

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, November 6, 2024 – 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

1. Planning Commission Meeting September 18, 2024
2. Planning Commission Meeting October 23, 2024

Announcements

Public Comment – Non-Agenda Items

New Business

1. ZHB Application – 1001 S Walnut Street

The applicants, Colin and Taj Chavous, are seeking a variance relief from the required minimum lot area in an effort to potentially subdivide and further develop the property, creating a second lot for the subsequent development of a single-family detached dwelling. The 0.69 acre parcel is located at the corner of South Walnut Street and Oakbourne Road in the R-2 Residential Zoning District, where the minimum lot area for single-family dwellings with both public water and sewer is 22,000 square feet. The property is improved with a single-family detached dwelling, detached garage and driveway, and is serviced by public water and sewer. The Zoning Hearing Board hearing date is TBD.

2. ZHB Application – 1646 West Chester Pike

The applicant, 1646 Slate Building LLC, is seeking a special exception to expand the legal nonconforming use of the ice hockey rink, which was previously granted by the Zoning Hearing Board. The subject property is a condominium Unit #6 (UPI. 67-3-132.9) improved with a one story building that is serviced by public water and sewer located within the business center in the R-3 Residence-Office District. The Zoning Hearing Board hearing is scheduled for December 12, 2024.

Old Business

Public Comment

Reports

1. Board of Supervisors Meeting November 4, 2024 – Tom Sennett/Jim Lees

Adjournment

Next PC Meeting:

- **November 20, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday November 18, 2024, 7:30 PM** – Joe Frisco/Kevin Flynn

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, September 18, 2024 – 7:00 PM

Present

Commissioners Russ Hatton (RH), Brian Knaub (BK), Jim Lees (JL), and Kevin Flynn (KF). Absent were Tom Sennett (TS), Joseph Frisco (JF), and Jack Embick (JE). Township Manager and Director of Planning & Zoning Mila Carter was also present.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:02 PM.

Adoption of Agenda (KF/JL) 4-0

Mr. Flynn made a motion to adopt the agenda. Mr. Lees seconded. Ms. Carter informed the Commission that the applicant for the land development application for a new bank at the Westtown Marketplace will not be in attendance tonight, but is expected at the next meeting. Mr. Flynn made a motion to adopt agenda with revisions. Mr. Lees seconded. All were in favor of the motion.

Approval of Minutes

1. Mr. Flynn made a motion to adopt meeting minutes from September 4, 2024. Mr. Lees seconded. All were in favor of the motion. (KF/JL) 4-0

Announcements

None.

Public Comment – Non Agenda Items

None.

New Business

1. Ordinance Amendments – Digital Displays

Mr. Hatton explained that the Planning Commission continues its discussion on potential amendments to zoning regulations, Article XVIII Signs, pertaining to signs located on lots with institutional uses and general regulations on sign illumination options, including digital displays. Mr. Hatton noted that Ms. Carter provided several materials with recommendations and summary of ordinance provisions in other municipalities. Ms. Carter provided that her focus was to do an in-depth look at various considerations such as setbacks, lighting, duration of lighting, messages, size, placement and usage of digital signs. She added that the Township currently permits digital displays on lots with commercial uses and on lots with principal educational use. She explained that it was aligned with other municipalities that allow such signage in commercially zoned areas or areas with institutional overlay or along roadways with higher functional classification. Ms. Carter noted that majority did not allow for digital displays in residentially zoned areas. Ms. Carter suggested for the Commission to consider limiting digital signs to lots with frontage on major roadways, such as Routes 3, 202 and 352.

Mr. Knaub recapped that at the Board's meeting, Supervisor Pomerantz asked about the status of the digital display amendments and suggested for the police department to provide some input on distraction and safety pertaining to digital displays. He also noted that Chief Bernot responded at that meeting that she provided her feedback. Ms. Carter confirmed that Chief Bernot noted her response to Steve Crum, who is representing Advent Lutheran Church, that she had no objections to the proposed revision that would allow placement of digital display on lots with religious uses and that she felt it would enhance safety in the communities by utilizing such signage for communications during emergency incidents. Mr. Knaub also provided that Supervisors asked whether churches would be allowed to use new signs for business

advertisements to which Mr. Knaub responded that the Commission discussed the use of digital displays for public notices during emergency situations, which the churches were willing to do.

Mr. Hatton asked whether the Township does any alerts on the billboard. Ms. Carter did not know whether the existing billboard was used for emergency messaging. She noted that when it was installed, the Township was permitted to advertise the Township events, but then that collaboration ceased at some point. Ms. Carter added that the digital display itself is now owned by Outfront. Mr. Hatton wondered whether digital display is the same as the billboard. Ms. Carter noted that in her research she only came across one ordinance where the terms of billboard and digital display were used interchangeably, while others differentiated between two terms.

Mr. Knaub believed that there is not much residential at Route 325 where Advent Lutheran is and a small amount of residential at Route 202 where Westminster Presbyterian is. He reasoned there will be a minimum impact by digital signs on residential properties at these locations. Ms. Carter explained that Advent Lutheran is located in R-1 Residential district and Westminster Presbyterian is in A/C Agricultural/Cluster Residential district and noted neighboring residential areas. She pointed out that both churches have frontages on major arterial roadways, which might be used as a distinctive element in ordinance regulations.

Mr. Flynn asked about the signage at the park and how it was different. Ms. Carter explained there were different provisions for signage on lots with parks and open space. She pointed out that the sign at Oakbourne Park is a message sign with monochromatic display. Mr. Flynn was concerned that any changes to digital display provisions will have an adverse impact on where they can be placed. Ms. Carter recapped that the purpose of amendments is whether to permit digital displays on lots with religious uses and to evaluate any other requirements pertaining to technical or other aspects of digital displays as requested by the Commission.

Mr. Hatton had questions about how the use of specific signs is regulated currently and wondered whether there were opportunities for changes. Ms. Carter summarized the extent of current regulations. Mr. Hatton asked about permit review pertaining to signs considering the way the existing ordinance is structured. Ms. Carter did not believe there was an issue with the organizational structure of the ordinance.

Mr. Lees asked which considerations Ms. Carter felt strongly about. Ms. Carter believed that additional provisions pertaining to long-term maintenance, specified point of contact for digital display operations, and other preventative measures to address brightness were worthy of considering. Mr. Lees wondered whether they can be included as a checklist on the permit application. Ms. Carter agreed. Rob Legassie, representative from Watchfire signs, noted that brightness can be controlled within the software to be whatever is required. Ms. Carter referred to the existing requirements for brightness and pointed out that luminance measurements in nits, which is a unit of measurement that equals one candela per square meter, can be added, because it seemed to be a standard within the sign industry. Mr. Flynn asked about the message sequencing. Mr. Legassie noted that it was the timing between the messages to eliminate flashing, blinking or scrolling. He provided that many municipalities prohibit such activities. Mr. Flynn asked whether we can control business advertisements and political messages. Ms. Carter noted that the Township cannot control the content.

Mr. Hatton wondered about the allowable height and size of digital displays. Ms. Carter provided that these dimensions relate to the use and location of the sign and functional classification of adjacent roadway. She noted that if there are pedestrian facilities involved, recommendation was not to exceed 6 feet in height to maintain human scale. Ms. Carter recapped that currently digital displays are limited to no more than 30% of the total sign area permitted on the site. Steve Crum, representative with Advent Lutheran Church, said that the sign will be compliant with the size requirement. He provided a rendering of a proposed sign with the digital display.

Mr. Hatton asked about the specifics of the software program for proposed digital displays and

how quickly its functionality can be adjusted. Mr. Legassie noted that it was a cloud-based system that customers have an access to. He believed that adjustments can be done quickly.

Mr. Hatton raised a question about additional setbacks for digital displays and automatic dimming capabilities. Ms. Carter noted that setbacks are arbitrary and generally, as long as there is no encroachment into right-of-ways and easement areas, there might not be a reason for additional setback. Mr. Legassie said he would look into that but he believed that automatic dimming can be set.

Mr. Crum asked whether the Commission would consider recommending an amendment to allow the use of digital displays on lots with religious use at this time. He feared that it might take longer if the Commission is to evaluate various aspects of digital displays. Mr. Hatton believed that it was important to ensure there was no conflict and take this opportunity to make other needed changes. Ms. Carter suggested to prepare draft ordinance to review at the next meeting. The Commission agreed.

Old Business

None

Public Comment

None

Reports

1. Mr. Knaub provided the BOS report from September 16th meeting.

Adjournment (JL/BK) 4-0

The meeting was adjourned at 8:07 PM.

Next PC Meeting:

- **October 9, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday October 7, 2024, 7:30 PM – Russ Hatton/Jack Embick**

Respectfully submitted,
Mila Carter
Planning Commission Secretary

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, October 23, 2024 – 7:00 PM

Present

Commissioners, Jack Embick (JE), Tom Sennett (TS), Brian Knaub (BK), Jim Lees (JL), Joseph Frisco (JF). Absent were Russ Hatton (RH), and Kevin Flynn (KF). Township Manager and Director of Planning & Zoning Mila Carter was also present.

Call to Order and Pledge of Allegiance

Mr. Embick called the meeting to order at 7:01 PM.

Adoption of Agenda (TS/JL) 5-0

Mr. Embick proposed to change the order of discussion items to accommodate those in attendance. Mr. Sennett made a motion to adopt agenda with modifications. Mr. Lees seconded. All were in favor of the motion.

