. Flynn asked whether any signage is proposed. Mr. Adelman expected a small pylon sign to be included on the center's entrance sign and general directional signage which will be in compliance with Township requirements.

Mr. Sennett asked whether any additional parking study was completed since the zoning variance application. Mr. Adelman confirmed that such study was done which demonstrated that the site was overparked and there was a considerable access parking. He acknowledged that Al Federico had reviewed and provided comments which were addressed. Mr. Embick asked whether the Township consultants reviewed the sketch plan. Ms. Carter noted that the sketch plan was only presented to the PC for review and feedback. Mr. Adelman explained that the reason for a sketch plan review request is to demonstrate compliance of proposed land development in the context of potential changes to parking regulations, which he hoped would be approved, and at which point the applicant would submit a land development application. Ms. Carter asked about the current vacancies within the center. Mr. Adelman believed that it was 80 per cent occupied and a general retail analysis showed an excess capacity with a maximum usage of 380 parking spaces while a total of 518 spaces would be available after the bank is built.

Mr. Embick acknowledged that the proposed bank is a reasonable use for the shopping center and that the PC recommended its approval to the ZHB. Mr. Adelman wanted the PC to be aware that there was an applicant waiting for parking regulations changes to accommodate the use that the PC provided favorable recommendation for.

Mr. Federico wanted to bring to the PC's attention his recommendation to improve the existing bus stop at the entrance of the shopping center and accessibility from the stop to the shopping center parking. He noted that this bus route is one of the most heavily used suburban routes operated by SEPTA and would benefit from improved connectivity and accessibility to support pedestrians and bus riders. Mr. Adelman acknowledged the recommendation and believed that the applicant would be open to entertain some sort of modifications to address that during the land development process.

Public Comment

None

Reports

1. Mr. Embick made the BOS report from the October 16 meeting.

Adjournment (JE/TS) 6-0

The meeting was adjourned at 9:57 PM.

Respectfully submitted,
Mila Carter
Planning Commission Secretary

DRAFT

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

Chapter 63 Burning, Open

[HISTORY: Adopted by the Board of Supervisors of the Township of Westtown 5-17-1993 by Ord. No. 93-4. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Prevention Bureau — See Ch. 14.
Brush, grass and weeds — See Ch. 54.
Building Code — See Ch. 57, Art. II.
Fire prevention — See Ch. 87.
Property maintenance — See Ch. 126.

§ 63-1. Definitions.

For the purposes of this Part, the following terms shall have the meanings ascribed to them herein:

BONFIRE

An outdoor large open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization. A bonfire does not include family gatherings and/or celebrations. A ceremonial fire is an open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization.

CHIMINEA

A single-mouth-opening outdoor device that has a chimney to fuel the fire with fresh air.

CLEAN WOOD

Natural wood material which has not been treated with preservative chemicals, has not been painted or stained, and does not contain resins or glues as in plywood or other composite wood products.

DOMESTIC WASTE

Customary wastes from kitchens, baths, showers, sinks, water closets, lavatories and laundries.

FIRE PIT or FIRE RING

An aboveground or below-ground freestanding open structure constructed of stone, masonry, brick, metal or other noncombustible material or combination thereof designed to contain and control fire and prevent it from spreading. A fire pit does not include charcoal- or gas-powered grills that are only intended to be used for cooking purposes.

INCINERATOR

A burn barrel or other similar enclosed container with a screen cover designed to prevent flying debris, equipped with a spark- or amber-arresting device, which has a total fuel area of two feet or less in diameter and three feet or less in height with a maximum capacity of 55 gallons.

OPEN FIRE

A controlled burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

A vertical sidebar of editing controls on the right side of the page. It consists of 31 rows. Each row contains a red-bordered box with the text 'Formatted' on the left and a three-dot menu icon on the right. The eighth row from the top is highlighted in light pink and contains the text 'Commented [MC1:']'. Red arrows point from the top-left corner of each 'Formatted' box to the corresponding text in the main body of the document.

OUTDOOR FIREPLACE

An outdoor freestanding structure constructed of stone, masonry, brick, metal or other noncombustible material or combination thereof with an enclosed burn chamber, solid or screened opening and chimney with spark arrestor.

PORTABLE BURNING UNIT

An outdoor portable aboveground commercially manufactured wood-burning or propane or natural gas device equipped with a spark- or ember-arresting device used for entertainment purposes and/or heating.

RECREATIONAL FIRE

A recreational fire is an outdoor small fire which is used to cook food for human consumption or entertainment purposes and/or providing warmth contained in a stationary structures or portable devices, including outdoor fireplace, fire pit, fire ring, chiminea and portable burning unit with or without a removable cover.

YARD WASTE

Plant material that comes from yard and lawn maintenance and other landscaping and gardening activities, and includes leaves, wood branches, grass clippings, garden residue, tree trimmings, shrubbery and other vegetative material.

§ 63-2 Purpose

The purpose of this chapter is to prevent nuisances caused by outdoor burning, to clarify requirements for burning of natural yard waste, use of fire pits and bonfires, to encourage the use of recreational fire for enjoyment of Westtown residents, to avoid erroneous calls to the Fire Department, and to provide for public health and safety.

§ 63-3 Outdoor burning restricted.

A. Except for recreational fires and ceremonial fires/bonfires, it shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything outdoors anywhere within the township, except between the hours of 8:00 a.m. and 4:00 p.m. A recreational fire is an outdoor fire which is used to cook food for human consumption. A ceremonial fire is an open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization.

B. A minimum of one five-pound ABC portable fire extinguisher or a garden hose connected to a water source and a shovel shall be available for immediate utilization.

C. All fires shall be continuously attended by a person over 18 years of age until fully extinguished.

D. No fires shall be conducted under any roofing, awning, or similar overhead covering, or indoors.

E. For recreational fires and bonfires, except for those utilizing propane or natural gas devices as described in this chapter, permitted burning materials shall comprise of clean wood, charcoal or wood chips products.

F. No liquid fuel such as gasoline, alcohol, diesel fuel, and kerosene shall be used to light or relight fire.

§ 63-4 Recreational fires.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to set any recreational fire unless:

A. Except for chiminea and outdoor fireplace, burning area of recreational fire exceeds forty-four (44) inches in circumference, and two feet in height.

- Formatted: Font: Bold, Font color: Text 1
- Formatted: Body Text, Justified, Space Before: 6 pt
- Formatted: Font color: Text 1
- Formatted: Body Text, Justified, Indent: Left: 0.79", Space After: 12 pt
- Formatted: Font: Bold, Font color: Text 1
- Formatted: Body Text, Justified, Space Before: 6 pt
- Formatted: Font: Bold, Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Body Text, Justified, Indent: Left: 0.78", Space After: 12 pt
- Formatted: Font: Bold, Font color: Text 1
- Formatted: Body Text, Justified, Space Before: 6 pt
- Formatted: Font color: Text 1
- Formatted: Body Text, Justified, Indent: Left: 0.79"
- Formatted: Font color: Text 1
- Formatted: Font: Bold
- Formatted: Body Text, Justified
- Formatted: Body Text, Justified, Indent: Left: 0.79", First line: 0"
- Formatted: Font color: Text 1
- Formatted: Font: Bold, Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Body Text, Justified
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Justified, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"
- Formatted: Font color: Text 1, Pattern: Clear
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font: Bold, Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Body Text, Justified
- Formatted: ...
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1

- B. Portable recreational fires are used strictly in adherence with all manufacturer's guidelines and specifications and are only placed on a flat noncombustible surface, such as brick, concrete, rock, or heavy-gauge metal.
- C. The minimum required distance is ten (10) feet from any structure, tree (including canopy), vehicle, or building, utility pole or utility equipment, and from any property line.
- D. A permit is obtained for recreational fire structures that are constructed as part of a building or an accessory structure and meet the requirements of Township Building Code.

§ 63-5 Bonfires.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to set or maintain any bonfire unless:

- A. The bonfire height exceeds a five-foot diameter and ten feet in height; and
- B. The minimum required distance is fifty (50) feet from the nearest structure, tree (including canopy), vehicle, or building, utility pole or utility equipment;
- C. There is a cleared area free of trees, shrubs and other combustible materials of at least 15 feet around it; and
- D. The Township Fire Marshal is notified by calling a non-emergency Chester County 911 line at least 24 hours prior to setting a bonfire; and
- E. The bonfire is set for no more than three consecutive days, and is limited to daylight hours. All fire shall be extinguished no later than 10:00 p.m.

§ 63-26 Burning of trash and domestic waste material.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn paper, rubbish or other domestic waste material outdoors anywhere within the township, unless:

- A. The fire is confined within a completely enclosed container, incinerator, fireplace or grill, incinerator placed on an even flat noncombustible surface at least 10 feet from any structure, tree (including canopy), vehicle, or building, utility pole or utility equipment, and from any property line a building, and unless someone remains in attendance during the burning.
- B. Incinerators, fireplaces or grills which are constructed as part of a building and meet the requirements of the Township Building Code are excluded from the ten foot requirement. Perforations, openings or screening for venting, but prohibiting burning particles or ash from being discharged, are permitted.

§ 63-37 Burning of brush, grass or wood yard waste.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn yard waste brush, grass, wood or other materials outdoors anywhere within the township, unless the fire is confined within an enclosure an incinerator as defined in this chapter and which meets the requirements of § 63-62 above or if:

- A. Yard waste is limited to wood branches and tree trimmings; and
- B. The burning area exceeds a five-foot diameter and three feet in height; and

- Formatted: Justified
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Body Text
- Formatted
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Justified
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Justified
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1
- Formatted: Font color: Text 1

~~A.~~ An open fire is at least 15 feet from any structure, tree (including canopy), vehicle, or building, utility pole or utility equipment, and from any property line a building; and

Formatted: Font color: Text 1

~~C.~~

Formatted: Indent: Left: 0.23", Space Before: 12 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.23" + Indent at: 0.48"

~~D. B.~~ There is a cleared area free of trees, shrubs and other combustible materials of at least 15 feet around it; ~~and~~

Formatted: Font color: Text 1

~~C.~~ There is someone in attendance; and

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.23" + Indent at: 0.48"

~~E. D.~~ ~~In large areas~~ On properties of 5 acres or more such as fields or woods, in addition to Subsections A through ~~C-D~~ above, adequate manpower and equipment are available within immediate vicinity to prevent its spread.

