

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, December 20 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](mailto:administration@westtown.org).

## Call to Order and Pledge of Allegiance

## Adoption of Agenda

## Approval of Minutes

Planning Commission Meeting December 6, 2023

## Announcements

1. Land development application for 1014 Wilmington Pike has been received on December 7, 2023.

## Public Comment – Non-Agenda Items

## Old Business

### **1. 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.

## New Business

### **1. Ordinance Amendments – 2024 Priorities**

An updated list of potential ordinance amendments needs discussion to set priorities for the next year.

## Public Comment

## Reports

1. Board of Supervisors Meeting December 18, 2023 – Jim Lees/Russ Hatton

## Adjournment

Next PC Meeting: **January 3, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Tuesday January 2, 2024, 7:30 PM – TBD**

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike  
Wednesday, December 6, 2023 – 7:00 PM

## **Present**

Commissioners – Russ Hatton (RH), Jack Embick (JE), Jim Lees (JL), Brian Knaub (BK), Kevin Flynn (KF), and Joseph Frisco (JF) were present. Tom Sennett (TS) was absent. Also present were Gerald DiNunzio, Township Fire Marshal, Stephen Wahrhaftig and Patrick McDonough, Historical Commission members.

## **Call to Order and Pledge of Allegiance**

Mr. Hatton called the meeting to order at 7:00 PM.

## **Adoption of Agenda (JE/JL) 6-0**

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

## **Approval of Minutes (JE/KF) 5-0-1**

Mr. Embick made a motion to adopt the meeting minutes from November 8, 2023. Mr. Flynn seconded. Mr. Frisco abstained. All were in favor of the motion.

## **Announcements**

1. Ms. Carter announced that special meeting for the Board to render an oral decision on the conditional use application for the Stokes Estate Flexible Development was scheduled for December 27, 2023 at 7pm.

## **Public Comment – Non Agenda Items**

None

## **Old Business**

### **1. Ordinance Amendments - Outdoor Burning**

Gerry DiNunzio summarized that he worked with Ms. Carter to address PC's comments on proposed language, which included editing definitions for recreational and ceremonial fire, adding definition for yard waste and applicable requirements, dimensions for the burning area, and clarification on how to contact a Fire Marshall. Mr. Flynn asked about the Chester County non-emergency 911 number. Mr. DiNunzio explained that when you call 911, it goes to the same dispatch room as calling the non-emergency number. Ms. Carter noted that the Chester County 911 was defined in the Code but not specified. Mr. Flynn suggested for the actual phone number to be included in the ordinance language. Mr. Embick asked about the notification process at the call center. Mr. DiNunzio explained that when you call 911 to notify about setting up a bonfire, the Fire Marshall gets alerted. Mr. Hatton recommended to include this number on the front page of the Township website. Ms. Carter proposed to have an article on outdoor burning in the newsletter. Mr. Embick pointed out that some of the language needs to be corrected and asked the reasons behind limiting fire pits to 44 inches in circumference. Mr. DiNunzio believed that it was the largest size available from the manufacturers. Mr. Embick asked whether Mr. DiNunzio was satisfied with the ordinance language from the enforcement perspective. Mr. DiNunzio responded that he was with minor changes as suggested by the PC to clarify some language. Mr. Embick wanted to verify whether suggested setbacks for fire pits and bonfires were satisfactory. Mr. DiNunzio believed they were. Mr. Flynn suggested to include "deck" where it specifies the required setbacks from buildings and structures to make it clearer. Mr. Hatton asked

about the penalties for noncompliance. Mr. DiNunzio noted that it was in the ordinance and it was a summary citation. Mr. Frisco asked whether there was a setback requirements from the property lines. Mr. DiNunzio believed there was not for bonfires. Mr. Embick suggested to add such setback for bonfires. Mr. DiNunzio agreed and proposed at least 20 feet setback for bonfires from the property lines. Mr. Embick also suggested to revise the section pertaining to fire bans due to drought conditions to add the Commonwealth and the County.