Approval of Minutes

1. The meeting minutes from September 18, 2024 have been tabled due to lack of quorum.
2. Mr. Knaub made a motion to adopt the minutes from October 9, 2024. Mr. Embick suggested a few grammatical corrections. Mr. Knaub amended the motion to adopt the minutes with corrections. Mr. Lees seconded. All were in favor of the motion, except for Mr. Sennett who abstained. (BK/JL) 4-0-1

Announcements

1. Ms. Carter announced that the Township, with the assistance of Cedarville Engineering Group, completed a draft 5-year plan for the Goose Creek Total Maximum Daily Load (TMDL) and Pollution Reduction Plan (PRP), which includes a list of projects for the Township to implement in order to meet its obligations for reductions under the MS4 permit cycle. The proposed projects include the Pleasant Grove stream restoration at Blenheim Road, the Radley Run stream restoration project off South New Street in partnership with the Brandywine Red Clay Alliance, and the future conversion of 132 acres of agricultural land into a meadow at Crebilly Farm. Ms. Carter noted that the public comment period on the 5-year plan is open until November 18th.
2. Ms. Carter announced that the Township is in receipt of the Zoning Hearing Board application for special exception to expand the nonconforming use of ice hockey rink at 1646 West Chester Pike. She summarized that the applicant proposes to convert the area that is currently used for dehumidifier to additional locker rooms.
3. Ms. Carter also noted that there is a pending Zoning Hearing Board application for a variance from the minimum lot size for a future two-lot subdivision.

Public Comment – Non Agenda Items

None.

Old Business

1. Land Development Application – 1506 West Chester Pike

Mr. Embick recapped that the applicant, Westtown AM West TIC, LLC, has submitted a revised land development application for construction of a one-story 3,294 square foot bank with drive-up ATM, 12 parking spaces, lighting, landscaping, signage and underground stormwater basin at the northeastern corner of the Westtown Marketplace shopping center.

He explained that the applicant also proposes to install painted crosswalk, concrete sidewalk, and ADA complaint ramp to connect the existing pedestrian walkway along the front of the main building across the parking lot to the current bus stop located at West Chester Pike.

Gregg Adelman, the applicant's attorney, summarized that the only outstanding items noted by the Township consultants were those related to stormwater management review, construction costs estimates, landscaping requirements and modifications to the existing bus stop. He believed that items noted in the review letter by Bob Flinchbaugh, the Township Engineer, were minor in nature and will be complied with or agreed upon. Mr. Adelman further noted that the applicant recognized the need for making improvements to the bus stop, therefore, proposed to utilize the pedestrian markings across the parking lot north of Burger King and an Americans with Disabilities Act (ADA) compliant ramp to connect the shoppers with the bus stop. Mr. Adelman acknowledged that it is a bit of a roundabout, but believed there was no other direct way of accomplishing that connection unless ripping out the entire boulevard entrance and established trees.

Al Federico, the Township traffic engineer, thought there was an alternative by providing an accessible complaint sidewalk up to the bus stop along the boulevard, which would not require the removal of existing trees and instead would just slightly narrow the two entrance lanes. He also pointed out that a lot of this traffic is associated with the Giant grocery store, therefore, access along the entrance driveway would be the most logical for pedestrians. He acknowledged that it would be a longer route, however he believed it would reduce the chance of people walking through the parking lot. Mr. Federico also wondered whether the applicant's proposal was more costly. He highlighted that as per Code, the Board can require sidewalks and other paths at their discretion based on the recommendation of the Planning Commission and strongly suggested to consider a sidewalk along the driveway as a more appropriate option for the shopping center as a whole.

Mr. Sennett asked whether it was the shopping center's issue to address. Mr. Federico provided that the Transportation Management Association of Chester County (TMACC) has recently completed the study along the Route 3 corridor and identified this bus stop as an area for improvement. He believed that it was one of the busiest suburban bus routes, which is more likely being utilized by the employees and/or visitors to the shopping center. Mr. Sennett agreed that it was the problem, but did not feel it was reasonable to burden a single tenant. Mr. Federico stated that it was a part of the shopping center and an opportunity to address the issue.

Mr. Lees agreed with Mr. Federico's recommendation and expressed his concerns regarding the proposed by the applicant switchback, which he thought might require stairs due to steep slopes. He felt that Mr. Federico's suggestion made more sense and would be more accessible for more people. Mr. Knaub asked about the extent of modifications that need to be ADA compliant and minimum requirements. Mr. Federico responded that the proposed modifications provide an accessible route to the bus stop, but felt that the straighter alignment would be more appropriate.

Mr. Embick asked Mr. Federico whether the proposed by the applicant route through the parking lot and Burger King's drive thru creates a safety hazard. Mr. Federico thought it was not ideal. Mr. Embick wondered whether there was another alternative to that path to create a more direct route. Mr. Knaub suggested to a route along the entrance side of the Burger King. Mr. Federico noted that such path would lead through the travelling lanes.

Mr. Frisco felt that the objective was to provide a pedestrian access from the bus stop to the proposed bank and wondered whether the proposal was meeting this goal. Mr. Federico noted that he was commenting on the best way to provide connection to the bus stop, which

he felt was achieved by a sidewalk along the boulevard entrance, which would be a more direct route to the bank as well. Mr. Embick asked where the sidewalk would terminate. Mr. Federico stated that ideally it would run all the way to the store fronts. Mr. Embick asked whether the painted crosswalks could be considered from the first intersection of the suggested sidewalk and the boulevard and to both a new bank and the Burger King entrance. Mr. Federico responded that the width of internal aisles would need to be evaluated for that.

Mr. Lees asked whether the sidewalk could run within the median of the boulevard. Mr. Federico provided that it would be more challenging due to the lack of crosswalk at the driveway, which would need to be added, and felt that people preferred the sidewalk on the side and not in the middle of the boulevard.

Mr. Adelman explained that as per consultation with the applicant's engineers, due to the driveway's slope of 6 per cent, the entire front entrance of the boulevard would need to be reprofiled to make it ADA compliant to provide sidewalks along the sides. He expressed that the shopping center was not designed that way to begin with and that the alternative suggested by Mr. Federico would not work. Mr. Adelman also recapped that the proposal for a new bank had nothing to do with pedestrian connectivity, because it was designed for a vehicular access. He also stressed that the proposal was not for a redesign of the entire shopping center, and the applicant was willing to better the pedestrian connection, including installing an ADA complaint access, to the existing bus stop. Mr. Adelman did not think it was warranted for the applicant to do an additional analysis to evaluate the alternatives. Mr. Federico disagreed that the sidewalk along the boulevard would not be accessible. He explained that it is generally accepted that if improvements are proposed along the existing roadway/driveway not meeting ADA standards, such sidewalks can be found acceptable.

Mr. Sennett was concerned with mixing of pedestrian traffic with vehicular traffic within the parking lot from a safety standpoint. Mr. Federico responded that there are pedestrians utilizing the shopping center, therefore, the intent is to improve the connectivity to accommodate them.

Mr. Chase, the applicant's traffic engineer, expressed his concerns that the sidewalk along the boulevard would direct pedestrians to the heaviest traffic areas and would require a full redesign of the center. He noted that currently pedestrians are finding their way to get to the bus stop and felt that providing a dedicated ADA compliant path to the bus stop was a sufficient improvement. He suggested to enhance the proposed crosswalk thru the Burger King drive-thru with dedicated crosswalk striping and use of the yellow paint. Mr. Chase also suggested to add pedestrian warning signs to highlight the location and extent of crossing. Mr. Embick did not understand why there was a need to cut through the Burger King's parking lot and drive thru instead of directing the pedestrians all the way north and along the northern most parking area to the bus stop. Mr. Chase provided that the grading and steep slopes between the shopping center and West Chester Pike was one of the obstacles to providing a more direct ADA compliant path. Mr. Adelman pointed out that the parked cars would be backing into the walking path along that location. Mr. Adelman also explained that he cannot advise his client to do something that is not ADA complaint that might be a subject to potential lawsuit.

Mr. Flinchbaugh, the Township engineer, agreed that the applicant needs to address several technical and administrative items, including stormwater management related comments, detailed list of construction and costs, and landscaping related comments. He noted that the current submission was deficient on landscaping, which can be addressed by providing payment in-lieu; however, overall he did not see a reason for the proposal not moving forward.

Mr. Sennett made a motion to recommend to the Board of Supervisors an approval of the

land development proposal for the construction of a new bank at 1646 West Chester Pike subject to the outstanding items as per the Township consultants' review letters. Mr. Lees seconded. Mr. Sennett, Mr. Lees and Mr. Knaub were in favor. Mr. Embick and Mr. Frisco were opposed. The motion passed. TS/JL (3-2)

2. Ordinance Amendments – Digital Displays

Mr. Embick explained that the Board of Supervisors requested the Planning Commission's recommendation on the proposed amendments to Article XVIII, Signs, prior to authorizing Act 247 review. He asked Ms. Carter to summarize the latest revisions. Ms. Carter explained that she incorporated changes as discussed at the previous Planning Commission's meeting. She recapped that additional edits were made to temporary sign provisions to address concerns brought up by Mr. Embick and ensure consistency between the definition and regulatory provisions pertaining to time limitations for usage of temporary signage. Ms. Carter pointed out that the Township received several complaints about the placement of political campaign signs and asked whether the Commission would like to consider adding specific provisions to address such complaints. She explained that several municipalities have regulations pertaining to such signs. Mr. Embick believed that specific to political campaign sign provisions would be seen as an attempt to regulate content, which the Township cannot do. He suggested to continue regulating such signs as temporary signs. The Commission agreed.

Ms. Carter further noted that she looked into the definitions of "institutional use" and "agricultural use" as per zoning code, and discovered that the term "institutional use" did not align with the regulatory text in Section 170-1812. She suggested to consider changes to address this inconsistency. Ms. Carter also pointed out that there is a definition of "agriculture" in the zoning code and specific provisions for agricultural uses. Mr. Embick suggested to consider adding definition for "agricultural use". Mr. Embick asked whether the term "religious use" was defined in the zoning ordinance. Ms. Carter confirmed that it was.

Mr. Sennett made a motion to recommend to the Board of Supervisors for the proposed ordinance language to Article XVIII, Signs, to be sent to the Chester County Planning Commission for review. Mr. Lees seconded. Mr. Embick provided that he was not in favor of permitting the use of digital displays for religious uses. All were in favor of the motion, except for Mr. Embick who was opposed. TS/JL (4-1)

New Business

1. Ordinance Amendments – Pipeline Setbacks

Mr. Embick recapped that the Commission expressed interest in the subject matter following the discussions on the land development proposal for a property that has two pipeline easements and the public safety concerns that were brought up pertaining to transmission pipelines. He noted that the Township is traversed by several pipelines and acknowledged that even though the potential ordinances might not be applicable to pending land development application, it was worthwhile to evaluate potential regulator provisions to implement in subdivision and land development ordinance (SLDO) and/or zoning that might address some of those safety related issues.