Formatted: Font color: Text 1

Formatted: Font color: Text 1

§ 63-84 Burning of ~~leaves~~ or commercial/industrial waste.

Formatted: Font color: Text 1

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn ~~leaves~~ ~~or~~ commercial/industrial waste material outdoors anywhere within the township at any time.

Formatted: Justified

§ 63-95 Burning on public roads.

Formatted: Font color: Text 1

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves, brush, grass, wood, paper, rubbish or other materials, or to light any fire upon or within five feet of a public road or curb, or to light any fire within five feet of a utility pole or utility equipment.

Formatted: Justified

§ 63-106 Permission required to burn on private property.

Formatted: Font color: Text 1

It shall henceforth be unlawful to kindle a fire upon the land of another, without the permission of the owner thereof, which permission, except in the case of a family member or employee, shall be in writing.

Formatted: Justified

§ 63-117 Fire ban due to drought.

Formatted: Font color: Text 1

It shall henceforth be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire when a ban on such fires has been publicly announced by the Board of Supervisors, or their authorized representative, in a time of drought.

Formatted: Justified

§ 63-128 Authority to extinguish fires.

Formatted: Font color: Text 1

Any fire on public or private property may be extinguished by the local fire company having jurisdiction, either with or without the consent of the landowner or person in charge, if, in the opinion of the Westtown Township Fire Marshal or a Westtown-East Goshen police officer, such fire constitutes a danger to persons or property.

Formatted: Justified

§ 63-139 Violations and penalties.

Formatted: Font color: Text 1

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

Formatted: Justified

ORDINANCE 2023-01

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTER 170, ZONING, OF THE CODE
OF WESTTOWN TOWNSHIP TO PERMIT MANAGED MEADOWS**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. Chapter 170, Zoning, Article II, Definitions, §170-201, Definitions, shall be amended to add the following term and definition to read as follows:

MANAGED MEADOW

An area intentionally planted or maintained with herbaceous plant material primarily composed of native species. A managed meadow shall be kept free of species identified in the most recent Noxious Weed Control Law and Invasive Plants List adopted by the Pennsylvania Department of Agriculture. Both are incorporated herein by reference. ~~Managed meadows are generally mowed at least once per year and are also kept free of woody species.~~

SECTION 2. Chapter 170, Zoning, Article XV, General Regulations, Section 170-1507, Landscaping and Site Design, shall be amended to add a new Subsection D, which shall read as follows:

D. Managed Meadows may be used as all-season groundcover to satisfy the requirements of Subsection (A).

(1) Plantings that meet the definition of Managed Meadows are specifically excluded from the definition of “nuisance” in Chapter 54, Brush, Grass and Weeds, and “weeds” in Chapter 126, Property Maintenance, of the Westtown Township Code. Whether plantings meet the definition of Managed Meadows is within the sound discretion of the municipality.

(2) Managed meadows shall only be permitted within the side or rear yards.

~~(3) Managed meadows shall not be permitted within 10 feet of public rights of way, sidewalks, trails, pedestrian routes, parking areas, fences or property lines.~~

~~(4) Managed meadows shall not be permitted within 25 feet of buildings or structures.~~

~~(5) Managed meadows shall be generally mowed at least once per year and are also kept free of woody species.~~

~~(6) Managed meadows shall not be permitted within any clear sight triangle.~~

(7) Upon request by the Township, the owner of managed meadow shall provide a plan with details on the composition of the meadow, including list of plantings, their location and approximate quantity, and ongoing measures for managing invasive plant species within the meadow area.

Formatted: Indent: Left: 0.5", First line: 0"

SECTION 3. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 5. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township this ____ day of _____, 2023.

ATTEST:

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Jonathan Altshul, Township Manager

Thomas Foster, Chair

Richard Pomerantz, Vice Chair

Scott E. Yaw, Esq., Police Commissioner

SKETCH PLAN SUMMARY

Date: December 1, 2023
From: Liudmila Carter, Director of Planning & Zoning

PROJECT: Construction of Storage or Distribution Facility
APPLICANT: Kurt Wolter
ADDRESS: 1032 and 1036 Wilmington Pike, West Chester, PA 19382
UPI: 67-4-15, 67-4-16

APPLICATION

The sketch plan depicts the proposed construction of a 9,550 square foot distribution building with a 1,000 square feet of retail and/or office space on the northwestern portion of the property, formerly known as the Abbey Green Irish Shop. The plan depicts an access from Old Wilmington Pike and Cheyney Drive, 24 parking spaces along the Wilmington Pike frontage, loading area in the rear yard, a 40-foot planted buffer strip between the properties and adjacent residential area, and an underground stormwater management facility. The proposed building will be serviced by public water and sewer.

LOCATION AND DESCRIPTION OF SITE

1032 and 1036 Wilmington Pike are adjacent parcels within the C-2 Highway Commercial Zoning District located on Old Wilmington and Wilmington Pike in the northwestern portion of the Township. The properties mailing address per County records is PO Box 611, Devon, PA 19333. The property at 1032 Wilmington Pike is 0.42 acres and the property 1036 Wilmington Pike is 1.12 acres, improved with buildings housing short-term rentals. The properties have access from both Old Wilmington Pike and Wilmington Pike and are serviced by the on-lot sewage disposal system (cesspools). Storage or distribution facilities, retails sale, and/or general business, professional, governmental, and administrative offices are permitted by right use. The Township Zoning Ordinance does not provide a definition for “distribution facilities”, but defines “warehousing” as *“the temporary storage of goods and materials within a building, generally for subsequent distribution to other locations and not involving retail activities.”*

SUBMISSION AND REVIEW

The applicant submitted the following materials on November 17, 2023:

1. Site layout plan (sheets 1 of 2) prepared by Howell Engineering dated November 17, 2023.

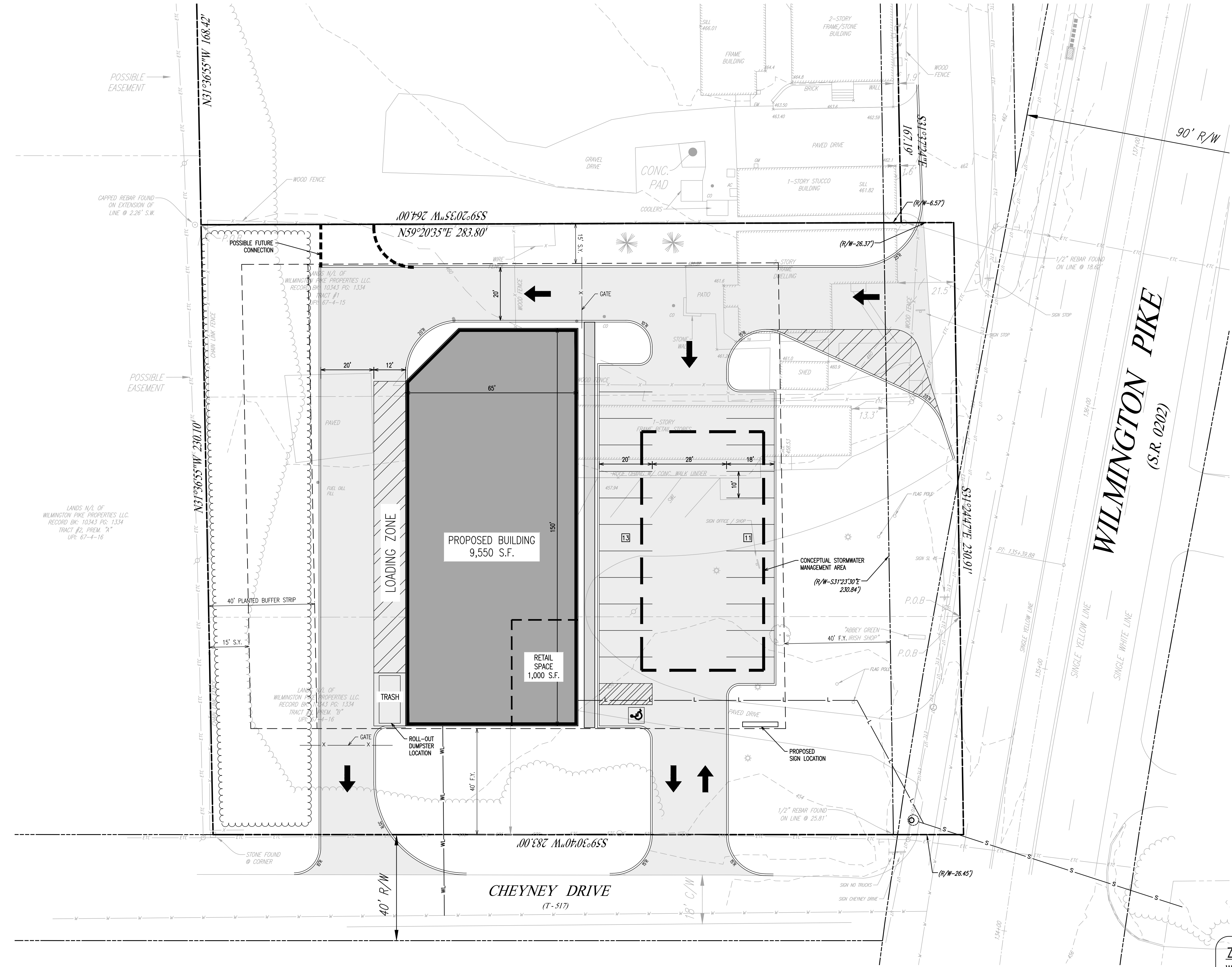
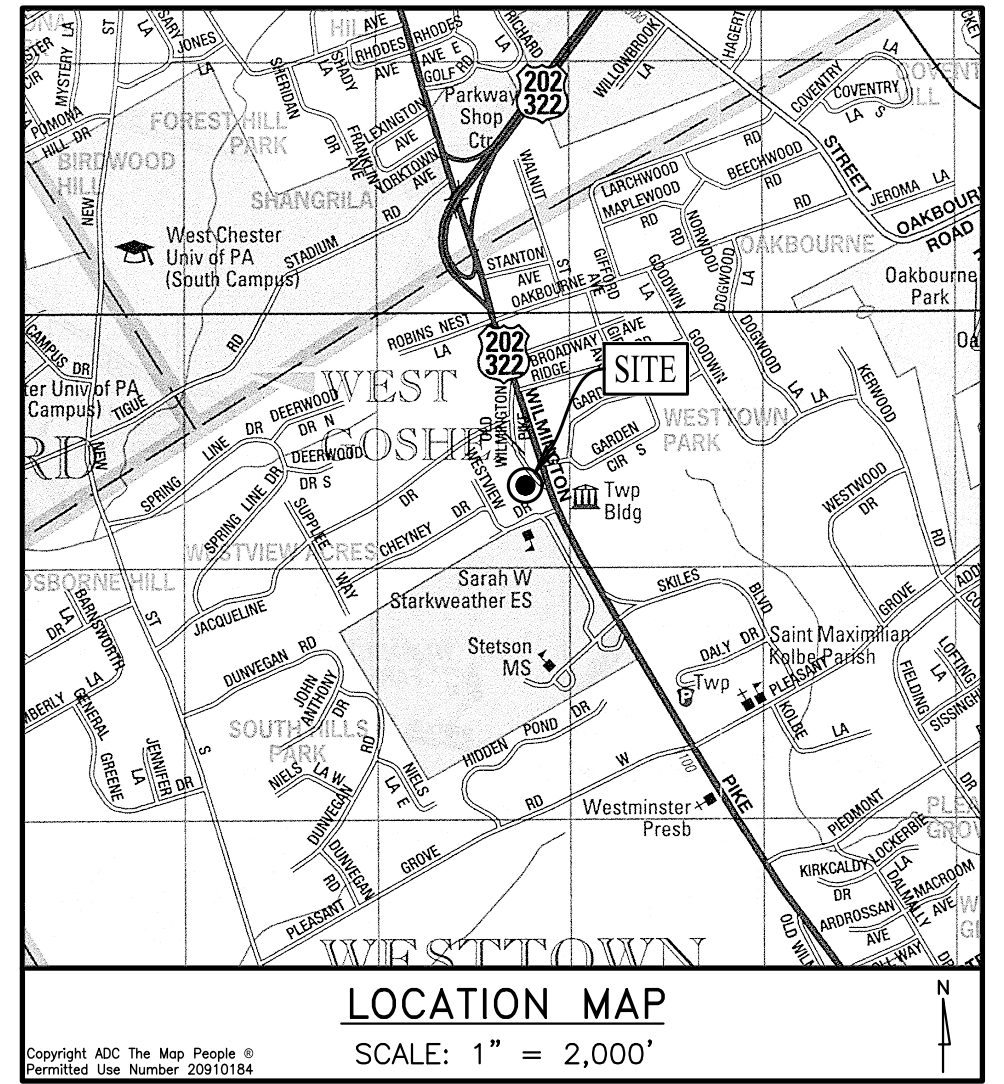
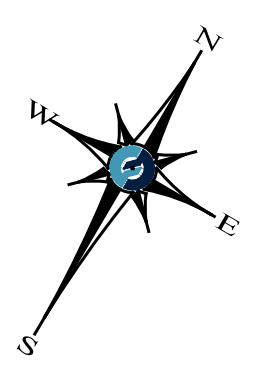
APPLICABLE STANDARDS