## **2. Ordinance Amendments – Managed Meadow**

Mr. Hatton explained that the purpose of the managed meadow ordinance is to assist the Zoning Officer in enforcing the Property Maintenance Code without having to fine residents who have such meadows in place. He recapped that the Code requirement is to keep the grass no higher than 10 inches, however, plantings within meadows are usually taller than that. He further noted that the proposed definition was purposely not very detailed and was limited to managing the invasive plants. Ms. Carter added that from the enforcement perspective if the area in question was being maintained and there were no apparent invasive plants, it could be classified as a meadow. She noted that there were revisions made to the proposed language to include setback requirements and requirement for a site plan upon request by the Township. Mr. Kevin asked how the traditional grass that is taller than 10 inches was different from a meadow. Mr. Embick referred to the proposed language that stated if the grass is taller than 10 inches and does not contain species identified on the most recent noxious weed control plants list adopted by the Pennsylvania Department of Environmental Protection (PA DEP), it would be considered a meadow. Mr. Embick expressed his support of requiring a plan.

**Motion to approve draft ordinance as amended regarding amending Chapter 170 Zoning of the Code of Westtown Township to permit managed meadows.** Mr. Lees asked whether the solicitor has approved it. Ms. Carter explained that it was reviewed except for the most recent changes which would be reviewed prior to the Board meeting. Mr. Lees seconded. All were in favor of the motion. (JE/JL) 6-1

## **New Business**

### **1. Sketch Plan Application – 1032 and 1036 Wilmington Pike**

Kurt Wolter, property owner of 1032 and 1036 Wilmington Pike, explained that he purchased the properties approximately 3-4 years ago with the intent to redevelop for a tenant, who walked away. Mr. Wolter had another prospective tenant for commercial use, for which the sketch plan was prepared, but who decided not to move forward. Mr. Wolter wanted to meet with the Planning Commission to discuss any concerns pertaining to the property and referred to the sketch plan depicting a potential layout of building, parking areas, circulation, landscaping buffer and an underground stormwater management facility.

Mr. Embick noted that the PC was advised there was a concern about a historic significance of the building, which is included on the Westtown Township Historic Resources list. Mr. Wolter believed the building was ready to tumble down and he intended to demolish it. He asked about the demolition process for historic resources. Mr. Hatton explained that the PC would rely on the Historical Commission (HC) to review the request and take photographs of the interior and exterior and to provide their opinion whether any building components were salvageable. He pointed out there was no restrictions preventing owners from demolishing historic structures. Mr. Wolter asked whether the next logical step was to touch base with the HC. Mr. Hatton believed that it was and pointed out that the HC was in the process of amending historic preservation ordinance which might impact the project. Ms. Carter provided an update that proposed language was under review by the solicitor, but believed that proposed changes did not restrict owners from demolishing historic structures. Mr. Embick asked whether Mr. Wolter knew about the historical significance of the property. Mr. Wolter acknowledged that he did not do that research. Mr. Embick further referred to the Pennsylvania Constitution, specifically to a provision

that, in his opinion, required townships to make sure that the historic values of the environment are maintained. Mr. Wolter asked whether it was a part of the process. Mr. Embick believed that it was a separate obligation that arises from the Constitution and not from the local ordinance.

Mr. Wolter described the current access to the property from Wilmington Pike and Old Wilmington Pike and asked for an opinion on proposed common ingress from Wilmington Pike and both ingress and egress from Cheyney Drive. Mr. Flynn asked why it was two separate parcels considering that they were both part of one former motel. Mr. Wolter explained that the properties were under separate ownership until the owners of 1032 Wilmington Pike bought the adjacent property. He confirmed that he intends to consolidate two parcels into one. Mr. Embick referred to the truck turning plan sheet and asked how the conflict would be managed between vehicles. Mr. Wolter acknowledged that it might be an issue to address. Mr. Hatton raised concerns about the impact of vehicles turning into the property from Wilmington Pike on traffic flow and safety. Mr. Wolter believed if that access was to be eliminated, vehicles would travel through Jacqueline and Cheyney Drive. Mr. Wolter also noted that there was a sign limiting speeds located at the entrance of Jacqueline Drive. Mr. Flynn raised concern about the impact of potential widening of Wilmington Pike on the future plans for the properties. Mr. Hatton believed it was not an issue as long as it didn't go beyond the right-of-way. Ms. Carter noted that pursuant to the ordinance, the future right-of-way for U.S. Route 202 is 120 feet. There was a discussion on the width of the right-of-way and future right-of-way. Mr. Hatton asked Mr. Wolter the reasons behind choosing retail land use for the properties. Mr. Wolter believed it would probably be a warehouse and/or distribution use with retail space. Mr. Lees asked about the access to public sewer. Mr. Wolter confirmed that he was in the process of connecting to the sewer main across Wilmington Pike. Mr. Flynn raised questions about the size of loading area noted on the sketch plan. There was a discussion on the sufficiency of depicted radius for truck turning. Mr. Embick noted that Albert Federico, Township traffic engineer, will have to weigh in on that. PC pointed out that historic structure has a potential to remain based on the sketch plan and location of access.