Ms. Stauffer, Assistant Director with the Chester County Planning Commission, agreed that the amendments will not be applicable to whatever is already proposed or in consideration. She recapped that Westtown has one pipeline related ordinance already adopted, which would apply to surface land uses affiliated with transmission pipelines. Ms. Stauffer summarized that the sample ordinances were drafted in 2014, which was a high priority at that time due to the proposed Sunoco pipeline through the existing easement. She believed that the samples were developed by John Gaadt with the assistance of Pipeline and Hazardous Materials Safety Administration (PHMSA) grants, the purpose of which was to

promote safety. Ms. Stauffer also provided that the County used PHMSA grant to develop the pipeline information center website that provides numerous resources related to pipelines. She noted that there is not a lot that municipalities can do to control the placement of new pipelines; however, she suggested that municipalities can use several tools to prevent new developments from being too close to the existing pipelines. Ms. Stauffer pointed out the sample SLDO ordinance that limits the extent of developments, but it would only be applicable to new developments (both residential and non-residential) and referred to the Township's map depicting locations of existing pipelines and potential applicable areas. She also added that the developer might request a waiver from any SLDO provision as opposed to zoning which would be a much lengthier process that requires a variance with the Zoning Hearing Board. Ms. Stauffer believed that the Commission expressed concerns about the applicability of provisions to already developed areas in the Township and noted that one way of doing so was to include such provisions within the zoning requirements.

Mr. Embick asked about her recommendation. She thought the sample was done through SLDO for various reasons, including the fact that if done through zoning, it might prevent further expansion and improvements of existing properties. Ms. Stauffer pointed out that the proposed setback in the sample ordinance was a minimum of 300 feet to residential and nonresidential buildings from the transmission pipeline right-of-way, which is likely to result in a lot of nonconforming buildings in Westtown. She also brought up the potential for redevelopment that can occur in Westtown at some point, which would provide an opportunity to create safer distance from pipelines. Ms. Stauffer noted that the Commission might consider modifying the sample ordinance to adjust the required setback to a specific potential impact radius based on the type of material that is being transported in the pipeline or locations, such as schools or retirement homes where people are not going to be easy to evacuate.

Mr. Sennett asked about the reasoning behind the recommended setbacks and the sample ordinance language that allows such setback to be modified based on the potential impact radius. Ms. Stauffer believed that the recommended setback was reserved for high consequent areas, which are areas with high or vulnerable populations; however, it is recognized that sizes of pipelines and materials being transported vary and might require a different setback based on the impact radius calculations. She explained that there is a formula that the engineer could use to calculate such impact based on provided variables. Ms. Stauffer believed that rationale for setbacks is in the planning document developed by the Pipelines and Informed Planning Alliance (PIPA), which is available on the County's website.

Mr. Embick asked whether the Township could consider implementing requirements under its police powers as opposed to the Municipalities Planning Code (MPC), which can include requiring signs along the pipelines right-of-ways, deed notes for properties that are located within the impact radius, markings of blast radius, notifications to residents, evacuation and pipeline emergency response plans, municipal inspections, mitigation measures to be developed, drills and other safety related items. Ms. Stauffer noted that some of these items are within the sample ordinance for SLDO. She recommended to check with the Township solicitor. Ms. Stauffer also suggested to potentially implement an ordinance to address the main concern quickly and then to invest time into investigation of other regulatory provisions.

Gerry DiNunzio, Emergency Management Coordinator (EMC), voiced his support for the ideas Mr. Embick suggested and reiterated that finding a way forward dealing with existing pipelines from a safety and emergency response standpoint would be the best approach.

Public Comment

Reports

1. Brian Knaub provided the BOS report from October 7th meeting.

Adjournment (TS/JF) 5-0

The meeting was adjourned at 8:57 PM.

Next PC Meeting:

- **November 6, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday November 4, 2024, 7:30 PM – Tom Sennett/Jim Lees**

Respectfully submitted,
Mila Carter
Planning Commission Secretary

DRAFT

ZONING HEARING BOARD APPLICATION SUMMARY

ZHB Case: #2024-06
Date: November 1, 2024
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: TBD

REQUEST

The applicant is seeking a variance relief from the required minimum lot area of 22,000 square feet in an effort to potentially subdivide and further develop the property, creating a second lot for the subsequent development of a single family detached dwelling.

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.

In 2023, the applicant was granted a special exception (with conditions) for major home occupation for a deck building business (Case # 2023-12).

APPLICATION

The applicant submitted application on October 30, 2024 for a variance pertaining to the following Sections:

1. Section 170-702.B(3)(a) pertaining to minimum lot area for single-family detached dwellings with both public off-site and water service.

ZONING RELIEF STANDARDS

General standards for the granting of variance are contained within 170-2107 of the Township Zoning Code and are attached to this report as Attachment A (page 2).

Area and bulk regulations are contained within 170-702.E of the Township Zoning Code and are attached to this report as Attachment B (page 3).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission will review this application at their meeting on November 6, 2024.

Attachment A.

§ 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 B.

§ 170-702. Area and bulk regulations.

The following regulations shall apply:

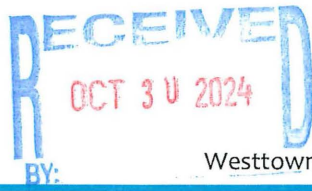
- A. The maximum density of use on any tract within the R-2 District shall be as determined by § 170-1519B of this chapter.
- B. Single-family detached dwelling.
 - (1) With on-site sewage and on-site water service: **[Amended 3-3-2003 by Ord. No. 2003-2]**
 - (a) Lot area: one acre minimum.
 - (b) Lot width at building: 150 feet minimum setback line.
 - (c) Impervious coverage: 20% maximum.
 - (2) With on-site sewage and off-site water service, or public off-site sewage and on-site water service: **[Amended 3-3-2003 by Ord. No. 2003-2]**
 - (a) Lot area: one acre minimum.
 - (b) Lot width at building: 125 feet minimum setback line.
 - (c) Impervious coverage: 20% maximum.
 - (3) With both public off-site sewage and water service:
 - (a) Lot area: 22,000 square feet minimum.
 - (b) Lot width at building: 100 feet minimum setback line.
 - (c) Impervious coverage: 25% maximum.
 - (4) All single-family detached dwellings:
 - (a) Lot width at street line: 50 feet minimum, except 250 feet minimum at the future right-of-way line of Routes 202, 3, 352 or 926, if the property would have direct access onto any of these routes.
 - (b) Building setback line: 40 feet minimum, except:
 - [1] No structure shall be located within 100 feet of the future right-of-way line of Route 202 or Route 3. The land within the required setback may be accepted as part of the requirements for open space of this chapter or Chapter 149, Subdivision and Land Development.
 - [2] Sixty feet minimum from the future right-of-way line of Route 926 or Route 352.
 - (c) Side yards: 10 feet minimum for each, with 25 feet total for both yards.
 - (d) Rear yard: 30 feet minimum.
 - (e) Maximum building height: three stories, not to exceed 38 feet. **[Amended 5-1-1995 by Ord. No. 95-2]**
- C. Agricultural uses: As required by the standards in § 170-1609 of this chapter.
- D. Accessory uses: Accessory uses may be located in side and rear yards, but only in conformance with the standards of § 170-1502 of this chapter.

E. Nonresidential uses permitted by special exception, specifically excluding major home occupations which are considered accessory to a residential use: [Amended 12-5-1994 by Ord. No. 94-6; 5-1-1995 by Ord. No. 95-2; 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by

Ord. No. 2005-4]

- (1) Minimum lot area: two acres.
- (2) Minimum lot width at building setback: 200 feet.
- (3) Side yard minimum width:
 - (a) One: 50 feet.
 - (b) Both: 100 feet.
- (4) Minimum rear yard: 50 feet.
- (5) Maximum building coverage (all uses): 20%.
- (6) Maximum total impervious coverage: 40%.
- (7) Minimum front yard: 50 feet, except that, for uses in the vicinity of major roads, as noted below:
 - (a) One hundred feet minimum from the future right-of-way line of Route 202 or Route 3.
 - (b) Sixty feet minimum from the future right-of-way line of Route 926 or Route 352.
- (8) Minimum lot width at street line: 50 feet minimum, except 250 feet minimum at the future right-of-way line of Routes 202, 3, 352, or 926, if the use would have direct access onto any of these routes.
- (9) Maximum building height: three stories, not to exceed 38 feet.
- (10) Buffer requirements. In addition to the requirements of § 170-1508 of this chapter, there shall be a fifty-foot buffer strip maintained on the property containing a use permitted by special exception when such use abuts 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 shall not include any paved area.

F. Conditional uses: Residential conditional uses shall, as applicable, conform to the standards for single-family detached dwellings in § 170-702B above. Nonresidential conditional uses shall conform to the standards for nonresidential uses in § 170-702E above.



PO Box 79
Westtown, PA 19395



P: 610.692.1930
F: 610.692.9651
www.westtownpa.org

Westtown Township

Zoning Hearing Board Application

Township Use Only

Date Received: _____ Project No.: _____
 Parcel ID: _____ Zoning Dist: _____
 Date Paid: _____ PC Date: _____
 Hearing Date: _____ Property Posted: _____
 Dates Advertised: _____
 Reviewed by: _____

Applicant & Owner Information

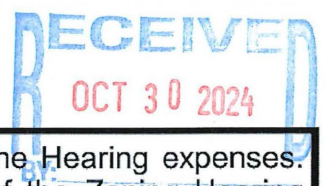
Applicant Colin V. Chavous & Taj M. Chavous Phone [REDACTED]
 Property Address 1001 S. Walnut Street City West Chester, PA Zip 19382
 E-mail [REDACTED]

Property Owner Same Information as Above 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 from Section 170-702.B.(3)(a) re: minimum lot area
 Section 2108: Special Exceptions _____



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 — \$1,000
Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$1,000
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.