General standards for review of sketch plan are contained within Article V Sketch Plan of the Township Subdivision of Land Ordinance.

General standards for use, area and bulk regulations, design standards, buffer requirements and plan submission requirements for C-2 Highway Commercial District are contained within Article XIA of the Township Zoning Ordinance.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission will review this sketch plan at their meeting on December 6, 2023.



SURVEY NOTES

- RECORD OWNER/MAILING ADDRESS:
WILMINGTON PIKE PROPERTIES LLC.
P.O. BOX 611
DEVON, PA 19333

SITE ADDRESS:
1036 OLD WILMINGTON PIKE
WEST CHESTER, PA 19382

TAX PARCEL #: 67-4-15 & 64-4-16
SOURCE OF TITLE: RECORD BOOK 10343
PAGE 1334

65,316 S.F. (GROSS)
59,219 S.F. (NET OF R/W)
- BOUNDARY, TOPOGRAPHY AND PHYSICAL IMPROVEMENTS SHOWN ARE FROM FIELD SURVEY BY HOWELL KLINE SURVEYING, LLC. PERFORMED ON 06/25/2021 & 06/28/2021.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, WHICH WOULD DISCLOSE ANY RIGHTS, RESERVATIONS, EASEMENTS, ETC., OF RECORD.
- CONTOURS PLOTTED FROM FIELD RUN TOPOGRAPHIC SURVEY BY HOWELL KLINE SURVEYING, LLC., DATUM: NAVD 88 (COMPUTED USING GEOID12A) & NAD 83 (2011) (EPOCH:2010.0000) (AS DETERMINED BY GPS OBSERVATION), SITE BENCH = TOP OF RIM OF SANITARY MANHOLE LOCATED ON PARCEL 67-4-13 APPROX. 38.18' SOUTH FROM SOUTHERN MOST CORNER OF EXISTING DWELLING ON PARCEL, ELEVATION= 466.11', CONTOUR INTERVAL: 2 FEET.
- UNDERGROUND UTILITIES SHOWN WERE PLOTTED FROM OBSERVABLE EVIDENCE AT THE TIME OF SURVEY AND INFORMATION FROM PLANS SUPPLIED BY UTILITY COMPANIES. NO GUARANTEE IS MADE THAT UNDERGROUND UTILITIES ARE ACCURATELY OR COMPLETELY SHOWN HEREON.
- PROPERTY TO BE SERVED BY PUBLIC SEWER AND PUBLIC WATER.
- CURB RADI 5' UNLESS OTHERWISE NOTED.

PARKING/LOADING DATA TABULATION

WESTTOWN TOWNSHIP
ZONING ORDINANCE
ARTICLE XVII: OFF-STREET PARKING & LOADING
SECTION 170-1705 - SCHEDULE OF REQUIRED PARKING

USE - RETAIL	1 PARKING SPACE PER 200 S.F. OF GROSS FLOOR AREA 1,000 S.F. OFFICE = 5 SPACES REQUIRED
USE - OTHER USE *	1 PARKING SPACE FOR EACH EMPLOYEE ON THE SHIFT OF GREATEST EMPLOYMENT, OR ONE SPACE FOR EVERY 500 SQUARE FEET OF GROSS FLOOR AREA 8,550 S.F. DISTRIBUTION FACILITY = 18 SPACES REQUIRED
TOTAL REQUIRED	23 PARKING SPACES
TOTAL PROPOSED	24 PARKING SPACES

* DISTRIBUTION FACILITY IS AN UNLISTED USE
WAREHOUSE USED AS SUBSTITUTE FOR PARKING CALCULATION.

ZONING DATA TABULATION

WESTTOWN TOWNSHIP
ZONING ORDINANCE
ARTICLE XIA: C-2 HIGHWAY COMMERCIAL DISTRICT
SECTION 170-11A02 - AREA & BULK REGULATIONS
(8) PROPOSED USE: DISTRIBUTION FACILITY

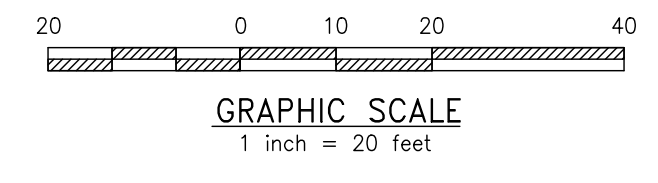
	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	1.0 ACRES	1.36 ACRES	1.36 ACRES
MIN. LOT WIDTH @ BUILDING SETBACK	200 FEET	231 FEET	231 FEET
MIN. LOT WIDTH @ RIGHT-OF-WAY	200 FEET	231 FEET	231 FEET
MIN. FRONT YARD SETBACK	40 FEET	0 FEET *	41 FEET
MIN. SIDE YARD SETBACK	15 FEET	2 FEET *	39 FEET
MIN. REAR YARD SETBACK	40 FEET	N/A	N/A
MAX. BUILDING COVERAGE	35%	7.90% (4,680 S.F.)	16.13% (9,550 S.F.)
MAX. IMPERVIOUS SURFACE AREA	70%	29.32% (17,361 S.F.)	53.75% (31,830 S.F.)
MAX. BUILDING HEIGHT	38 FEET	<38 FEET	<38 FEET

* EXISTING NON-CONFORMITY

LANDSCAPE BUFFER NOTE

SECTION 170-11A05 OF THE WESTTOWN TOWNSHIP ZONING ORDINANCES STATES THAT IN ADDITION TO THE REQUIREMENTS OF SECTION 170-1508, THERE SHALL BE A FORTY-FOOT BUFFER STRIP MAINTAINED ON A PROPERTY CONTAINING ANY USE AUTHORIZED WITHIN THE C-2 HIGHWAY COMMERCIAL DISTRICT, WHEN SUCH USE ADJUTS 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 NOT INCLUDE ANY PAVED AREA.

