Westtown Township

PO Box 79 Westtown, PA 19395

Zoning Hearing Board Application

	Township Use Only	- A R				
Date Received:		P: 610.692.1930				
Parcel ID:		F. (40 (02 0(F)				
Date Paid:		■ www.westtownpa.org				
Hearing Date:						
Dates Advertised:		RECEIVE				
		JUL 2 0 2023				
Applicant & Owner Information						
Applicant <u>Kahn Wiedis + Sirehan Bayrak</u> Phone <u>610-350-8130</u> Property Address <u>1131 S. Chester Road</u> City <u>West Chester</u> zip <u>19382</u>						
E-mail Nuclis & 9	oodwinlaw. com					
Property Owner <u>Same</u> as	Above Phone_					
(if different from Applicant)						
(if different from Property Address)	Mailing AddressCity, Zip					
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 Zoning Ordin						
Section 2106: Challenge to Developmen						
Section 2107: Variances _						
Section 2108: Special Exceptions 170-1605 (G) (4)						

lease provide a narrative of your request in an attachment that includes all required information and any othe	r
upporting documentation.	

1.	Property information	Setbacks of existing primary or accessory structure(s)
	Lot Size: 1.292 acres	
	Existing property use: 2 ^m	Floor Apartment w/ Photography Studio on 1st Floor
	Existing structure(s):	Story Building

- 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 These costs may include compensation for the secretary and members of Board, notice and advertising costs, and necessary administrative overhead Hearing. Funds deposited in excess of the actual cost of the requested hearing the applicant upon completion of the proceedings.	of the Zoning Hearing ad connected with the
FEE SCHEDULE Variance, Special Exception — \$850 Appeal from the Zoning Officer, Challenge to the Flex Development Procedu. Challenge to the Zoning Ordinance/Map — \$2,500	re — \$850
CERTIFICATION	
Please review and certify the following information.	
In the event that the costs of the hearing exceed the funds deposited, the Approximation Township funds equal to such excess costs within thirty (30) days of the Failure to deposit the additional funds shall be just reasons for terminating the	plicant shall pay to the Township's request.
✓ I agree to pay additional funds (if necessary) as requested by the To	ownship.
The Zoning Officer and Zoning Hearing Board may request addition documentation to prepare for said hearing.	onal information and
By checking this box, I certify that the information presented in this a attachments is true and correct.	application and all
Please ensure the following documents have been included in your appl	ication 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 surveyor. Any measurements/setbacks should be accurate and clearly depict or elevations. If the applicant's plans are larger than 11" x 17", the applicant replans reduced to no larger than 11" x 17". Digital copies of plan sets shall be	ted on provided plot plans must submit one set of
Any additional photos or supporting documentation (optional)	
Applications may be submitted in person, mailed, or electronically as a PDF. I must be submitted before an application can be accepted for review.	Γhe application fee
Signature of APPLICANT	Date
Print Name Sinchan Bayrak	
Signature of OWNER (If different from applicant)	Date 7 M 127

BEFORE THE ZONING HEARING BOARD OF WESTTOWN TOWNSHIP

In re: Request for Special Exception for Major Home Occupation at 1131 S. Chester Road by Kahn R. Wiedis & Dr. Sinehan Bayrak

APPLICANTS' NARRATIVE IN SUPPORT OF SPECIAL EXCEPTION REQUEST

I. INTRODUCTION

Applicants, Kahn R. Wiedis, Esquire & Dr. Sinehan Bayrak, MD ("Applicants"), are equitable owners of 1131 South Chester Road, Westtown Township, Chester County, Pennsylvania, being UPI # 67-3-140.1 (the "Property"). The Property consists of approximately 1.2 acres in the R-1 zoning district and is located on the corner of South Chester Road and East Street Road in Westtown Township. Applicants became owners of the Property on July 14, 2023. A copy of the deed is attached hereto as Exhibit "A". Applicants submit this application seeking a Special Exception for relief from the strict enforcement of the R-1 zoning code.