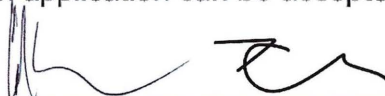
Please ensure the following documents have been included in your application packet:

- 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 10/29/2024

Print Name Colin V. Chavous & Taj M. Chavous

Signature of OWNER _____
(If different from applicant)

Date _____



UNRUH TURNER BURKE & FREES

Ryan M. Jennings, Esquire
Attorney I.D. No. 309145
17 W. Gay Street
West Chester, Pennsylvania 19380

ATTORNEY FOR APPLICANTS

APPLICATION OF:	:	
	:	
COLIN & TAJ CHAVOUS	:	BEFORE THE
1001 S. WALNUT STREET	:	ZONING HEARING BOARD
WEST CHESTER, PA 19382	:	OF WESTTOWN TOWNSHIP
	:	
[Tax Parcel I.D. No.: 67-4G-1]	:	

ADDENDUM TO ZONING HEARING BOARD APPLICATION

1. Colin & Taj Chavous (the “Applicants”), by and through their attorneys, Ryan M. Jennings, Esquire, and Unruh Turner Burke & Frees, hereby submit this Addendum to the Application, filed with the Zoning Hearing Board of Westtown Township (the “Board”).

2. Applicants are the owners of real property, comprised of 0.6887 acres, located at 1001 S. Walnut Street, West Chester, Pennsylvania 19382, which parcel is more particularly identified as Chester County Parcel I.D. No.: 67-4G-1 (the “Property”).

3. A copy of the Property’s Deed is attached hereto and incorporated herein, marked as Attachment “1”.

4. Pursuant to the Westtown Township Zoning Ordinance (the “Ordinance”), as well as the Westtown Township Zoning Map, the Property is zoned R-2 (Residential).

5. The Property is generally located southeast of the Parkway Shopping Center and east of U.S. Route 202. It is more specifically located at the intersection of Oakbourne Road and S. Walnut Street.

6. The Property is surrounded on all sides by similar residential uses, primarily comprised of single-family, detached dwellings.



7. Parcel details and aerial photographs of the Property and surrounding area are attached hereto and incorporated herein, marked as Attachment "2".

8. The Property is presently improved with an occupied, single-family, detached dwelling, with attached garage, driveway, and a detached garage.

9. Applicants, pursuant to their Application and this Addendum thereto, seek to subdivide and further develop the Property, creating a second lot for the subsequent development of a reasonably-sized, single-family, detached dwelling (the "Subdivision").

10. In order to do so, Applicants require and respectfully request variance relief from Ordinance Section 170-702.B.(3)(a), which otherwise requires a minimum lot area of 22,000 square feet.

11. The subdivision of the Property would create two (2) 15,000-square-foot lots, which would generally match the existing sizes/areas of adjacent and nearby parcels throughout this residential community.

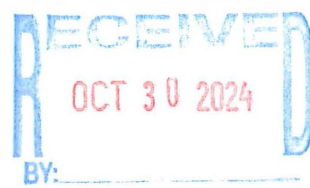
12. As part of this Application, Applicants propose to demolish the Property's existing detached garage structure (which would otherwise remain on Lot #1).

13. Lot #1 would remain the Chavous household, whereby no modifications are presently proposed for that lot, aside from the demolition of the detached garage structure.

14. Lot #2 would be created from the easterly portion of the existing Property, as presently undeveloped.

15. Single-family, detached dwellings are permitted by right within the Township's R-2 Zoning District.

16. The Subdivision is depicted within the Howell Engineering Variance Exhibit Sketch Plan, which is attached hereto and incorporated herein, marked as Attachment "3".



17. No additional zoning relief is requested or required by the Applicants, whereby Applicants anticipate compliance with all other area & bulk requirements and design standards, as prescribed and required by the Ordinance.

18. The Property is currently served by public utilities, and Proposed Lots #1 and #2 will be served by public utilities.

19. Applicants expect that no neighboring landowners or properties will be affected, and that there will be no short-term or long-term impacts or adverse effects as a result of the proposed Subdivision.

20. Rather, the proposed Subdivision will harmoniously match with existing and surrounding residential parcels.

21. The adjacent parcel to the south recently underwent similar subdivision and residential development (as owned by Agron & Luljeta Rusi – 101 Broadway Avenue).

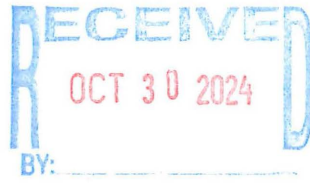
22. Applicants expect that the proposed Subdivision and subsequent residential use of Lot #2 will provide an added benefit to the neighborhood and Township's tax base.

23. The Applicant's proposed use of the Property is consistent with the purposes, objectives, and intent of the Articles and Chapters of the Ordinance.

24. The proposed Subdivision will not adversely affect the health, safety, morals or general welfare of the Township, or that of adjacent or nearby properties.

25. The proposed Subdivision will not detract from, nor cause harm to neighboring properties, and will instead be in keeping with the character of the area, including existing and adjacent residential land uses.

26. The Property is suitable for the proposed Subdivision.



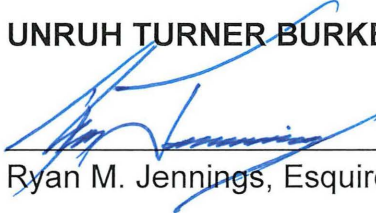
27. At the public hearing before the Board, Applicants intend to sufficiently demonstrate any and all criteria necessary for the grant of the requested variance relief, where applicable and required.

WHEREFORE, Applicants Colin & Taj Chavous respectfully request that the Board hold a public hearing with respect to the Application, including this Addendum thereto, in conformity with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* and the Ordinance, whereby a variance relief is sought pursuant to Ordinance Section 170-702.B.(3)(a).

Respectfully submitted,

UNRUH TURNER BURKE & FREES

Date: 10/29/24

By: 
Ryan M. Jennings, Esquire
*Attorney for Applicants
Colin & Taj Chavous*

RECEIVED
OCT 30 2024
BY: _____

Attachment “1”



Prepared by:

Trident Land Transfer Company LP
431 West Lancaster Avenue
Devon, PA 19333
Phone: (610)889-7660

Return To:

ATTN: Recording and Policy Department
Trident Land Transfer Company LP
Parcel No.: 67-4G-1



Consideration: \$369,000.00
State: \$3,690.00

Local: \$3,690.00

File No.: 22PA04061

DEED

Alexandra Springer and Lance O. Springer

to

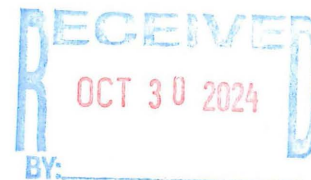
Colin V. Chavous and Taj M. Chavous

PREMISES:
102 Oakbourne Road
Township of Westtown
County of Chester
Pennsylvania
Parcel No.: 67-4G-1

The address of the above named Grantee(s) is:
250 Priscilla Lane
Aldan, PA 19018

Certified by: _____

UNOFFICIAL COPY



DEED

THIS INDENTURE made this 23 day of August, 2022.

Between ALEXANDRA SPRINGER AND LANCE O. SPRINGER, (hereinafter called the Grantors) and COLIN V. CHAVOUS AND TAJ M. CHAVOUS, (hereinafter called the Grantees)

Witnesseth That the said Grantors for and in consideration of the sum of Three Hundred Sixty-Nine Thousand And No/100 Dollars (\$369,000.00) lawful money of the United States of America, unto them well and truly paid by the said Grantees, 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, tenants by the entirety

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

TOGETHER with all and singular the 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 wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantors, 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 above described with the improvements, 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.

AND the said Grantors do by these presents, covenant, grant and agree, to and with the said Grantees, their heirs and assigns that the said Grantors all and singular the Hereditaments and premises herein above described and granted, or mentioned and intended so to be with the Appurtenances unto the said Grantees, their heirs and assigns, against the said Grantors and against all and every Person or 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.

Unofficial Copy

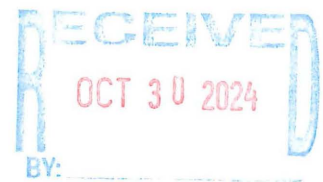


EXHIBIT A

All that certain parcel of land situate in the Township of Westtown, County of Chester, Commonwealth of Pennsylvania, as shown on plan entitled "Preliminary / Final Subdivision Plan, Lance & Alexandra Springer, 2-Lot Subdivision ", dated November 25, 2014, last revised January 19, 2015, prepared by D. L. Howell & Associates, Inc., Civil Engineering / Land Planning, West Chester, PA, and recorded in the office of the Recorder Of Deeds in and for the County of Chester in plan file # 19833, being more particularly described as follows:

Beginning at a point formed by the intersection of the southerly Right-Of-Way Line of Oakbourne Road, (33 feet wide), and the easterly Right-Of-Way Line of S. Walnut Street (formerly Gifford Avenue), (50 feet wide), as shown on said plan; thence from said Point of Beginning, along the said Southerly Right-Of-Way Line of Oakbourne Road, North 70 Deg.09'00" East, 200.00 feet, to a 5/8" rebar found, a corner of lands now or late of Adrienne Kutney; thence, along lands now or late of said Kutney, South 19 Deg.51'00" East, 150.00 feet, to a 5/8" rebar, a corner of lands now or late of Barry H. & Charlotte A. Feierman, and lands now or late of Thomas & Christine Harker; thence, along lands now or late of said Harker, South 70'09'00" West, crossing a 20 feet wide sanitary sewer easement, 100.00 feet, to a 1" pipe found, a corner of Lot 2, as shown on said plan; thence, along Lot 2, South 70 Deg.09'00" West, partly along the northerly terminus of a 20 feet wide sanitary sewer easement over Lot 2, 100.00 feet, to a point on the easterly Right-Of-Way Line of S. Walnut Street; thence, along said Right-Of-Way Line, North 19 Deg.51'00" West, 150.00 feet, to the Point and Place of Beginning.