SITE LAYOUT PLAN
SCALE: 1" = 20'



LEGEND

- | | | | | |
|-------------------------|------------------------------|----------------------|------------------------|----------------------------|
| —●— EX. PROPERTY LINE | —242— EXISTING CONTOUR | —○— PROP. LIGHT POLE | —E— PROP. ELEC. LINE | —W— PROP. WATER LINE |
| —X— PROP. PROPERTY LINE | —[242]— PROPOSED CONTOUR | —○— EX. FENCE | —○— EX. UTILITY POLE | —WL— PROP. WATER LATERAL |
| —X— EX. RIGHT-OF-WAY | X 123.00 EXISTING SPOT ELEV. | —○— EX. MAIL BOX | —○— PROP. UTILITY POLE | —FW— PROP. FIRE WATER LINE |
| —X— PROP. RIGHT-OF-WAY | X 123.00 NEW SPOT ELEV. | —○— EX. SIGN | —○— EX. GUY ANCHOR | —WV— EX. WATER VALVE |
| —○— EX. MONUMENT | —GEB2— SOILS TYPE | —○— EX. CONC. CURB | —○— PROP. GAS LINE | —WV— PROP. WATER VALVE |
| —○— EX. REBAR | —SOLS LINE | —○— EX. CONC. CURB | —○— EX. GAS VALVE | —FH— PROP. HYDRANT |
| —○— PROP. MONUMENT | —SOLS LINE | —○— EX. CONC. CURB | —○— EX. GAS VALVE | —○— EX. MANHOLE |
| —○— PROP. REBAR | —SOLS LINE | —○— EX. CONC. CURB | —○— EX. GAS VALVE | —○— PROP. MANHOLE |
| —○— EX. EASEMENT | —SOLS LINE | —○— EX. CONC. CURB | —○— EX. GAS VALVE | —○— EX. PERC. TEST |
| —○— PROP. EASEMENT | —SOLS LINE | —○— EX. CONC. CURB | —○— EX. GAS VALVE | —○— EX. TEST PIT |
| —○— EX. WETLANDS | —SOLS LINE | —○— EX. CONC. CURB | —○— EX. GAS VALVE | |

NO.	DATE	DESCRIPTION

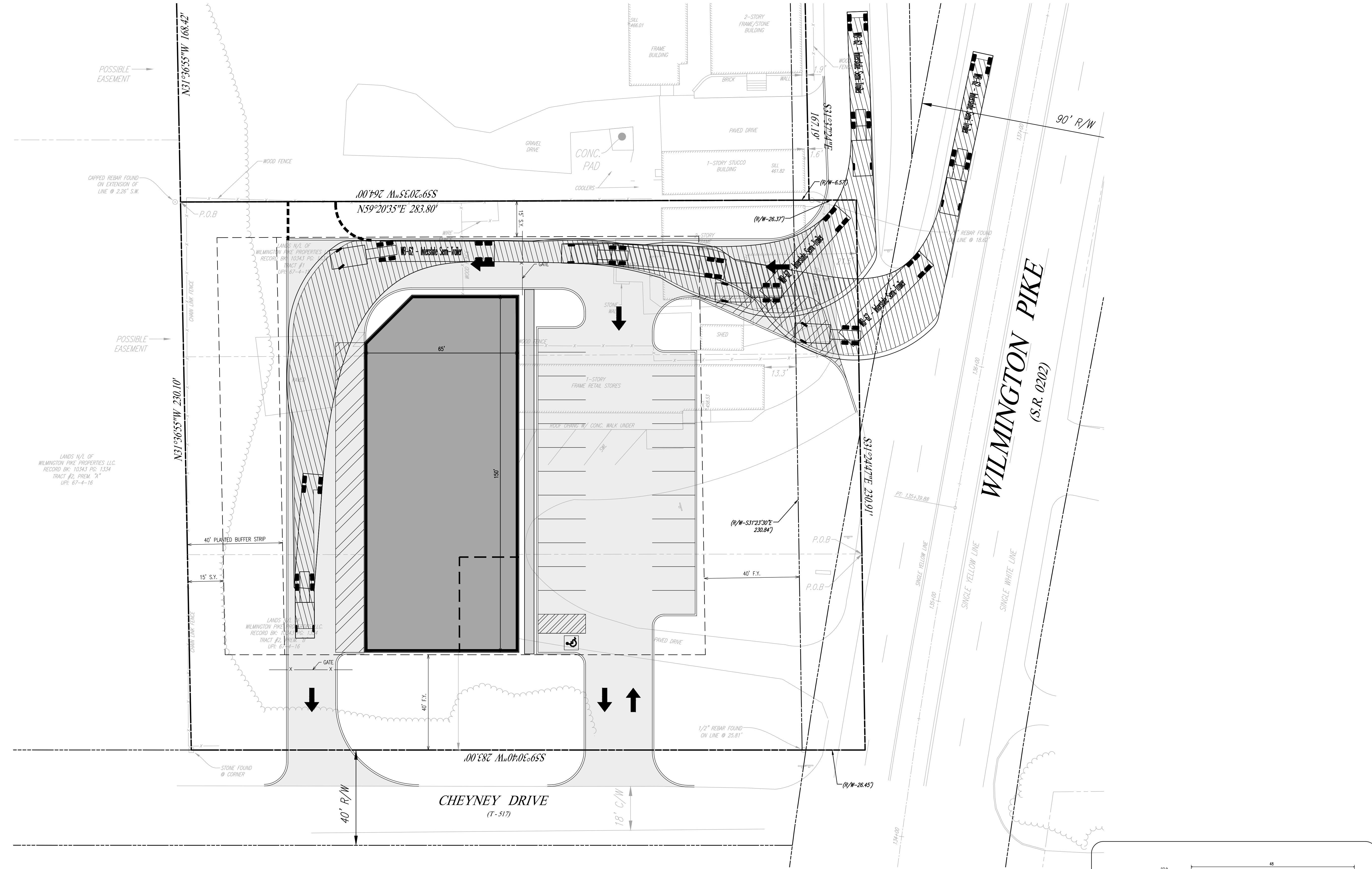
NO.	DATE	DESCRIPTION

SITE LAYOUT PLAN

CLIENT: KURT WOLTER
PROJECT: 1036 WILMINGTON PIKE
LOCATION: 1036 WILMINGTON PIKE
WESTTOWN TOWNSHIP, CHESTER COUNTY, PA.

SHEET 1 OF 2

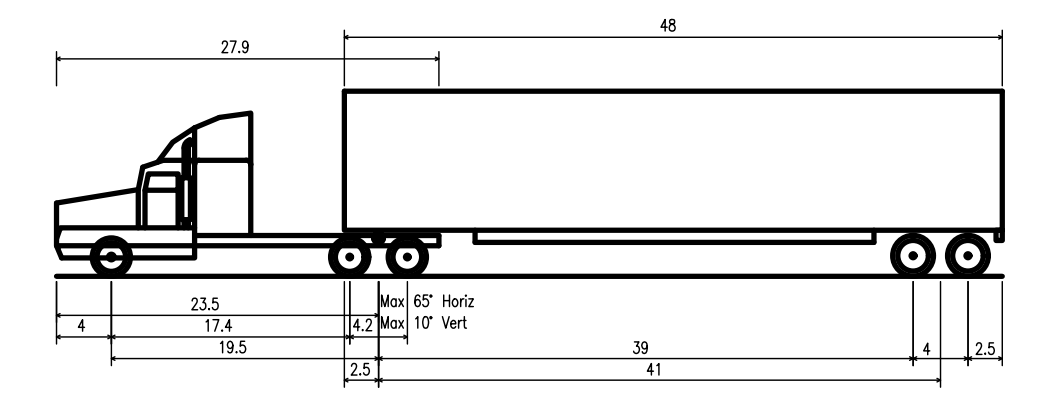
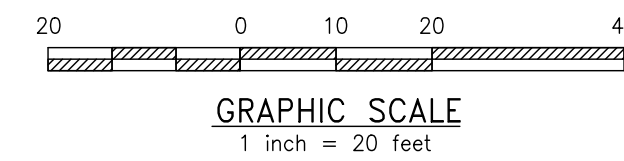
DATE: 11/17/23
SCALE: 1"=20'
DRAWN BY: JTE
CHECKED BY: AMD
PROJECT NO.: 4178
CAD FILE: 4178 SK-3.dwg
PLOTTED: 11/17/23
DRAWING NO.: C-1



LANDS, N/A, OF
WILMINGTON PIKE PROPERTIES LLC
RECORD BK: 10343 PG. 1334
TRACT #2, PREM. "A"
UPL: 07-4-16

TRUCK TURNING PLAN

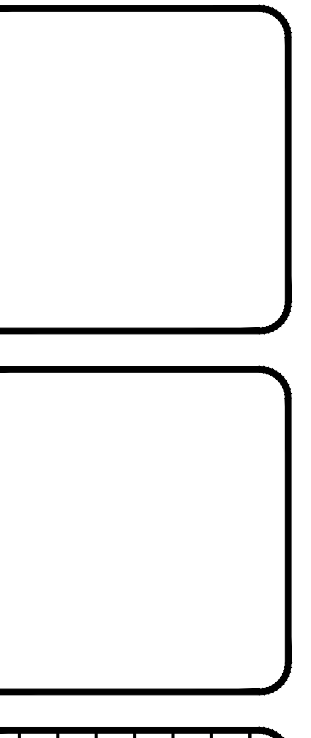
SCALE: 1" = 20'



WB-62 - Interstate Semi-Trailer
 Overall Length 69,000ft
 Overall Width 8,500ft
 Overall Body Height 13,500ft
 Min. Body Ground Clearance 1,334ft
 Max. Tractor Width 8,500ft
 Lock-to-lock time 6.00s
 Max. Steering Angle (Virtual) 28.40°

LEGEND

- EX. PROPERTY LINE
- PROP. PROPERTY LINE
- EX. RIGHT-OF-WAY
- PROP. RIGHT-OF-WAY
- EX. MONUMENT
- EX. REBAR
- PROP. MONUMENT
- PROP. REBAR
- EX. EASEMENT
- PROP. EASEMENT
- EX. WETLANDS
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT ELEV.
- NEW SPOT ELEV.
- SOILS TYPE
- SOILS LINE
- EX. CONC. CURB
- PROP. CONC. CURB
- EDGE OF PAVING
- PROP. EDGE OF PAVING
- EX. LIGHT POLE
- PROP. LIGHT POLE
- EX. FENCE
- EX. MAIL BOX
- EX. SIGN
- PROP. SIGN
- EXIST. PARKING SPACES
- PROP. PARKING SPACES
- TO BE REMOVED
- EX. TELE. LINE
- PROP. TELE. LINE
- EX. ELEC. LINE
- PROP. ELEC. LINE
- EX. UTILITY POLE
- PROP. UTILITY POLE
- EX. GUY ANCHOR
- PROP. GUY ANCHOR
- EX. GAS LINE
- PROP. GAS LINE
- EX. GAS VALVE
- PROP. GAS VALVE
- EX. STORM SEWER LINE
- PROP. STORM SEWER LINE
- EX. STORM INLET
- PROP. STORM INLET
- EX. WATER LINE
- PROP. WATER LINE
- EX. WATER VALVE
- PROP. WATER VALVE
- EX. FIRE WATER LINE
- PROP. FIRE WATER LINE
- EX. HYDRANT
- PROP. HYDRANT
- EX. MANHOLE
- PROP. MANHOLE
- EX. PERC. TEST
- PROP. PERC. TEST
- EX. TEST PIT
- PROP. TEST PIT



REV.	DATE	DESCRIPTION
8		
7		
6		
5		
4		
3		
2		
1		

SKETCH

TRUCK TURNING PLAN

CLIENT: KURT WOLTER
 PROJECT: 1036 WILMINGTON PIKE
 LOCATION: 1036 WILMINGTON PIKE
 WESTWING TOWNSHIP, CHESTER COUNTY, PA.