Gerald DiNunzio made a comment that the proposed layout would make it difficult to get the fire trucks behind the building. He also noted that there was no fire hydrant in close proximity. He suggested Mr. Wolter to address those.

Stephen Wahrhaftig expressed concerns regarding the historic property. He mentioned that the Township's records indicate that the building was built in 1795 and it was one of the oldest buildings on the Township's inventory. Mr. Wahrhaftig encourage Mr. Wolter to meet with the HC to consider changes to protect the building if practical. He pointed out that the HC members included architects who would be happy to visit the property and provide recommendations that might be financially advantageous. Mr. Embick asked whether there was any information in the files about the historic significance of the property other than the age. Mr. Wahrhaftig believed there was but he didn't have time to fully investigate.

Patrick McDonough noted that maintaining historic structure within its setback lines allows the property owner if he chooses to do so to utilize it for additional purposes. He explained that new building will be required to meet all setback requirements, but the existing could be renovated where it is.

## **2. ZHB Application – 1001 S Walnut Street**

Mr. Chavous, property owner of 1001 S Walnut Street, summarized his request for special exception for major home occupation to run his business, Chavous Custom Contracting, from his home. He explained that his business is currently located in Darby, but the site is not being utilized, because he and his family relocated to Westtown and he has to commute. Mr. Chavous believed that the existing house with a 3-car detached garage would accommodate his business. Mr. Flynn asked him to describe his business. Mr. Chavous explained that he is specializing in building decks since 2008 and only has 1 to 2 helpers on an occasional basis. Mr. Flynn

wondered about the storage of materials outside and the type of equipment to be stored. Mr. Chavous planned on storing all business related materials and equipment inside the existing structures and in the future, building another detached garage for more storage. He referred to the site plan that depicted future garage on the south side of the driveway. Mr. Hatton asked which areas his business served. Mr. Chavous acknowledged that it was predominantly in the City of Philadelphia and Delaware County. Mr. Embick noted that Mr. Chavous did not address the requirements for seeking a variance and suggested doing so prior to the hearing. He believed it would be challenging, because the property is already developed and nothing prevents Mr. Chavous from living there. He further pointed out that the reasoning behind the restrictions for major home occupation in residentially zoned district is to sustain the residential character of the neighborhood and noted that only one commercial vehicle is permitted under those requirements. Mr. Chavous stated that he had two commercial vehicles. Mr. Knaub asked whether trailer was considered a commercial vehicle. Mr. Embick believed it was the case. He suggested for Mr. Chavous to consider hiring an attorney to assist with presenting the case to the ZHB. Mr. Embick also pointed out that the future garage will need a variance from setback requirements as it is depicted too close to the side property line. Ms. Carter confirmed that the setback depends on the height of the structure. Mr. Embick wanted to verify the requests for variances. Ms. Carter confirmed the request is for parking of more than one commercial vehicle. There was a discussion on what would be considered a commercial vehicle. Ms. Carter believed that the terms "commercial vehicle" and "trailer" were not defined. Mr. Chavous recapped that he would keep all commercial vehicles inside and referred to the layout plans that showed how they would fit in. Mr. Lees asked whether the applicant would be able to manipulate all of that inside every day. Mr. Chavous said that he can. Mr. Lees asked whether Mr. Chavous talked to his neighbors about the proposal and strongly suggested to get support letters prior to the hearing. Mr. Chavous responded that he met the neighbors who complimented on the improvements he made to the property. Mr. Flynn raised a question whether it made a difference if vehicles were parked inside where no one could see them. Mr. Frisco raised a concern about any proposed visual barrier to block the view to the parking area. Mr. Chavous explained there was a maple tree which he intended on cutting down and suggested to put up the privacy fence. The PC agreed on making recommendation at the next meeting.