Containing: 30,000 Square Feet of Land, be the same more or less.

Being: Lot 41, as shown on said plan.

Subject to an existing 20 feet wide sanitary sewer easement, extending in a southerly direction from Oakbourne Road to lands now or late of Thomas & Christine Harker, the centerline of said easement being located approximately 186 feet more or less eastwardly from and parallel with the easterly Right-Of-Way Line of Walnut Street, as shown on said plan.

And Together With a 20 feet wide sanitary sewer easement over Lot 2, as show on said plan, being more particularly described as follows:

Beginning at a point on the southerly line of Lot 1 and the northerly line of Lot 2, said point being located along the common line of Lot 1 and 2, North 70 Deg.09'00" East, 72.00 feet, from the easterly Right-Of-Way Line of S. Walnut Street; thence from said Beginning Point, North , 70 Deg.09'00" East, 20.00 feet, to a point; thence through Lot 2 the following three (3) courses and distances: 1) South 19 Deg.51'00" East, 11.2 feet more or less, to the northerly side of an existing 20 feet wide sanitary sewer easement; 2) along said easement, South 71 Deg.48'38" West, 20.01 feet, to a point; and 3) leaving the northerly side of said existing easement, North 19 Deg.51'00" West, 10.6 feet, more or less, to the Point and Place of Beginning.

Subject to a 75 feet clear sight triangle, as shown on said plan.

Parcel No.: 67-4G-1

Being the same property which Lance O. Springer, granted and conveyed unto Lance O. Springer and Alexandra Springer, husband and wife, as tenants by the entirety by deed dated November 12, 2001 and recorded December 24, 2001 in the Recorder's Office of said County in Deed Book 5151 Page 1.

Parcel No.: 67-4G-1

11942704 B: 10937 P: 710 DEE
08/29/2022 08:43:04 AM Page 3 of 4

Unofficial

RECEIVED
OCT 30 2024

IN THE WITNESS WHEREOF, the said Grantors caused these presents to be duly executed dated the day and year first above written.

SEALED AND DELIVERED

In the presence of us:

Alexandra Springer

Lance O. Springer

State/Commonwealth of PA
County of Chester

On this, the 23 day of August 2022, before me, the undersigned Notary Public, personally appeared Alexandra Springer and Lance O. Springer known to me (or satisfactorily proven) to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

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

Notary Public

My Commission Expires: 6-29-2026

Commonwealth of Pennsylvania - Notary Seal
MARY BETH DeABREU, Notary Public
Chester County
My Commission Expires June 29, 2026
Commission Number 1036534

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OCT 30 2024
BY: _____

Attachment “2”



[Real Estate/Assessment > Parcel Details](#)

[Select Another Search Criteria](#)

[Search Another Parcel](#)



ID # 67-04G-0001 UPI # 67-4G-1

10/28/2024 11:35 AM Tax Year 2025

Owner Information

Name:	CHAVOUS COLIN V CHAVOUS TAJ M	Address:	1001 S WALNUT ST WEST CHESTER PA 19382
-------	----------------------------------	----------	--

Parcel Details

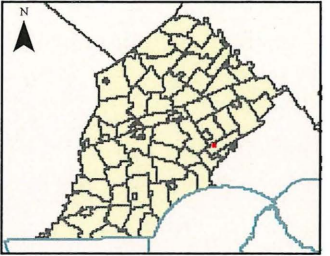
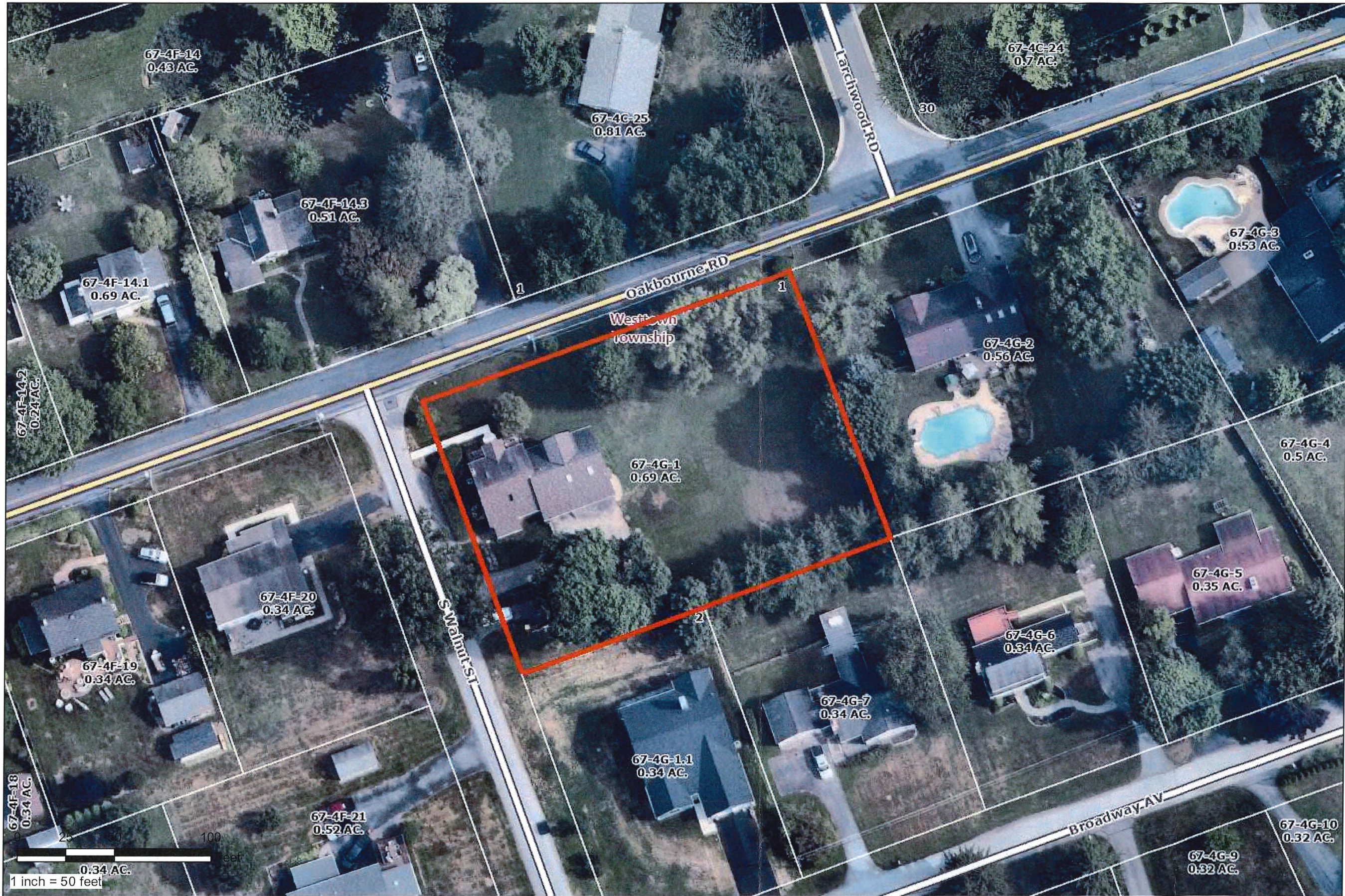
Lot Location:	SE COR OF OAKBOURNE RD & S	District:	67
Property Descr:	LOT 1 DWG & GAR	Plan #:	19,833
Land Use Code:	R-10	Acres:	0.6887
Deed Reference:	10937 0708	Sq. Feet:	30,000
Recorded Deed Date:	08/29/2022	Sale Price:	\$369,000
Location Address:	1001 S. WALNUT ST, WEST CHESTER, PA 19382		

[Deed Description](#)

Assessments

Lot:	43,890	Act 319:
Property:	112,510	Act 515:
Total:	156,400	
Assessment Date:	12/15/2023	

[< Previous Parcel](#) [Next Parcel >](#)



Find UPI Information

PARID: 6704G0010000
 UPE: 67-4G-1
 Owner1: CHAVOUS COLIN V
 Owner2: CHAVOUS TAJ M
 Mail Address 1: 1001 S WALNUT ST
 Mail Address 2: WEST CHESTER PA
 Mail Address 3:
 ZIP Code: 19382
 Deed Book: 10937
 Deed Page: 708
 Deed Recorded Date: 08/29/2022
 Legal Desc 1: SE COR OF OAKBOURNE RD & S
 Legal Desc 2: LOT 1 DWG & GAR
 Acres: 0.6887
 LUC: R-10
 Lot Assessment: 43890
 Property Assessment: 1125 10
 Total Assessment: 156400
 Assessment Date: 12/15/2023 7:39:35 AM
 Property Address: 1001 S WALNUT ST
 Municipality: WESTTOWN
 School District: West Chester Area



Map Created:
 Monday, October 28, 2024



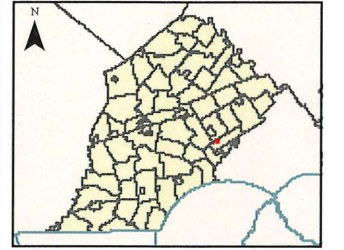
County of Chester

Limitations of Liability and Use:
 County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.