DATE: 11/17/23
 SCALE: 1"=20'
 DRAWN BY: JTE
 CHECKED BY: AMD
 PROJECT NO.: 4178
 CAD FILE: 4178 SK-3.dwg
 PLOTTED: 11/17/23
 DRAWING NO.: C-2
 SHEET 2 OF 2

ZONING HEARING BOARD APPLICATION SUMMARY

ZHB Case: #2023-12
Date: November 30, 2023
From: Liudmila Carter, Director of Planning & Zoning

APPLICANT: Colin and Taj Chavous
ADDRESS: 1001 S Walnut Street, West Chester, PA 19382
UPI: 67-4G-1
HEARING DATE: January 8, 2024

REQUEST

The applicants are seeking a special exception for a major home occupation and associated variances to utilize the existing attached 3-car garage, detached 1-car garage, driveway and a home office for a family based contracting business specializing in residential deck building. The commercial equipment and vehicles utilized as part of this business include a dump truck (under 10,000 lbs.), utility body (under 10,000 lbs.), forklift (under 10,000 lbs.), tilt bed trailer, Toro dingo and dump hoppers, which are intended to be stored in the garages. All loading and unloading is anticipated to be done in the driveway with no more than 2 deliveries a month consisting of lumber, decking and railing materials. Currently, the business does not employ any employees beyond the applicants with future plans for 1 to 2 additional employees. Also in the future, the applicants plan to build an additional 30 feet by 25 feet detached garage. Based on the provided site plan, construction of such garage will require a request for variances to meet setback and parking requirements. The proposed garage is not a part of this request.

LOCATION AND DESCRIPTION OF SITE

The subject property is a 0.69 acre parcel with an UPI. 67-4G-1 located at the corner of South Walnut Street and Oakbourne Road, in the R-2 Residential Zoning District. The property address and the mailing address per County records is 1001 S Walnut Street, West Chester, PA 19382. The property is improved with a single-family detached dwelling with an attached garage, detached garage and parking area. The 20-foot wide sanitary sewer easement runs along the eastern property boundary. The property is serviced by public water and sewer.

APPLICATION

The applicant submitted application on November 16, 2023 for special exception for residential deck building business and a variance to permit parking for more than one commercial vehicle. The request is for special exception and variances pertaining to the following Sections:

1. Section 170-1605.G for major home occupations.
2. Section 170-1605.G(2)(n) for parking of commercial vehicles.
3. Section 170-1708.A for the use of residential parking facilities.
4. Section 170-1605.G(2)(g) for the minimum parking requirements in addition to those required under Section 170-1705.A(1).

ZONING RELIEF STANDARDS

General standards for the granting of special exceptions are contained within 170-2108 of the Township Zoning Code and are attached to this report as Attachment A (pages 2-3).

Home occupation regulations are contained within 170-1605 of the Township Zoning Code and are attached to this report as Attachment B (pages 4-9).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission will review this application at their meeting on December 6, 2023.

Attachment A

§ 170-2108 Special exceptions.

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.

§ 170-1605 Home occupations.

There shall be two categories of home occupations: "minor" and "major." Such uses shall be permitted when in accordance with the following standards:

- A. General standards applicable to all home occupation classifications. The following standards shall apply to all home occupations, whether minor or major:
- (1) Operation. A home occupation shall be conducted within a dwelling which is the residence of the principal practitioner.
 - (2) Permit. All applicants shall be required to obtain a permit in accordance with the requirements of § **170-1605C**.
 - (3) Structural appearance. The appearance of the residential structure or accessory structure shall not be altered or the occupation be conducted in such a manner which would cause the premises to differ from its residential character by the use of materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this chapter. No interior display of goods shall be visible from the outside.
 - (4) Vehicles. The storage of commercial vehicles shall comply with § **170-1605A(10)** and **(11)** below.
 - (5) Storage. There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
 - (6) Hazardous materials. There shall be no storage or use upon the premises of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by the Pennsylvania Department of Environmental Protection.
 - (7) Nuisance. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to normal senses beyond the property line in excess of levels customarily generated by a residential use. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate any of the conditions listed above in excess of what is typical in a residential neighborhood.
 - (8) Burden of proof. The burden of proof shall be upon the applicant to prove that the standards of this section will be met. Based upon the potential nuisances of a proposed major home occupation, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient to contain such nuisances.
 - (9) Truck traffic. The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds gross registered vehicle weight.
 - (10) Hours. Home occupations shall be conducted in a way that is in conformance with the provisions of § **170-1515**, Noise standards, of this chapter. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
 - (11) Advertising. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property.
- B. Determination of classification. The Zoning Officer shall determine whether a proposed home occupation is minor, major, or prohibited. The applicant shall be responsible for supplying such information as

deemed necessary by the Zoning Officer to make this determination.

C. Issuance of permits. The following procedure for approval and permitting shall apply:

- (1) Upon determination that the proposed use is a minor home occupation and is in conformance with the requirements of this chapter, the Zoning Officer shall issue a zoning permit.
- (2) Where the Zoning Officer determines that the proposed use is a major home occupation and does not meet any or all of the criteria specified for a permitted home occupation listed in § **170-1605G**, the use shall require review and approval by the Zoning Hearing Board in accordance with the provisions of § **170-2108** and the criteria of this section. The Zoning Hearing Board may attach such reasonable conditions and safeguards, as it deems necessary, to implement the purposes of this chapter. Following approval, the Zoning Officer shall issue a zoning permit.

D. Permit limitations. A home occupation permit shall not be transferable to another property or to another type of home occupation. The permit issued shall only be valid for the use and on the property for which it was originally issued. The permit shall expire five years from the date of its issuance. Both minor and major permits may be renewed by the Zoning Officer if upon review of the renewal application the Zoning Officer determines that there has been no substantial change in the scope of the original permit.

E. Prohibited home occupations. The following uses shall not be permitted as home occupations under any conditions and shall be classified as commercial uses:

- (1) Animal hospital or animal shelter.
- (2) Kennel, commercial kennel, or commercial stable.
- (3) Boarding home.
- (4) Funeral parlor or undertaking establishment.
- (5) Restaurant.
- (6) Medical or dental clinic (three or more nonresident employees).
- (7) Professional offices (three or more nonresident employees) except for a major home occupation which is allowed in accordance with § **170-1605G(4)(f)[1]**. [**Amended 11-7-2016 by Ord. No. 2016-6**]
- (8) Gift or antique shop.
- (9) Rental business.
- (10) Furniture stripping.
- (11) Auto or small engine repair.
- (12) Painting of vehicles, trailers, or boats.
- (13) Private school with organized classes.
- (14) Welding shop.
- (15) Private club.
- (16) Sale of firearms or weapons.
- (17) Those home occupations that cannot meet any of the criteria of § **170-1605F** for a minor home occupation

or § **170-1605G** for a major home occupation.

(18) Any occupation that the Zoning Hearing Board deems similarly objectionable in terms of scale and impact.

(19) Other uses of similar character to those listed above.

F. Minor home occupation. Minor home occupations shall meet the definition of "no-impact home-based business," as that term is defined by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10107, as amended, and all of the criteria contained therein, which currently provides: [**Amended 3-3-2003 by Ord. No. 2003-2; 1-5-2015 by Ord. No. 2015-1**]

(1) A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(h) The business may not involve any illegal activity.

G. Major home occupations. [**Amended 3-3-2003 by Ord. No. 2003-2**]

(1) A home occupation that cannot meet one or more of the criteria listed in § **170-1605F** supra shall be defined as a major home occupation. Where permitted, major home occupations shall comply with all applicable criteria of this chapter.

(2) Major home occupations which cannot meet all of the following criteria, are not prohibited in § **170-1605E**, supra, and substantially comply with the following criteria shall be permitted under the provisions of § **170-2108**, Granting of special exceptions. All other home occupations shall be defined, for the purposes of this section, as commercial if they do not meet the criteria of the section or those of § **170-1605F**, infra:

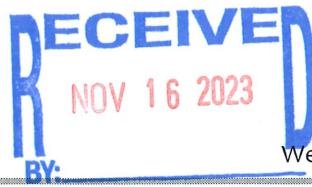
(a) The major home occupation shall be conducted only within a single-family dwelling or structures accessory to residential use.