Patrick McDonough, 7 Oakbourne Road, raised several concerns pertaining to daily commercial vehicle and customer traffic, employee parking, and noise. Mr. Chavous explained there would be no customers coming to the property, potentially only one employee, and there was a pull off paved area along S Walnut Street that can accommodate two vehicles. Mr. Hatton suggested Mr. Chavous to address these items prior to the hearing.

### **Public Comment**

None

### **Reports**

1. Mr. Embick made the BOS report from the November 20 meeting.
2. Mr. Embick made the BOS report from the December 4 meeting.
3. Mr. Hatton made the EAC report from November 28 meeting.

### **Adjournment (JE/JL) 6-0**

The meeting was adjourned at 9:25 PM.

Respectfully submitted,  
Mila Carter  
Planning Commission Secretary

## ZONING HEARING BOARD APPLICATION SUMMARY

---

ZHB Case: #2023-12  
Date: November 30, 2023 (revised December 15, 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, which are nonconforming. 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 variances to permit parking for commercial vehicles. 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).

The Code does not provide a definition of “commercial vehicle”; however, the term shall be used to describe any vehicle that is used for commercial purposes. The Code provides a definition of “private garage”, which is “*an accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenants of the premises.*” Please note that the definition does not limit the types of motor vehicles to be stored in the garage. Per Section 170-1700.D, “*Front yard parking restriction. No motor home, travel trailer, boat, or boat trailer shall be parked within any front yard.*” Per

Section 167-2, *“It shall be unlawful to operate a motorcycle, minibike, trail bike, motor bike, snowmobile or other similar type motor vehicle in such a manner or at such time or times of the day as to cause an unreasonable annoyance and disturbance of the peace of the township and the citizens thereof.”* Section 170-1710 includes provisions for off-street loading to accommodate the loading and unloading of trucks, tractors, and trailers servicing any commercial, industrial, or large-scale residential or institutional use. Please note that under 170-1605.A(9) pertaining to home occupations, *“the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds gross registered vehicle weight.”*

### **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 3-4).

General standards for the granting of variances are contained within 170-2107 of the Township Zoning Code and are attached to this report as Attachment B (pages 5-6).

Home occupation regulations are contained within 170-1605 of the Township Zoning Code and are attached to this report as Attachment C (pages 7-12).

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission will continue to review this application at their meeting on December 20, 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.**

**§ 170-2107 Variances.**

- A. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application. The procedure shall be as follows:
- (1) A preliminary written application shall be filed with the Zoning Officer, who shall verify that the application is complete, and that the application is properly filed for a variance and not for a change to the Zoning Ordinance or Map concerning a use or district. If the latter is the case, the applicant shall be advised of the proper procedures, as stipulated by this chapter.
  - (2) Upon acceptance by the Zoning Officer that the application is complete, correct, and proper, a formal filing for consideration of the variance request shall be made by the Zoning Officer to the Zoning Hearing Board, together with the comments and recommendations of the Zoning Officer. Copies of the filing and comments shall be submitted to the Township Planning Commission and Board of Supervisors.
  - (3) A public hearing shall be properly advertised in accordance with the requirements established in § **170-2103** of this chapter.
  - (4) Prior to the public hearing, the Planning Commission shall submit its written comments and recommendations on the application to the Zoning Hearing Board, or a written statement that it chooses to make no comments and recommendations. When submitted, the comments of the Planning Commission shall be considered by the Board but shall not be binding. **[Amended 10-4-2021 by Ord. No. 2021-08]**
  - (5) Upon completion of the public hearing, the Board may grant a variance, provided that the procedures specified above are met and the following findings are made where relevant in a given case:
    - (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; and

- (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.
  