1 inch = 50 feet

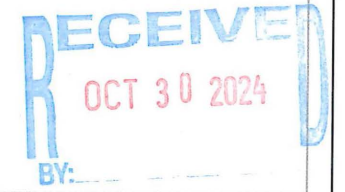
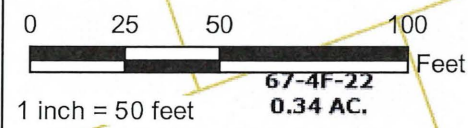
TPN: 67-4G-1

COUNTY OF CHESTER
PENNSYLVANIA



Find UPI Information

PARID: 6704G0010000
UPI: 67-4G-1
Owner1: CHAVOUS COLIN V
Owner2: CHAVOUS TAJ M
Mail Address 1: 1001 SWALNUT ST
Mail Address 2: WEST CHESTER PA
Mail Address 3:
ZIP Code: 19382
Deed Book: 10937
Deed Page: 708
Deed Recorded Date: 08/29/2022
Legal Desc 1: SE COR OF OAKBOURNE RD & S
Legal Desc 2: LOT 1 DWG & GAR
Acres: 0.6887
LUC: R-10
Lot Assessment: 43890
Property Assessment: 112510
Total Assessment: 156400
Assessment Date: 12/15/2023 7:39:35 AM
Property Address: 1001 SWALNUT ST
Municipality: WESTOWN
School District: West Chester Area



Map Created:
Monday, October 28, 2024



County of Chester

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County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.

Google Maps

1001 S Walnut St

West Chester, Pennsylvania

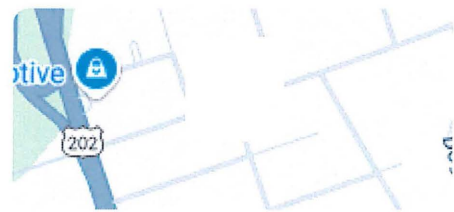
Google Street View

Jul 2024 [See more dates](#)



Google

Image capture: Jul 2024 © 2024 Google



Google Maps

1000 S Walnut St

West Chester, Pennsylvania

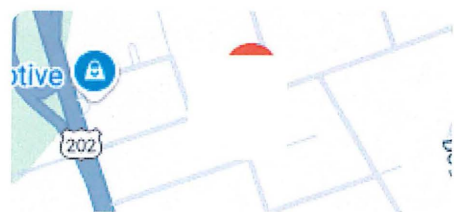
Google Street View

Jul 2024 [See more dates](#)



Google

Image capture: Jul 2024 © 2024 Google



Google Maps

102 Oakbourne Rd

West Chester, Pennsylvania

Google Street View

Jul 2024 [See more dates](#)



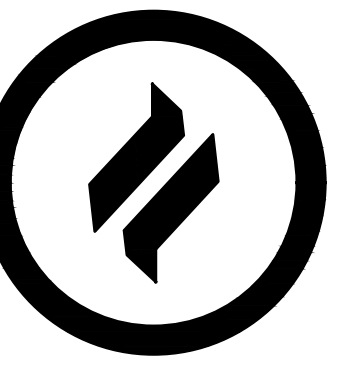
Google

Image capture: Jul 2024 © 2024 Google



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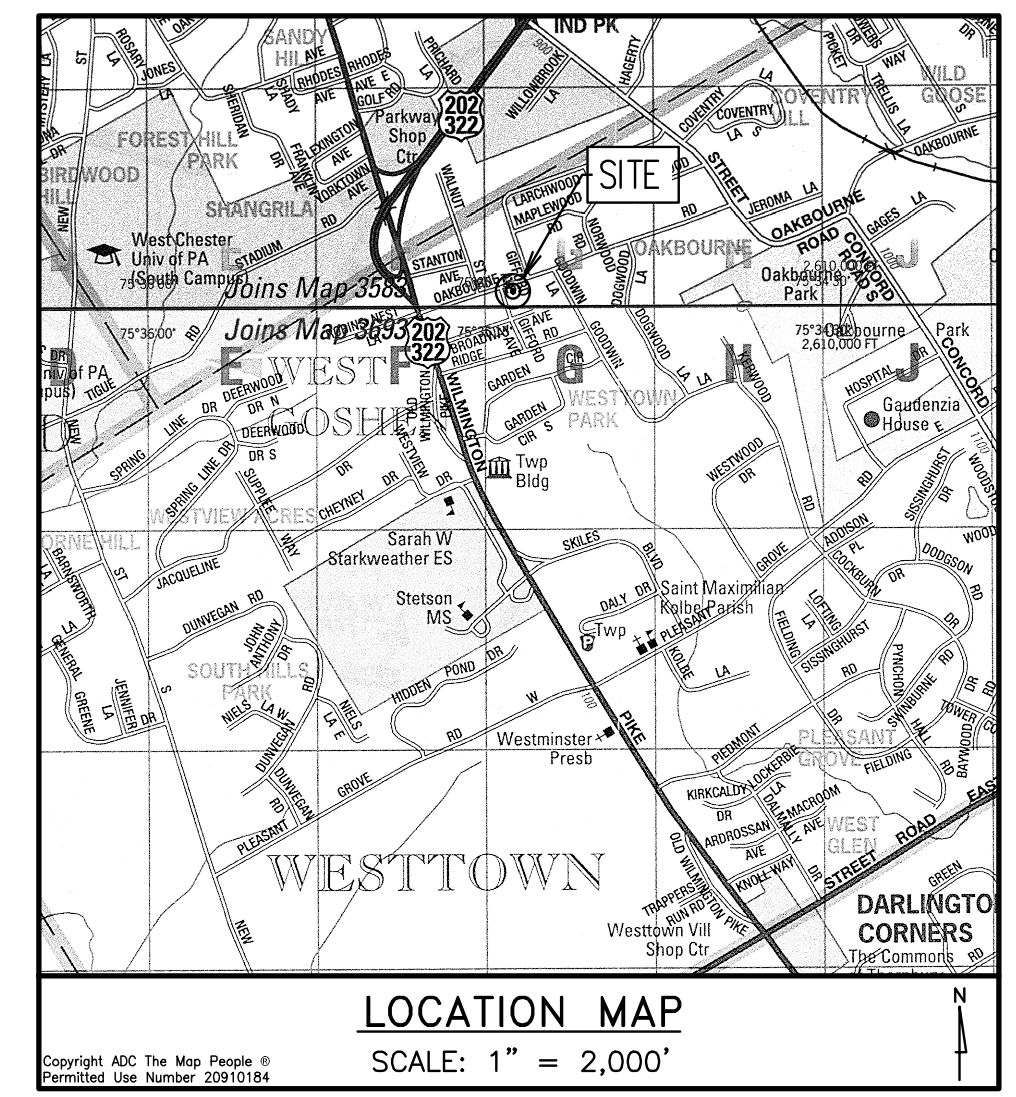
Attachment “3”



DLHowell
Civil Engineering &
Land Planning
www.DLHowell.com

D.L. Howell & Assoc., Inc.

1250 Wrights Lane
West Chester, PA 19380
Phone: (610) 918-9002
Fax: (610) 918-9003



RECORD OWNER / APPLICANT

COLIN & TAJ CHAVOUS
1001 S WALNUT STREET
WEST CHESTER, PA 19382
484-326-8202

R-2 RESIDENTIAL DISTRICT

ARTICLE VII - RESIDENTIAL DISTRICT
SECTION 170-701 - USE REGULATIONS
SECTION 170-702 - AREA AND BULK REGULATIONS
B. (3) WITH BOTH PUBLIC WATER AND PUBLIC SEWER

	REQUIRED	EXISTING LOT #1	PROPOSED LOT #1	PROPOSED LOT #2
MIN. NET LOT AREA	22,000 S.F.	30,000 S.F.	15,000 S.F.	(**) 15,000 S.F. (**)
MIN. LOT WIDTH @ STREET LINE				
- OAKBOURNE ROAD	50 FT.	200 FT.	100 FT.	100 FT.
- S. WALNUT STREET	50 FT.	150 FT.	150 FT.	N/A
MIN. LOT WIDTH @ BUILDING LINE				
- OAKBOURNE ROAD	100 FT.	200 FT.	100 FT.	100 FT.
- S. WALNUT STREET	100 FT.	150 FT.	150 FT.	N/A
MIN. SIDE YARDS	10/25 FT.	26.2/NA FT.	26.2/NA FT.	10/58 FT.
MIN. BUILDING SETBACK LINE	40 FT.	9.2 FT.(*)	9.2 FT.(*)	46 FT.
MIN. REAR YARD	30 FT.	NA	30 FT.	30 FT.
MAX. IMPERVIOUS COVERAGE	25%	16.20%	24.99%	24.47%
MAX. BUILDING HEIGHT	38 FT.	<38 FT.	<38 FT.	<38 FT.