- (b) No products or materials used in the major home occupation shall be stored outside.
- (c) An area corresponding to not more than 25% or 600 square feet of the gross square footage of the dwelling, including all floors and habitable basement areas, but excluding attic space, shall be devoted or used for the major home occupation. A maximum of one home occupation shall be permitted per dwelling unit.
- (d) The Township may require screening of any parking area.
- (e) No more than two nonresidents may be employed on-site.
- (f) The major home occupation structure shall not be subdivided from the parent parcel.
- (g) The major home occupation shall include an absolute minimum of two additional off-street parking spaces above the requirements of Article **XVII** of this chapter. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will include adequate off-street parking and loading spaces. If additional parking is needed beyond what can be accommodated using a residential-style driveway, then the Township may require that such parking be provided in the rear of the home, if practical, and may deny the use if such rear parking cannot be accommodated.
- (h) The major home occupation shall not contribute more than 33% additional vehicle trips per day, as defined by the standards outlined in the Institute of Transportation Engineers "Trip Generation-An Informational Report," from the dwelling. The applicant may be required to demonstrate compliance with this standard by conducting a traffic study.
- (i) The Township may require periodic reinspection to ensure continued compliance with all applicable conditions.
- (j) All major home occupations shall comply with the environmental performance standards in § **170-1506** of this chapter.
- (k) No articles shall be sold or offered for sale on-site except those produced on the premises.
- (l) Commercial delivery and pickup of goods and supplies is limited to no more than three times per week, exclusive of normal postal and parcel service typically serving a residential area.
- (m) There shall be no use of show windows, business displays, or advertising visible from outside the premises. One sign, no larger than two square feet in area and consistent in all other respects with Article **XVIII** of this chapter, shall be permitted for major home occupation. The Zoning Hearing Board may approve an increase in the sign area to four square feet if the applicant proves such sign would be compatible with the area and would be necessary to be readable by motorists.
- (n) Parking of commercial vehicles is in accordance with § **170-1708A** of this chapter. [**Amended 4-4-2022 by Ord. No. 2022-02**]
- (3) The following are permitted major home occupations, provided they meet standards of this chapter:
 - (a) Photography studio.
 - (b) Offices of professional sole practitioners, when the proposed floor area comprises more than 25% of the total floor area of the existing dwelling unit or more than 400 square feet, whichever is less.
 - (c) Family day-care homes. In addition to complying with the standards in Subsection **G(1)**, supra, family day-care homes must also comply with the following standards. Family day-care is a home occupation in

which a private residence is used for the care and supervision of between three and five children not related to the caregiver. When in compliance with the provisions outlined below and all other applicable requirements, home day care shall be permitted as a major home occupation. Day care provided for more than five children is considered a commercial day-care center for the purposes of this chapter and is not permitted in residential districts. Care provided to two or fewer children is considered babysitting and is not formally regulated.

- [1] The owner must be licensed or approved by the Pennsylvania Department of Public Welfare (DPW) and must demonstrate compliance with all DPW regulations for such homes;
 - [2] An impenetrable safety fence or natural barrier, with a minimum height of four feet, or other barrier suitable to prevent children from crossing, shall surround any requisite outdoor play area used by children or small animals;
 - [3] Outside play shall be limited to the hours between 9:00 a.m. and 5:00 p.m.;
 - [4] A proper circulation pattern must be established so that cars picking up and dropping off individuals shall not impede the flow of traffic off the site;
 - [5] For home day care intended for children, a minimum outdoor play area of 100 square feet of contiguous play area shall be provided for each child. The outdoor play area shall be located to the side or rear of the property; and
 - [6] The minimum lot area for this use shall be one acre.
- (d) Catering, provided all food is served off-premises;
 - (e) Tutoring and instructional services may be permitted as a major home occupation provided that no more than two students may be instructed at any one time; or
 - (f) Dressmaking, sewing, and tailoring.
- (4) Major home occupations at the intersection of two arterial streets. If an existing principal building is within a maximum of 300 feet of the intersection of the centerlines of two arterial streets, and has direct access from one or both of the intersecting arterial streets, then the major home occupation requirements shall be modified as follows: **[Amended 5-2-2005 by Ord. No. 2005-4; 11-7-2016 by Ord. No. 2016-6]**
- (a) The home occupation practitioner is not required to reside on the lot. However, the lot shall still contain a dwelling unit.
 - (b) The following additional uses may be approved as a major home occupation:
 - [1] Veterinary office.
 - [2] Gift or antique shop.
 - (c) Section **170-1605G(2)(h)** shall not apply. As a condition of special exception approval, the applicant shall prove to the satisfaction of the Zoning Hearing Board that the traffic generation, driveway location and site design of the use will not create a significant traffic safety hazard nor generate increased traffic congestion.
 - (d) Any off-street parking spaces developed after the adoption of this subsection shall be set back a minimum of 30 feet from the existing legal right-of-way of an arterial street.

- (e) Signs. Article **XVIII** shall apply, including but not limited to § 170-804A(2)(a).
- (f) If the major home occupation is conducted within a structure listed on the Historic Resources Map, the following additional provision shall apply:
 - [1] A professional office with no more than six nonresident employees may be permitted as a major home occupation and no more than two-thirds of the gross square footage of the structure shall be used for such home occupation.



Westtown Township

Zoning Hearing Board Application

PO Box 79
Westtown, PA 19395



P: 610.692.1930
F: 610.692.9651
www.westtownpa.org

Township Use Only

Date Received: November 16, 23 Project No.: 2023-12
 Parcel ID: 67-46-1 Zoning Dist: R-2
 Date Paid: November 16, 23 PC Date: December 6, 23
 Hearing Date: _____ Property Posted: _____
 Dates Advertised: _____
 Reviewed by: Mila Cackler

Applicant & Owner Information

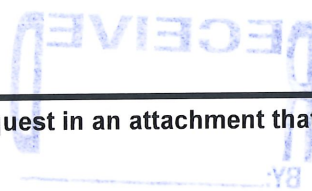
Applicant Colin Chavous Phone (610) 710-9372
 Property Address 1001 S. Walnut St. City West Chester Zip 19382
 E-mail info@chavouscustomcontracting.com

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 170-1708. A Parking more than one commercial vehicle
- Section 2108:** Special Exceptions _____ Requesting Approval for a Major Home Occupation



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: 30,000 sq. ft. Front: 10'-2" Front : 46'-3" Side: 10' Side: 125'

Existing property use: Primary Residence

Existing structure(s): Single Family Dwelling, Attached 3 Car Garage, & Single Detached Garage
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.

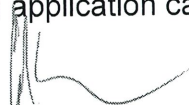
Please ensure the following documents have been included in your application packet:

- 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 

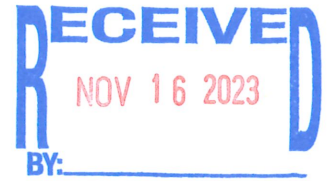
Date 11/6/2023

Print Name Colin Chavous

Signature of OWNER _____
(If different from applicant)

Date _____

11/16/2023



Special Exceptions Response.

- A. Regarding the Goals of Westtown Townships Comprehensive Plan, our Special Exceptions request understands how important it is to first and foremost, conserve & enhance the character of the community. Chavous Custom Contracting is a small family based contracting business specializing in Residential Deck Building. Fully licensed and insured in the State of Pennsylvania and City of Philadelphia since 2008 servicing one customer at a time, one job at a time. Based out of Delaware County yet also serving the Philadelphia area, we have expanded our horizons and branched out to the Chester County area where our family now currently resides. We purchased 1001 S. Walnut St. in August of 2022 with the understanding that there was great work to be accomplished prior to gaining a final use of occupancy approval in which was acquired in full compliance and issued on 2/3/2022. Our shop is currently located on 3 South 5th St. Darby, Pa 19023 serving as a store house for our tools, equipment, and office space. Coming from our previous residence of 250 Priscilla Lane, Aldan, Pa 19018 our shop at 3 South 5th St. was perfect to run the business from. The issue we were faced with at that time spoke directly to the William Penn School district where my wife and I were not comfortable raising our children. We chose to move here to Westtown because we too believe in the power of raising children, (*Lily 4years old, Colin Jr. 2 years old, and baby Luna expected in December*) in a community that has a Comprehensive Plan that follows our families' views and principals. This is why we would always maintain firm compliance to conserve and Enhance the Communities Character, Protect, and Promote Public Health, Safety, and Welfare of the Community.
- B. Concerning the Suitability of the Tract, we intend to occupy the existing structures and driveway space within the original purposes, and intent at the time of construction. In specific as a business, we currently own the following:
- (1): F350 Dump Truck, that weighs under 10,000 lbs.
 - (1): F350 Utility Body that weighs under 10,000 lbs.
 - (1): Forklift: Toyota Model 8FGU25 weighs under 10,000 lbs.
 - (1): 6'x12' Tilt Bed Trailer
 - (1): Toro Dingo
 - (2): Dump Hoppers.
- All the above listed vehicles and equipment except for

the forklift is currently positioned within the existing accessory Garage structures. We would plan to park the forklift in the detached garage to be used for the purpose of loading lumber onto the trucks to transport to job sites, and to load construction debris as the dump hoppers fill to be transported into the dump truck and be taken to the local dump for safe disposal. The 2 dump hoppers would be stored in the 3-car garage. The Dingo is in the detached garage. We would receive deliveries as needed no more than 2 deliveries a month during our busiest season. All loading and unloading would be done on our driveway. It normally takes about 2 weeks to complete a job and the jobs that would require deliveries to the house are typically

bundled into 2 packages. (1): 16'x4'x2' package containing the lumber and decking, and the second package of 8'x4'x2' containing the railing system. These packages would be delivered onto the tilt bed trailer and parked in the 3-car garage to be transported as needed to the jobsite. Any excess materials will be returned immediately or disposed of safely.

- C. In terms of the Impact on the existing neighborhood character, we have received nothing but positive feed back from the residents of this community due to the vast improvements made on the property since we have moved in. The dramatic improvement to the yard has created an appreciation from all our neighbors whom we have communicated with. We intend to maintain this positive relationship with our community neighbors as we plan to stay here to raise our children within this school district.
- D. I Colin Chavous am the owner and operator of Chavous Custom Contracting. My wife Taj is the office manager, and full time Mother of our 3 children. I currently do not employ a helper on my job sites but have done so in the past. In the case that a helper becomes required again, I would only need 1 or 2 to aid. Their vehicles would be parked on my driveway if necessary but currently do not have it and do not require the assistance of an employee. My wife drives a GMC Terrain which is currently parked in our driveway. The F350 dump truck and the F350 utility body truck are parked in the 3 car garage, and the tilt bed trailer is also parked in the 3 car garage. The driveway can handle the vehicles we currently have with plenty of space in the 3-car garage for additions storage of tools and equipment to maintain a smooth pattern of traffic flow within the driveway, and ample access to parking that suits our needs.
- E. Due to the nature of our request to utilize the existing property and its accessory structures, we would not impose any demands on municipal services that are uncommon to typical requirements of the average resident with 3 vehicles to wash.

G. Major home occupations.

(1) A home occupation that cannot meet one or more of the criteria listed in § **170-1605F** supra shall be defined as a major home occupation. Where permitted, major home occupations shall comply with all applicable criteria of this chapter.

(2) Major home occupations which cannot meet all of the following criteria, are not prohibited in § **170-1605E**, supra, and substantially comply with the following criteria shall be permitted under the provisions of § **170-2108**, Granting of special exceptions. All other home occupations shall be defined, for the purposes of this section, as commercial if they do not meet the criteria of the section or those of § **170-1605F**, infra:

(a) The major home occupation shall be conducted only within a single-family dwelling or structures accessory to residential use.