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter. The Board shall require that all other applicable land development regulations apply.

## **Attachment C.**

### **§ 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] A 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.



Fully Licensed and Insured  
 Philadelphia Contractor License #39607  
 PAHIC#070563

484-326-8202  
 info@chavouscustomcontracting.com

Dear Neighbors,

We are in the process of obtaining a special exception permit to run a major home operation from our residence at **1001 S Walnut Street**. We currently own and operate a family based residential contracting business to which we specialize in building decks in the surrounding areas. We are in compliance with all township ordinances with the exception of one. We have multiple commercial vehicles which are garage kept. We are requesting a variance to allow us permission to overlook this ordinance based on the vehicles being stored in an accessory structure. We are requesting signatures from our neighbors to present to the township to inform them that we have discussed this matter with you and that we have your support.

Sincerely,

Colin & Taj Chavous

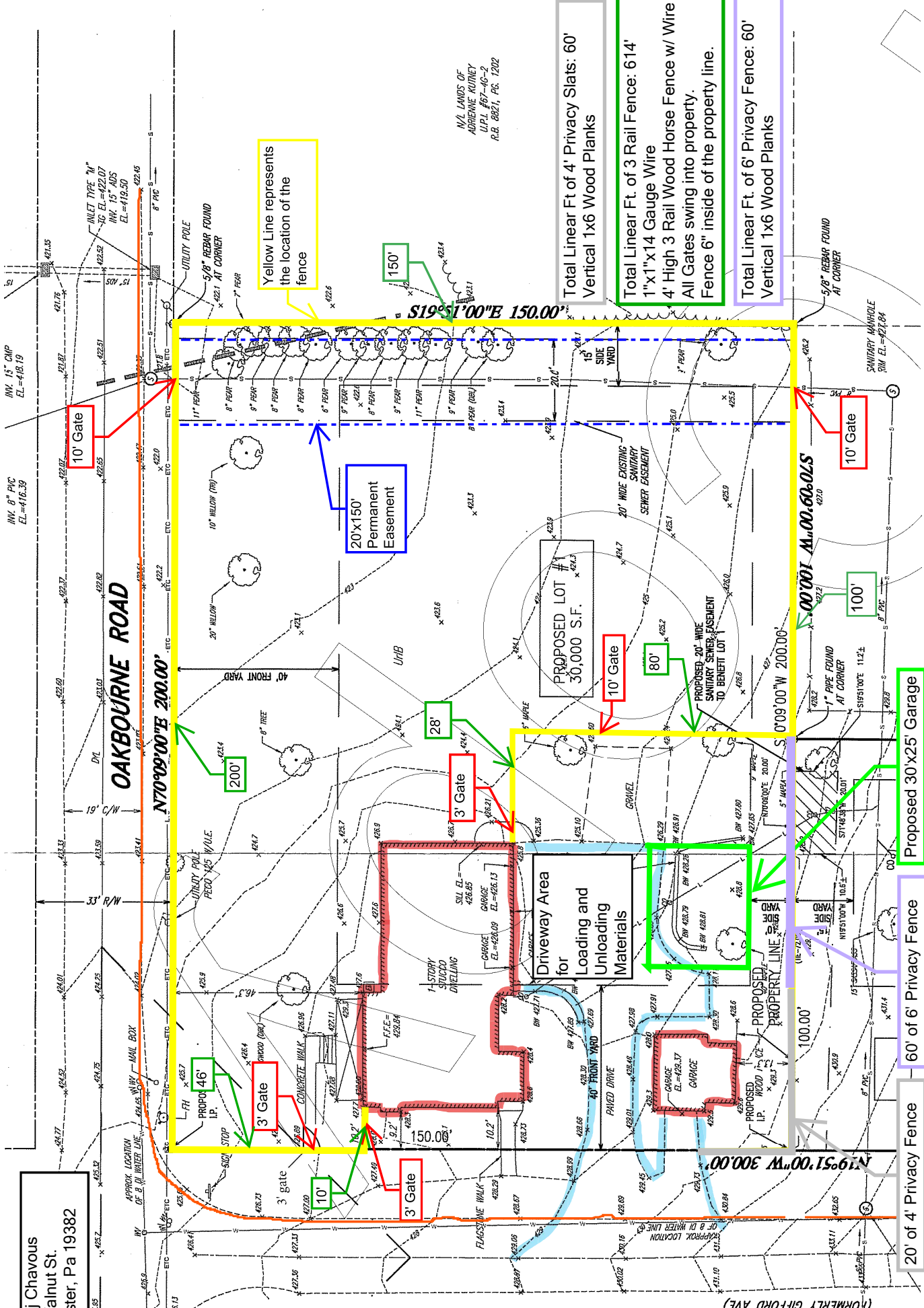
SIGNATURE	ADDRESS
Agton Rusi	101 Broadway Av W. Chester PA 19382
Tom Harter	103 Broadway Ave West Chester PA 19382
Steve Oakes	119 OAKBOURNE RD. W. C. PA. 19382
Jennifer Vandemark	1000 S Walnut St West Chester, PA 19382
Adrienne Kutney	104 Oakbourne Rd. West Chester, PA 19382
	14 Broadway WC 19382