II. PROPERTY BACKGROUND & HISTORY

The Property is a corner lot located at the intersection of two arterial roadways, South Chester Road and East Street Road. The lot has one entranceway located on the southeast side of the Property on East Street Road. The Property is bordered to the north by Wynnorr Farm, a large farm consisting of approximately fifty acres that produces crops and is used as the site of a busy fall harvest festival.

Previous owners David and Michele Gifford took ownership of the Property in a deed dated September 27, 1983. Marketed as a residence, studio, and office, the Property was formerly used as a four bedroom residence. In 2006, the Giffords sought and were given approval for a Special Exception for a Major Home Occupation to use the lower level of the Property as a photography studio. A copy of the 2006 site plan is attached hereto as Exhibit "B". Since 2006, the Property

has been used by Gifford Photography as a photography studio with an upstairs apartment residence.

III. SUMMARY OF RELIEF REQUESTED

Pursuant to § 170-1605(G)(4) of the Westtown Township Zoning Ordinance, Applicants seek a Special Exception for a Major Home Occupation at the intersection of two arterial streets. The Property is currently zoned residential but was granted a Special Exception for a Major Home Occupation use as a dwelling with a downstairs photography studio in 2006. Applicants seek nothing further than continued use of the Property as a residence and business.

Applicants seek no changes to the current nature of the property in order to convert its existing use from a dwelling and photography studio to a dwelling and a sole practitioner's medical office. See § 170-1605(G)(3)(b). Applicants will be the residents of the second floor dwelling area and the office will be used by Bayrak Plastic Surgery (the "Practice"). The Practice is a boutique, concierge facial plastic surgery practice focusing exclusively on both surgical and non-surgical cosmetic treatments for the face and neck. In-office activities at the Property would only include patient consultations, post-procedure follow-up visits, and non-surgical cosmetic enhancements, such as Botox injections. Any surgical interventions will be performed at a variety of local outpatient surgery centers.

The Practice is solely owned and operated by Applicant, Sinehan Bayrak, MD. Dr. Bayrak is the only employee and has no current plans to expand the Practice. Dr. Bayrak plans to see approximately seven to ten patients per day, three to four days a week, during normal business hours of 9 a.m. to 5 p.m. The Practice prides itself on one-on-one attention and, therefore, patients are never double-booked, and more than one patient is rarely on-site at any given moment in the interest of maintaining the privacy of the patient and the exclusivity of the services provided.

Because there is only one patient on-site at a time, there is no need for additional parking. This also alleviates any concern that the change from the photography studio to the medical practice will cause any disruption to the current traffic pattern at the intersection. Further, there will be no medical pick up or delivery at the Property, nor will there be any ambulance or paratransit services to or from the Property. No waste or supplies will be stored outside the building. Most importantly, conversion from the photography studio to the medical practice will involve no exterior alterations, preserving the beauty of the Property and the Westtown Township Comprehensive Plan.

In conclusion, Applicants respectfully request a Special Exception from the strict enforcement of the R-1 provisions set forth in the Westtown Township Zoning Ordinance.

Respectfully submitted,

Date: 7/20/2073

Charles W. Proctor, III, Esq.

Proctor Vakil & McGuigan PC 1450 E. Boot Road, Building 400D West Chester, PA 19380

(p) 484-473-8102

(f) 484-473-8120

Attorney for Applicants

EXHIBIT A

Prepared By / Return To: Industrial Valley Abstract Company 1450 East Boot Road, Building 400, Suite D West Chester, PA 19380 Phone: (484) 473-8108 Fax: (484) 473-8120

FILE No. 41475

Property Address: 1131 South Chester Road, West Chester, PA 19382

Township of Westtown, Chester County

UPI No. 67-3-140.1

Deed

THIS INDENTURE made the ______ day of July in the year of our Lord, Two Thousand and Twenty-Three (2023).