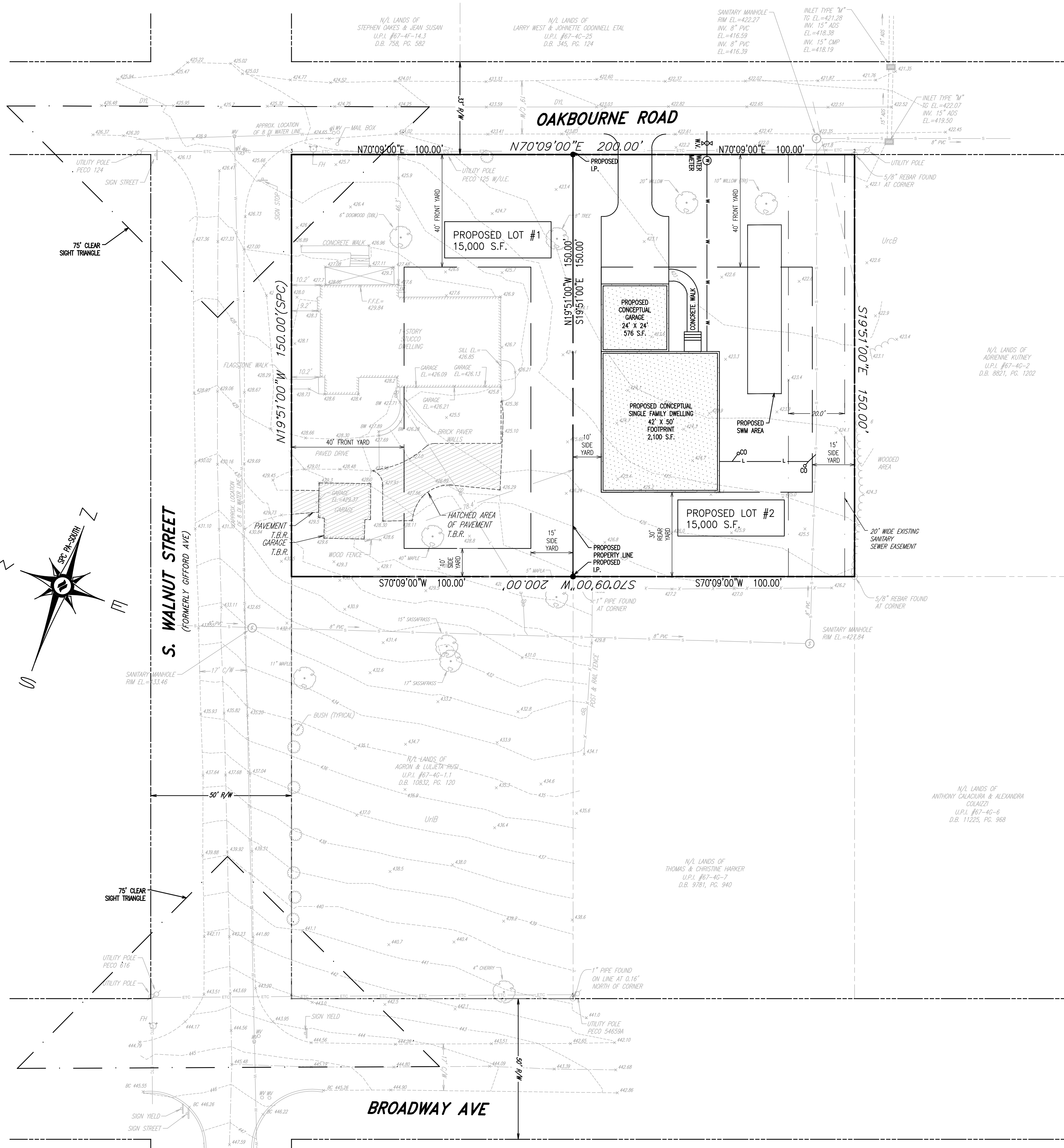
(*) EXISTING NONCONFORMITY
(**) VARIANCE REQUIRED

IMPERVIOUS DATA - LOT #1

DWELLING	2,158 S.F.
PAVED DRIVE	1,193 S.F.
CONC. WALK/PORCH	252 S.F.
BRICK PAVEMENT WALLS	32 S.F.
CONC. PAD	63 S.F.
FLAGSTONE WALK	50 S.F.
TOTAL	3,748 S.F.

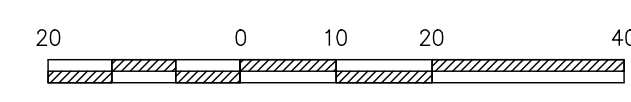
IMPERVIOUS DATA - PROPOSED LOT #2

HOUSE & GARAGE	2,676 S.F.
WALKWAY & STEPS	142 S.F.
DRIVEWAY	851 S.F.
TOTAL IMPERVIOUS AREA	3,669 S.F.



SKETCH PLAN

SCALE: 1" = 20'



LEGEND

- EX. PROPERTY LINE
- PROP. PROPERTY LINE
- EX. RIGHT-OF-WAY
- PROP. RIGHT-OF-WAY
- PROP. MONUMENT
- EX. EASEMENT
- PROP. EASEMENT
- EX. WETLANDS
- EX. EXISTING CONTOUR
- PROP. CONTOUR
- EX. EXISTING SPOT ELEV.
- NEW SPOT ELEV.
- SOILS TYPE
- SOILS LINE
- EX. CONC. CURB
- PROP. CONC. CURB
- EX. EDGE OF PAVING
- PROP. EDGE OF PAVING
- EX. LIGHT POLE
- PROP. LIGHT POLE
- EX. FENCE
- EX. MAIL BOX
- EX. SIGN
- PROP. SIGN
- EX. PARKING SPACES
- PROP. PARKING SPACES
- EX. TELE. LINE
- PROP. TELE. LINE
- EX. ELEC. LINE
- PROP. ELEC. LINE
- EX. UTILITY POLE
- PROP. UTILITY POLE
- EX. CUY 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. STORM INLET ID
- PROP. STORM INLET ID
- EX. SEEPAGE BED
- EX. SANITARY SEWER LINE
- PROP. SAN. SEWER LINE
- EX. SAN. SEWER LATERAL
- PROP. SAN. SEWER LATERAL
- EX. SANITARY MH. ID
- PROP. SANITARY MH. ID
- EX. WATER LINE
- PROP. WATER LINE
- EX. WATER LATERAL
- PROP. WATER LATERAL
- EX. FIRE WATER LINE
- PROP. FIRE WATER LINE
- EX. WATER VALVE
- PROP. WATER VALVE
- EX. HYDRANT
- PROP. HYDRANT
- EX. MANHOLE
- PROP. MANHOLE

UPI NUMBER: 67-4G-1 D.B. 701 PG. 708

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

VARIANCE EXHIBIT
SKETCH PLAN
CLIENT: COLIN & TAJ CHAVOUS
PROJECT: POSSIBLE 2 LOT SUBDIVISION
LOCATION: 1001 S. WALNUT STREET
WESTTOWN TOWNSHIP, CHESTER COUNTY, PA

DATE:	09/24/2024
SCALE:	1"=20'
DRAWN BY:	NAR
CHECKED BY:	JSR
PROJECT NO.:	5054
CAD FILE:	5054 PR.dwg
PLOTTED:	09/24/2024
DRAWING NO.:	C01.1
SHEET:	01 of 01

GENERAL NOTES

- THE PURPOSE OF THIS PLAN IS TO CREATE A 2 LOT SUBDIVISION WITH LOT #1 AND LOT #2 WITH 15,000 S.F. WHICH WILL REQUIRE A VARIANCE.
- BOUNDARY INFORMATION SHOWN IS FROM FIELD SURVEY BY HOWELL KLINE SURVEYING, LLC. PERFORMED ON 6-18-2014.
- TOPOGRAPHIC INFORMATION SHOWN IS FROM FIELD SURVEY BY HOWELL KLINE SURVEYING, LLC. PERFORMED ON 6-18-2014.
- 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 = RIM OF SANITARY MANHOLE LOCATED APPROX. 15' NORTH WEST FROM NORTH EASTERN PROPERTY CORNER. ELEVATION= 422.27', CONTOUR INTERVAL: 1 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 HEREIN.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, WHICH WOULD DISCLOSE ANY RIGHTS, RESERVATIONS, EASEMENTS, ETC... OF RECORD.
- THE EXISTING LEGAL RIGHT-OF-WAY OF OAKBOURNE ROAD, S. WALNUT STREET AND BROADWAY AVE WERE TAKEN FROM REFERENCE PLAN #1.
- D.L. HOWELL & ASSOCIATES, INC. DOES NOT GUARANTEE THE ACCURACY OF THE LOCATIONS OF THE EXISTING SUBSURFACE UTILITY STRUCTURES SHOWN ON THE PLANS. NOR DOES D.L. HOWELL & ASSOCIATES, INC. GUARANTEE THAT ALL SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE START OF THE WORK.

REFERENCE PLAN(S)

- PLAN ENTITLED, "MAP OF HIGHPOINT RESIDENTIAL PARK". DATED JUNE 1920, RECORD PLAN BOOK #1, PAGE 208.

ZONING HEARING BOARD APPLICATION SUMMARY

ZHB Case: #2024-05
Date: November 1, 2024
From: Liudmila Carter, Director of Planning & Zoning

APPLICANT: 1646 Slate Building LLC
ADDRESS: 1646 West Chester Pike, Unit #6, West Chester, PA 19382
UPI: 67-3-132.9
HEARING DATE: December 12, 2024

REQUEST

The applicant is seeking a special exception to expand the nonconforming use of the ice hockey rink, which was previously granted by the Zoning Hearing Board (Case # 2018-02), to convert the area currently being used for dehumidifier (outside) to an additional locker room with shower facilities.

By way of background, aerial photographs dating back to 1980 show that the property has evolved over the last 44 years. The primary building has existed on this site since at least 1980 (now Unit #6). In 1986, the property owner was granted a special exception to construct a 1,900 square feet addition to the existing building (now Unit #6) as part of the operation of a racquetball and fitness center. Furthermore, in 2002, the property owner was granted a conditional use to construct a 10,270 square feet one-story professional office building. By 2005, four additional buildings were built (now comprising Units #1, #2, #3, #4, and Unit #5 and Unit #7). In 2018, Spencer Qualls (the property owner at that time), submitted an application for special exception for the property (now Unit #6) to change a legal nonconforming use, the fitness center, to another legal nonconforming use, being the ice hockey rink, or, alternatively, for a variance to allow a use that is not permitted in the R-3 Residence-Office District. The approval was granted via special exception by the Zoning Hearing Board, which determined that “the change from the prior use as a racquetball club and fitness center to an ice-skating rink does not constitute a change in use, in that other activities fall within the definitional ambit of ‘Recreation, Active’ or that the uses are so closely related as to constitute the same use.” Since the grant of the approval and upon the issuance of building permits, the ice hockey rink has been an active use of the property. Other existing uses within the business center include professional and business offices, a dental office, and a veterinary clinic. In 2023, the property was separated into 7 condominiums, each with its designated UPI number.

LOCATION AND DESCRIPTION OF SITE

The subject property is a condominium Unit #6 (UPI. 67-3-132.9) located within the business center that consists of four commercial buildings housing seven separate condominiums in the R-3 Residence-Office District. The property address and the mailing address per County records is 1646 West Chester Pike, Unit #6, West Chester, PA 19382. The property is improved with a one story building that is serviced by public water and sewer. The parking is shared among the occupants of the business center condominiums. The exterior of Unit #6 includes a chiller on the western side of the building and dehumidifier on the southern side of the building.