Where Excellent Craftsmanship, Meets Care and Integrity.

[www.chavouscustomcontracting.com](http://www.chavouscustomcontracting.com)

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

S. WALNUT STREET  
(FORMERLY GIFFORD AVE)



Yellow Line represents the location of the fence

20'x150' Permanent Easement

Total Linear Ft of 4' Privacy Slats: 60'  
Vertical 1x6 Wood Planks

Total Linear Ft. of 3 Rail Fence: 614'  
1"x1"x14 Gauge Wire  
4' High 3 Rail Wood Horse Fence w/ Wire  
All Gates swing into property.  
Fence 6" inside of the property line.

Total Linear Ft. of 6' Privacy Fence: 60'  
Vertical 1x6 Wood Planks

Proposed 30'x25' Garage

60' of 6' Privacy Fence

20' of 4' Privacy Fence

PROPOSED LOT # 30,000 S.F.

PROPOSED 20' WIDE SANITARY SEWER EASEMENT TO BENEFIT LOT # 30,000 S.F.

OAKBOURNE ROAD

S. WALNUT STREET  
(FORMERLY GIFFORD AVE)

# List of Potential Amendments

Revised: December 15, 2023

	No. (Origination year-month)	Chapter	Section/Name	Description of Changes/Status	Source	Priority	Status (PC)
1	2001-08.1	170 Zoning	Buffers & Screening - MU and R-3 Districts	Present regulations generally require buffers between districts rather than between uses. (Except for commercial vs residential).	PC (EA)	3	
2	2001-08.2	149 SLDO	915 Driveways	PC has suggested on several occasions that the Board adopt a freestanding driveway ordinance.	MT (KM)	3	
3	2013-10	57 Building Code	Bi-Directional Antennas	Draft ordinance was complete in 2019; only need appropriate IBC reference. The Township uses 2009 IBC.	WEGO PD	1	ON HOLD
4	2015-07	170 Zoning	Residential Chicken Ord.	Was previously discussed and tabled; Consider regulations for chicken coops (?)		4	
5	2017-05	170 Zoning	Open Space standards under Flex. Development	When the Flexible Development option was added to the Ordinance, it included an extensive Open Space description -170-907. It was decided to refer the Open Space requirements in all other districts to this section in order to avoid repetition.	PC (EA)	3	
6	2017-08.3	170 Zoning	900 Flexible Development	170-904.C There are no lot size limits in Flex. For single-family dwellings, the only control of lot size is the requirement that there can be only 4 lots per acre in the area used for single-family dwellings (smallest lots could be just under 11,000 square feet).	PC (EA)	3	
7	2017-08.4	170 Zoning	1509 Storage	Reword this section to apply to residential situations; above ground storage tanks; storage pods	PC (EA)	1	ON HOLD
8	2017-08.5	170 Zoning	170-1513.B Interior circulation and streets minimum widths	Consider reducing the minimum paved width of streets on low traffic volume streets.	PC (EA)	3	NEEDS DISCUSSION