BETWEEN

DAVID E. GIFFORD and MICHELE M. GIFFORD, husband and wife hereinafter called the Grantors, party of the one part,

AND

KAHN WIEDIS, unmarried man, and SINEHAN BAYRAK, unmarried woman

hereinafter called the Grantees, party of the other part,

WITNESSETH that the said Grantors for and in consideration of the sum of Five Hundred Eighty-Five Thousand Dollars (\$585,000.00), lawful money of the United States of America unto them well and truly paid by the said Grantees, their heirs and assigns, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantees, their heirs and assigns, in fee, as tenants in common, each with an undivided 50% interest in the property.

ALL THAT CERTAIN parcel situated at the Northeast corner of Street Road (Rte 926) and Chester Road (Rte 352), Westtown Township, Chester County, PA.

BEGINNING at the point of intersection of the center line of the right of way of Street Road (Rte 926) with the title line in the bed of the right of way of Chester Road (Rte 352) thence from the said point of beginning and along the title line in the bed of the right of way of Chester Road, North 39 degrees 27 minutes 20 seconds West, 193.40 feet to a point; thence leaving the aforementioned title line North 59 degrees 41 minutes 20 seconds East, 406.65 feet to a point; thence South 39 degrees 27 minutes 20 seconds East, 91.23 feet to a point in the center line of the right of way of Street Road aforementioned; thence along the same, the three following

courses and distances: (1) South 46 degrees 45 minutes 40 seconds West, 80.26 feet to a point; (2) South 46 degrees 07 minutes 40 seconds West, 108.44 feet to a point; and (3) South 44 degrees 09 minutes 10 seconds West, 214.61 feet to the first mentioned point and place of BEGINNING.

CONTAINING 1.292 acres, more or less.

BEING UPI No. 67-3-140.1.

BEING THE SAME PREMISES WHICH Amarilla Jane Kennedy by Deed dated September 27, 1983 and subsequently recorded September 30, 1983 in and for the Office of the Recorder of Deeds of Chester County in Record Book F62, Page 290, granted and conveyed unto David E. Gifford and Michele M. Gifford, husband and wife, in fee, as tenants by entirety.

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any way appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest property, claim and demand whatsoever of the said Grantors, them, as well at law as in equity, of, in and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground with the buildings and improvements thereon erected hereditaments and premises hereby granted, or mentioned, and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever, in fee, as tenants in common, each with an undivided 50% interest in the property.

AND the said Grantors, their heirs and assigns do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these premises, that they, the said Grantors, their heirs and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, against them, the said Grantors, their heirs and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under them, or any of them, shall and will WARRANT and forever DEFEND.

GRANTORS:

David E. Gifford and Michele M. Gifford, husband and wife

GRANTEES:

Kahn Wiedis, unmarried man, and Sinehan Bayrak, unmarried woman

PROPERTY:

1131 South Chester Road, West Chester, PA 19382

Township of Westtown, Chester County

UPI NO.

67-3-140.1

RECORD AND RETURN TO:

Industrial Valley Abstract Company 1450 East Boot Road, Building 400, Suite D West Chester, PA 19380 Phone: (484) 473-8108 Fax: (484) 473-8120

CERTIFICATE OF RESIDENCE

We do hereby certify that the correct address of the within-named Grantees is: <u>1131</u> South Chester Road, West Chester, PA 19382.

Witness our hand this <u>hand</u> day of July, 2023.

Kahn Wiedis

Sinehan/Bayrak

IN WITNESS WHEREOF the undersigned Grantors have executed this Deed the Day and year first above written.

MFM WITNESS	David E. Gifford			
Michael Mc Srigger WITNESS	Michele M. Gifford			
COUNTY OF	A : SS			
On this, the day of July, 2023, before me, a Notary Public, the undersigned officer personally appeared DAVID E. GIFFORD and MICHELE M. GIFFORD, husband and wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes				

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

Notary Public

therein contained.

My Commission Expires: //27.24

Commonwealth of Pennsylvania - Notary Seal Cindy M. Cochran, Notary Public Chester County

My commission expires November 27, 2024 Commission number 1272871

Member, Pennsylvania Association of Notaries

EXHIBIT B