- a. See attached Drawing 1 and 2 to see the location of all the trucks and trailers, and equipment.

(b) No products or materials used in the major home occupation shall be stored outside.

- b. This requirement will be met. See attached drawings.

(c) An area corresponding to not more than 25% or 600 square feet of the gross square footage of the dwelling, including all floors and habitable basement areas, but excluding attic space, shall be devoted or used for the major home occupation. A maximum of one home occupation shall be permitted per dwelling unit.

- c. Total Habitable Dwelling Square Footage: 2,158 s.f.
Home Office: 24 s.f.
Attached Garage: 1082.75 s.f.
Detached Garage: 334 s.f.
Driveway Space: 1,165 s.f.
Gravel: 447 s.f.
Walkway/Porch: 252 s.f.
Brick Paver walls: 69 s.f.
Paved Drive: 78 s.f.
Concrete Pad: 63 s.f.
Flag Stone: 50 s.f.
Total Impervious Coverage on the Lot: 5,376 s.f.
Total Lot: 30,000 s.f.
Max Impervious Coverage: 25%
Current Impervious Coverage: 17.92%
Proposed Garage: 30'x20' = 600 s.f.
Remove Flag Stone: 50 s.f.
Remove Retaining Wall: 40 s.f.
Remove Gravel: 447 s.f.
Total Removal: 537 s.f.
Proposed Coverage: 63 s.f.
Total Proposed Impervious Coverage of Lot: 5,439 s.f.
Proposed Impervious Coverage: 18.13%

(d) The Township may require screening of any parking area.

d. I acknowledge that the township may require landscape screening.

(e) No more than two nonresidents may be employed on-site.

e. I acknowledge that I may not have more than two employees non residential.

(f) The major home occupation structure shall not be subdivided from the parent parcel.

f. I acknowledge this requirement.

(g) The major home occupation shall include an absolute minimum of two additional off-street parking spaces above the requirements of Article XVII of this chapter. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will include adequate off-street parking and loading spaces. If additional parking is needed beyond what can be accommodated using a residential-style driveway, then the Township may require that such parking be provided in the rear of the home, if practical, and may deny the use if such rear parking cannot be accommodated.

g. See the Site Plan that indicates the area for loading and unloading materials on the driveway

(h) The major home occupation shall not contribute more than 33% additional vehicle trips per day, as defined by the standards outlined in the Institute of Transportation Engineers "Trip Generation-An Informational Report," from the dwelling. The applicant may be required to demonstrate compliance with this standard by conducting a traffic study.

h. I acknowledge that a traffic study may be conducted.

(i) The Township may require periodic reinspection to ensure continued compliance with all applicable conditions.

i. I acknowledge that the township may require periodic reinspection to ensure continued compliance.

(j) All major home occupations shall comply with the environmental performance standards in § 170-1506 of this chapter [below].

j. After reading through the list of standards, we are following all the requirements in terms of safety concerning the environment. All motorized equipment is stored in the detached garage except for the Dump Truck and the Forklift.

§ 170-1506 Environmental performance standards.

A. No use shall be permitted which is noxious or offensive in the immediately surrounding area by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, or otherwise. The sole exception to these requirements shall be with regard to normal and customary agricultural practices conducted in compliance with the applicable provisions of § 170-1609 of this chapter. In determining whether a proposed use is noxious, hazardous, or offensive, the burden of proof is on the applicant and will be judged by the following criteria. The proposed operation shall not:

- (1) Constitute any nuisance whatsoever beyond the boundary of the site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust. All equipment shall be operated by electric power, gas, or other smokeless fuel.
1. All is powered by electric, battery, gas, or other smokeless fuel and will not be a nuisance beyond the boundaries of property.
(2) Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line
 2. The dingo and forklift are not louder than the average lawn mower, would not cause any disturbances to the community beyond the boundary lines.
(3) Endanger surrounding areas by reason of the potential for fire or explosion.
 3. All gas operated equipment is stored in the detached garage with the exception of the dump truck and the utility body truck.
(4) Produce objectionable heat, glare, or radiation beyond the property line.
 4. No equipment would produce objectionable heat, glare, or radiation beyond the property.
(5) Result in electrical disturbance in nearby residences, or adversely affect the operation of equipment other than on the property on which the disturbance is located.
 5. No heavy-duty electrical requirements are necessary to operate equipment on our property outside of our residential panel boxes currently existing.
(6) Engage in the storage of nonhazardous waste material (as defined by Pennsylvania Act 97 of 1980, as amended, the Solid Waste Management Act, 35 P.S. § 6018.101 et seq.) on the lot for any period beyond 30 days.
 6. A quantity of 2 Cubic Yard Dump Hoppers Uline Model# 2109 shall be stored in the 3-car garage as shown on the drawing provided to place construction waste. These dump hoppers will fill the back of the dump truck once full and be hauled to the local dump for safe disposal as they fill. The forklift picks the dump hoppers up and they tilt into the dump truck when they need to be emptied. All the dumping would take place in the driveway loading area shown in the drawing provided.
(7) Engage in the production, treatment, or storage of toxic or hazardous waste (as defined by Pennsylvania Act 97 of 1980, as amended, the Solid Waste Management Act, 35 P.S. § 6018.101 et seq.). Any use or disposal of toxic or hazardous material or waste shall conform to the terms of § 170-1517E of this article.
 7. I acknowledge understand and will comply with the requirements regarding the safe disposal of hazardous waste products.
(8) Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.
 8. I acknowledge this requirement and intend to fully comply.

B. Any use proposed under the terms of this chapter shall conform to all applicable regulations of the Pennsylvania Department of Environmental Protection and the Chester County Health Department, and with the Township Act 537 Sewage Facilities Plan (35 P.S. § 750.1 et seq.), regarding the treatment and disposal of industrial or sanitary wastes.

B. The Property is on Public and Sewer.

C. All utilities shall be installed below ground.

C. No additional utilities are proposed.

D. Where required by the Township, an applicant for a proposed use shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to ensure that the proposed use will comply satisfactorily with the above standards. Where required, the applicant shall submit supplemental information and plans. The Township may solicit the expert advice of official agencies or private consultants and such reasonable tests as are deemed necessary, the costs of which shall be borne by the applicant.

D. I acknowledge the ZHB may request additional information.

(k) No articles shall be sold or offered for sale on-site except those produced on the premises.

(k). I acknowledge and intend to comply with this requirement. I have no need to sell anything here on the premises.

(l) Commercial delivery and pickup of goods and supplies is limited to no more than three times per week, exclusive of normal postal and parcel service typically serving a residential area.

(l). I acknowledge and intend to comply with this requirement and have no need for that many deliveries per week.

(m) There shall be no use of show windows, business displays, or advertising visible from outside the premises. One sign, no larger than two square feet in area and consistent in all other respects with Article XVIII of this chapter, shall be permitted for major home occupation. The Zoning Hearing Board may approve an increase in the sign area to four square feet if the applicant proves such sign would be compatible with the area and would be necessary to be readable by motorists.

(m). I would request the ability to hang a sign of 4 Sq. Ft. on the new 30'x25' Garage once all the work is complete in full compliance with the township requirements.

(n) Parking of commercial vehicles is in accordance with § 170-1708A of this chapter [below].

(n). I understand that the township may require a variance based on this requirement.

§ 170-1708 Parking standards for single-family residential dwellings.

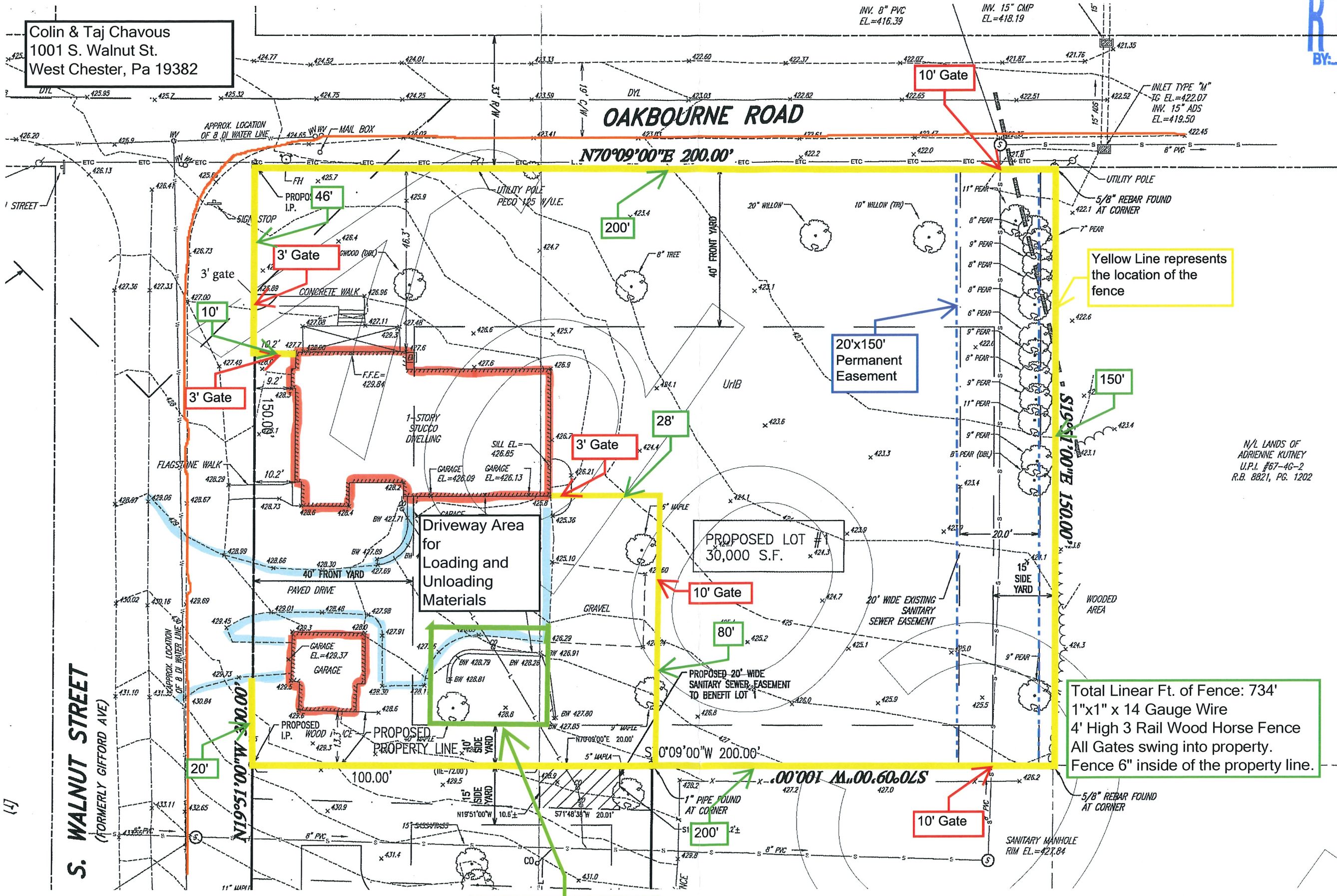
In addition to the Schedule of Required Parking, § 170-1705A(1), the following regulations shall apply to single-family residential dwellings:

A. Use of residential parking facilities. Parking facilities accessory to a residential use in any district shall be used solely for the parking of passenger automobiles and not more than one commercial vehicle of not more than two tons' gross weight utilized by occupants of the dwelling to which such facilities are accessory, or by guests of such occupants.