9	2017-09.1	149 SLDO	910 Street Construction	This section could be revised to remove the reference to "PennDOT Seldom Used Specifications 1983" and more appropriately Reference PennDOT Publication 46. <a href="#">Bob Flinchbaugh to provide edits</a>	MT (KM)	1	PENDING
10	2017-09.10	170 Zoning	1600 Supplemental Regulations	Consider adding MS4 Assist Regulations Recall the Maneri Property 1126 Kolbe Lane, Rustin and Crebilly CU	MT (KM)	3	
11	2017-09.11	149 SLDO	Design standards	Consider adding a Belgian Block Section of Code with detail.	MT (KM)	3	
12	2017-09.12	170 Zoning	1600 Supplemental Regulations	Parking has become popular for compact cars, oversized vehicle, electric vehicle, seniors citizen and new or expecting parents, multi-family, and residential uses. (rideshare parking)	MT (KM)	3	
13	2017-09.13	170 Zoning	1600 Supplemental Regulations	Truck Turning Templates are not required by ordinance and should be added to the preliminary/ final plan set requires. All vehicles for emergency response, delivery, trash, and recycling should be provided to major applications.	MT (KM)	3	
14	2017-09.15	170 Zoning	201 Definitions	The definition of "Lot Area" and "Tract Area" are treated differently in Zoning. Definition of lot area (proposed): The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. Such acreage shall be exclusive of the following: A. Any area used for gas, oil, natural gas, electric, or communications transmission facilities, whether below or aboveground, that do not serve the lot or lots traversed. B. Any area within a street or other transportation right-of-way, existing or proposed. C. Any area within a permanent drainage easement. D. Every lot created by subdivision shall have a contiguous and uninterrupted area equal to 75% of the minimum lot area required by the applicable zoning district, which is unencumbered by wetlands, one-hundred-year floodplains, steep slopes and/or stormwater management basins/facilities.	MT (KM)	2	
15	2017-09.2	149 SLDO	910.D Paving - Bituminous Surface Course ID-2A	This section could be revised to remove the reference to Bituminous Surface Course ID-2A. This section should be completely re-written to include a modern specification of the Superior Asphalt Paving System (Superpave). <a href="#">Bob Flinchbaugh to provide edits</a>	MT (KM)	1	PENDING

16	2017-09.5	149 SLDO	Administrative Preliminary or Final Waivers	Modern applications contain so much information that the boundary between preliminary and final has become almost negligible as far as engineering detail. Rarely have I seen a request for a waiver from preliminary to prelim/final denied.	MT (KM)		
17	2017-09.6	149 SLDO	925.I.5 Landscaping requirements and standards	Street Trees within 5 feet of property and within 10 feet of side lot lines; Rustin Residential: §149-925-I.5 – Street Trees within 10 feet of side lot lines.	MT (KM)		
18	2017-09.9	170 Zoning	1600 Supplemental Regulations	Consider adding Drive Thru Regulations Recall Dunkin’ Donuts	MT (KM)	3	
19	2019 -1	170 Zoning	201 Definitions	Add definition for “Boarding home(s)”	PC	1	
20	2019-01		Sidewalks	(discussed)	PC		
21	2019-03	170 Zoning	1700 Off-street parking	Times, circumstances, streets, locations, rideshare parking locations	Twp (WE)	4	
22	2019-04	149 SLDO	405 Commencement of development	Add times and days of the week, 149-404?	PC		
23	2019-05	170 Zoning	201 Definitions	Add definition: “All usable space within a dwelling unit without netting out any space unless it is not capable of being lived in.” (Examples of spaces to exclude: hvac closets, unfinished basements, unfinished attics)	PC		
24	2019-06	170 Zoning	201 Definitions	Add definition for Business or trade school	WE		
25	2020-11	170 Zoning	201 Definitions	Add definition or clarification to existing definitions of “building area” and “floor area” to include more details about “breezeway”	MR & JS		

26	2020-11	170 Zoning	201 Definitions	Add definition and subsequent regulations regarding "self-storage facilities"	RH		
27	2021-01	170 Zoning	1806.F.4.a	Specify which "right-of-way" (existing, legal or future)	JS		
28	2023-01	170 Zoning	201 Definitions 1507 Landscaping and site design	Add provisions for managed meadow (inconsistency with the PMC)	EAC		APPROVED 12/08/23
29	2023-03	170 Zoning	1603.B Uses accessory to agriculture	Potential to revise the language to make it more specific; "50% of products"	MC		
30	2023-04.1	170 Zoning	2103 Hearings (ZHB)	Notice to multi-family dwellings, condos process (multiple units)	ZHB Solicitor		
31	2023-04.2	170 Zoning	1603 Accessory uses and structures	Consider clarifying the definition of ADU; permanent food preparation facilities; laundry areas?	MC		
32	2023-05	170 Zoning	1605 Home occupations	Consider adding beekeeping as permitted minor home occupation	MC		
33	2023-05	63 Burning	Outdoor Burning	Revise ordinance to clarify the use of fire pits	EMC		Discussed 12/8/23
34	2023-06	170 Zoning	1603 Accessory uses and structures	Consider provisions for enclosed garden structures (high visibility on all sides)	MC		
35	2023-08	149 SLDO	201 Definitions	Definition of land development; minor land development (?)	MC		

36	2023-08	170 Zoning	1505 Fences	Considerations for deer fences and other changes (height of fences?)	MC		UNDER DISCUSSION
37	2023-10	170 Zoning	1511 Establishment of future right-of-way widths for streets	Consider changing the language to only regulate dedicated ROWs	ZHB Solicitor		
38	2023-10	170 Zoning	1605 Home occupations	Revise 1605.A(1) that states "within the dwelling"; occupations within detached structures ?	MC		
39	2023-10	170 Zoning	1614 Bus shelters	Connection to existing sidewalk, pedestrian facility req.	MC		
40	2023-12.1	170 Zoning	2400 Historic Preservation	Review proposed draft changes to the ordinance	HC		TWP SOLICITOR
41	2023-12.2	170 Zoning	201 Definitions	Consider adding entertainment, fast-food, and/or restaurant (parking requirements)	Twp. Solicitor		
42	2023-12.3	170 Zoning	201 Definitions	Definition of impervious surface; consistency with SW ordinance (pervious pavement, gravel areas and etc.)	MC		
43	2023-12.5	170 Zoning	1618 Renewable energy systems	Consider specific setbacks for accessory ground-mounted solar; bldgs and structures on historic resources list; conflicts with SW ordinance; setbacks are too extreme?;	MC		
44	unk.	149 SLDO	300 Application Procedures	Numerous administrative updates related to plan submission, # of copies required (currently 16 hard copies), correct outdated terminology. Also want to include standards for plan revision which don't exist now to better formalize review procedures/timeline.	MD		
45	unk.	149 SLDO	201 Definitions	Add definition for specimen trees	MD		



46	unk.	149 SLDO	924 Existing trees	§149-924.D which would require a separate tree protection plan.	MT (KM)		
47	unk.	149 SLDO	925 Landscaping requirements and standards	Add provisions for setbacks and size of trees from power lines	MD		
48	unk.	170 Zoning	201 Definitions	Attached vs. Detached structures connected via breezeway – how do we want to define them and how it relates to the size of garages and setbacks	WE		Discussed 7/7/21
49	unk.	170 Zoning	401 Floodplain Regulations	Based on comments received during review in 2017, PC members indicated a desire to make some changes with Beth Uhler’ assistance		3	
50	unk.	170 Zoning	904 Flexible Development	170-904. E. (3). (10) Setbacks - The only setback regulations for dwellings in Flex are 30 feet behind the curb line and 30-foot separation between structures. This applies to decks, sheds, and even dwellings. (Not to swimming pools, however.)	PC (EA)		
51	unk.	170 Zoning	907 Open space standards	While there are requirements for some portion of the Open Space be useable for active recreation, storm water management often occupies a significant area. Revising the open space definition and regulations has been suggested. Establishment of an Open Space fund, clarification of in lieu of fees			
52	unk.	170 Zoning	Uses - M-U District	Possibility for problems in MU and R-3 districts where residential and non-residential uses are permitted. The MU District is presently developed as residential except for one tract (5 acres?) currently industrial, which could be redeveloped for any use permitted in the C1 District.			