A. Dump Truck and Utility Body are stored in the 3 car garage, and equipment in the detached garage. GMC Terrain Parked in the driveway in front of the detached garage. Both trucks weigh under 10,000 and over 2 ton, but the garage was built originally with the intention of commercial use as the previous owner was a roofing contractor and designed to park work trucks.

RECEIVED
NOV 16 2023
BY: _____

Colin & Taj Chavous
1001 S. Walnut St.
West Chester, Pa 19382



Yellow Line represents the location of the fence

20'x150' Permanent Easement

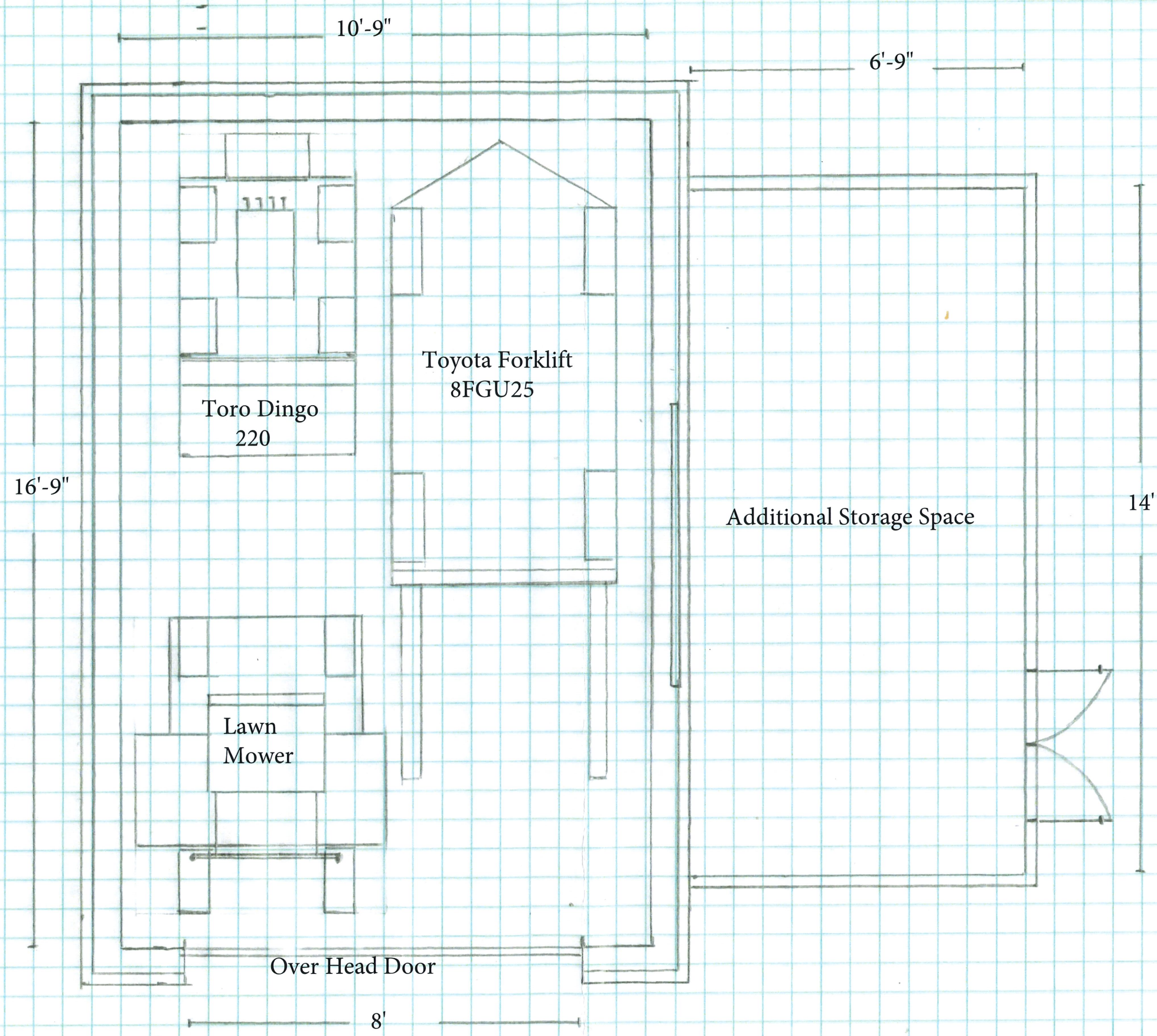
N/L LANDS OF ADRIENNE KUTNEY
U.P.L. #67-46-2
R.B. 8821, PG. 1202

Total Linear Ft. of Fence: 734'
1"x1" x 14 Gauge Wire
4' High 3 Rail Wood Horse Fence
All Gates swing into property.
Fence 6" inside of the property line.

Proposed 30'x25' Garage

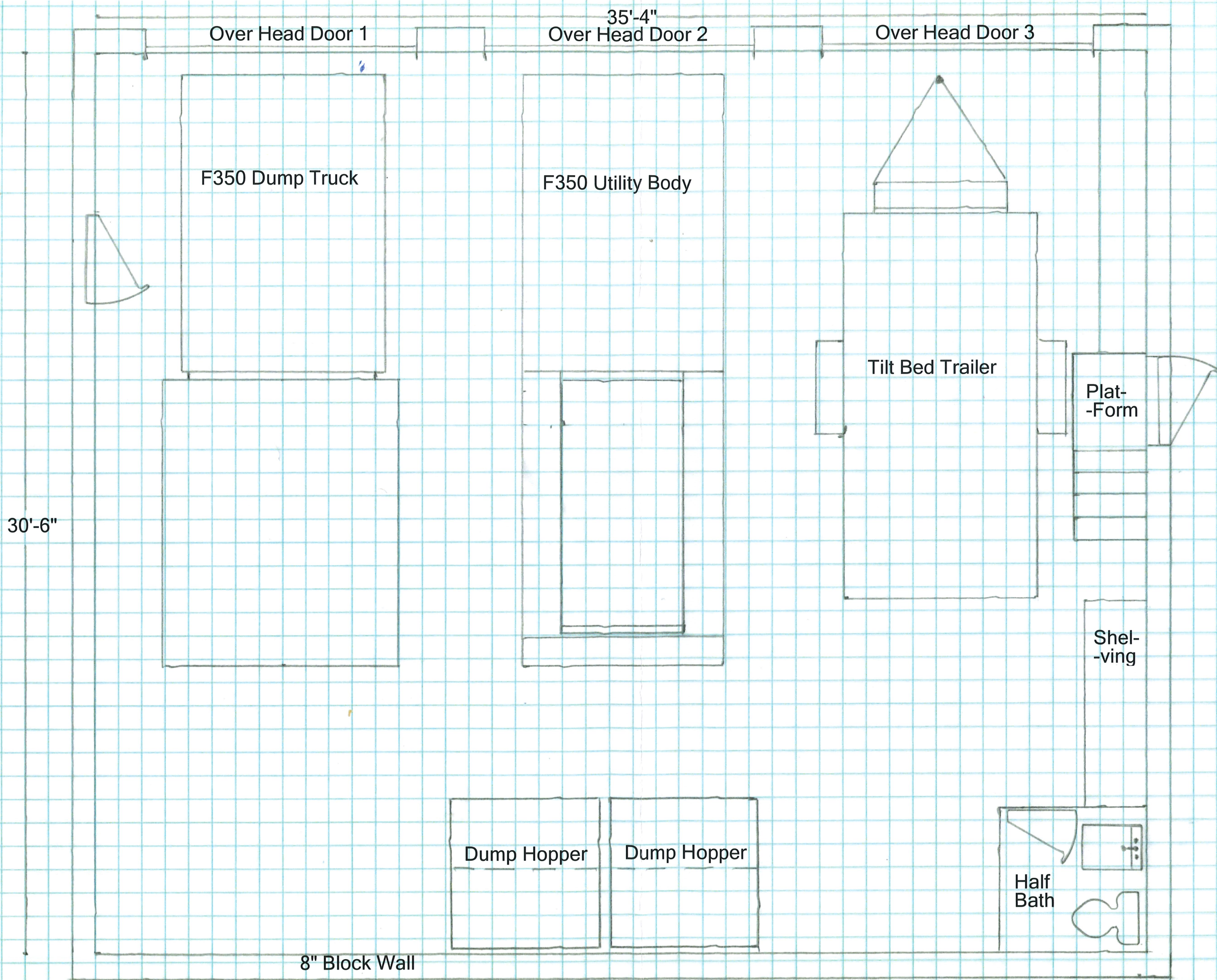
(4)

RECEIVED
NOV 16 2023
BY: _____



Chavous Family Detached Garage
1001 S. Walnut St.
West Chester, Pa 19382

Chavous Family Garage
1001 S. Walnut St.
West Chester, Pa 19382



RECEIVED
NOV 16 2023
BY: _____