APPLICATION

The applicant submitted application on October 22, 2024 for a special exception to expand the nonconforming use by 1,700 square feet. The request is for special exception as per the following Sections:

1. Section 170-1901.B (3) pertaining to a conforming structure housing a nonconforming use which may be expanded upon the lot which it occupied at the effective date of this chapter, for purposes of the nonconforming use, up to a maximum expansion equal to 25% of the building area of the subject structure as it existed upon the effective date of this chapter, when authorized as a special exception

by the Zoning Hearing Board. The Zoning Hearing Board may impose specific requirements on the expansion of such a building so that the extended building will continue to conform in all respects to the standards applicable within the district in which it is located. The applicant shall have the burden of proof that his application falls within the provisions of this article and that the granting of his application will not be contrary to the public interest. It shall also be the applicant's burden to produce evidence in support of his application which will assist the Zoning Hearing Board in applying the criteria set forth in § 170-2108 of this chapter.

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 (page 3).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission will review this application at their meeting on November 6, 2024.

Attachment A.

§ 170-2108 Special exceptions.

[Amended 3-3-2003 by Ord. No. 2003-2]

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

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: _____ Project No.: _____
Parcel ID: _____ Zoning Dist: _____
Date Paid: _____ PC Date: _____
Hearing Date: _____ Property Posted: _____
Dates Advertised: _____
Reviewed by: _____

Applicant & Owner Information

Applicant	<u>1646 Slate Building LLC</u>	Phone	<u>[REDACTED]</u>		
Property Address	<u>Unit 6, 1646 West Chester Pk.</u>	City	<u>Wst Chester</u>	Zip	<u>19382</u>
E-mail	<u>[REDACTED]</u>				
Property Owner	<u>Same as applicant</u>	Phone	_____		
<small>(if different from Applicant)</small>					
Mailing Address	_____	City	_____	Zip	_____
<small>(if different from Property Address)</small>					
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 _____
- Section 2108:** Special Exceptions Addition to non-conforming premises see the attached plan

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: _____ Front: _____ Side (R): _____ Side (L): _____ Rear: _____

Existing property use: skating rink

Existing structure(s): 1 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 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 — \$1,000

Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$1,000

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 9/5/2024

Print Name Richard Ranalli

Signature of OWNER _____ Applicant is the Owner

Date _____

(If different from applicant)

MEMORANDUM ACCOMPANYING THE SPECIAL EXCEPTION APPLICATION OF
1646 SLATE BUILDING LLC

The building on which the 1,700+/- sq. ft. addition is proposed is a non-conforming use building, Unit 6 (UPI # 67.3-132.9) of a 7-unit commercial condominium, the 1646 Condominium Association, Inc., a non-profit Pennsylvania corporation (see 1646 West Chester Pike Condominium Plan prepared by Verdant, attached, the "Verdant Plan:"). The building itself before the addition is approximately 280 ft. long by 90 ft wide, total square feet is approximately 25,200. sq.ft. The addition would increase the size of the building to 26,900 sq.ft.

The building called the PNY Sports Arena is a premier single sheet ice rink located in West Chester, PA equipped with full-service cafe, pro shop run by Top Shelf Sports, skate rental, and party rooms. The facility offers a full range of programs such as **Just Skate** (a Learn-to-Skate program), **Learn-to-Play Hockey, Public Skating, Open Hockey, Hockey Clinics, and Summer Camps**. PNY is also the home to the Quakers Youth Hockey Club, West Chester Wolves, Marple Newtown Hockey Club, and Devon Prep Hockey Club.

The addition will be outfitted as a locker room with shower facilities for young ice hockey players.

No variance for parking is required. Please see note 13 to the Verdant Plan.

Part of the reason for the addition is to provide young hockey players with their own locker room and associated facilities, which in part will remove them from the parking lot while waiting to suit up, and play.

Special Exception Criteria:

A. Relationship with 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.

The Property is a community-oriented facility offering ice skating to the entire Westtown community and local youth who participate in

the youth hockey programs provided by the facility. It is believed that the use for which special exception approval is sought is consistent with the Comprehensive Plan. The addition will not impact the public health safety or welfare of the neighborhood in which the facility is located.

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.

The Property has been successfully utilized for several years as an ice rink. Highway access to the Property has not proven to be problematic and the Property is served by adequate sewer and water facilities.

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.

. No major changes are proposed to the existing use of the Property by way of this Application.

D. Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.

No changes are proposed by way of this Application to the existing traffic patterns and volumes, access, or 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.

The addition will not increase the demand on the municipal services. It is not anticipated that the addition will generate revenue for the Township.

Prepared by and Return to:
Neshaminy Abstract, LLC
540 Pennsylvania Avenue, Suite 307
Fort Washington, PA 19034
(215) 348-1848



Premises:

- ✓ 1646 West Chester Pike, West Chester, PA 19382
- ✓ Unit 6 UPI 67-3-132.9 formerly part of Parcel No 67-03-0132 UPI 67-3-132 ✓
- ✓ 1638 Green Lane, West Chester, PA 19382
- ✓ Unit 7 UPI 67-3-132.3A formerly part of Parcel No. 67-03-0132.030 UPI 67-3-132.3 ✓

Consideration: \$6,000,000.00
State Tax: \$600,000.00
Municipal Tax: \$600,000.00

Order No. FN-87586-PA

This Indenture, made the 27th day of February, 2024,

Between

Spencer D. Qualls

(hereinafter called the Grantor), of the one part, and

1646 Slat Building, LLC, a Pennsylvania Limited Liability Company

(hereinafter called the Grantee), of the other part,

Witnesseth, that the said Grantor for and in consideration of the sum of **SIX MILLION AND 00/100 (\$6,000,000.00)** lawful money of the United States of America, unto him well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, in fee

ALL THAT CERTAIN Unit in the property known, named and identified as 1646 Condominium, located in Westtown Township, County of Chester and Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of the Uniform Condominium Act, 68 PA C.S. 3101 et seq by the recording in the Chester County Recorder of Deeds a Declaration of Condominium of 1646 Condominium dated 1/2/23 and recorded 1/4/24 in Record Book 11156 page 481, being and designed as Unit No. 6, together with a proportionate undivided interest in the Common Elements (as defined in such Declaration).

ALL THAT CERTAIN Unit in the property known, named and identified as 1646 Condominium, located in Westtown Township, County of Chester and Commonwealth of Pennsylvania, which has heretofore been submitted to the provisions of the Uniform Condominium Act, 68 PA C.S. 3101 et seq by the recording in the Chester County Recorder of Deeds a Declaration of Condominium of 1646 Condominium dated 1/2/23 and recorded 1/4/24 in Record Book 11156 page 481, being and designed as Unit No. 7, together with a proportionate undivided interest in the Common Elements (as defined in such Declaration).

Unit 6 Parcel No. 67-3-132.9 formerly part of Parcel No 67-03-0132 UPI 67-3-132
BEING the same premises which Chester County Industrial Development Authority, by
Indenture dated 9/8/86 and recorded 9/12/86 in the Office of the Recorder of Deeds in and for
the County of Chester in Record Book 442 page 101 , granted and conveyed unto Spencer J.
Qualls, in fee.

AND BEING the same premises which Spencer J. Qualls, by Indenture dated 12/28/21 and
recorded 1/4/22 in the Office of the Recorder of Deeds in and for the County of Chester in
Record Book 10781 page 36 , granted and conveyed unto Spencer D. Qualls, in fee.

Unit 7 Parcel No. 67-3-132.3A formerly part of Parcel No. 67-03-0132.030 UPI 67-3-132.3
BEING the same premises which Selma W. Thomson, by Indenture dated 12/31/86 and recorded
12/31/86 in the Office of the Recorder of Deeds in and for the County of Chester in Record Book 579
page 193 , granted and conveyed unto Spencer J. Qualls, in fee.

AND BEING the same premises which Spencer J. Qualls, by Indenture dated 12/28/21 and recorded
1/4/22 in the Office of the Recorder of Deeds in and for the County of Chester in Record Book 10781
page 41 , granted and conveyed unto Spencer D. Qualls, in fee.

AND uninterrupted right to use the common area as defined in the recorded Condominium Declarations
in Book 11156 page 481.

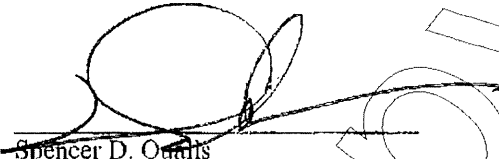
Together with all and singular the buildings and improvements, ways, streets, alleys, driveways,
passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever
unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders,
rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand
whosoever of him, the said grantor, 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 described above, 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 Grantee, its successors and assigns, to and for the only proper
use and behoof of the said Grantee, its successors and assigns, forever.

And the said Grantor, for himself and his heirs, executors and administrators, does, by these presents,
covenants, grants and agrees, to and with the said Grantee its successors and assigns, that he, the said
Grantor, and his heirs, all and singular the hereditaments and premises herein described and granted, or
mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns,
against him, the said Grantor, and his heirs, will warrant and defend against the lawful claims of all persons
claiming by, through or under the said Grantor but not otherwise.

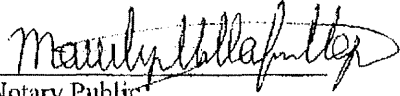
In Witness Whereof, the party of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

_____ 
Spencer D. Qualls

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Chester

On this, the 77th day of February, 2024, before me, the undersigned officer, personally appeared, **Spencer D. Qualls** known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seals.



Notary Public

Commonwealth of Pennsylvania - Notary Seal
MARILYN VILLAFUERTE-VEGA - Notary Public
Chester County
My Commission Expires August 9, 2025
Commission Number 1406210

The precise residence and the complete post office address of the above-named Grantee is:

1646 W. CHESTER PIKE UNIT 6
WESTOWN, PA 19383 ~~19383~~ (JTC)
~~100 Old Forge Ln, Kennett Square PA 19348 (JTC)~~

On behalf of the Grantee


John T. Croke

Deed

UPI 67-3-132.9 formerly part of Parcel
No 67-03-0132 UPI 67-3-132 and
UPI 67-3-132.3A formerly part of Parcel
No. 67-03-0132.030 UPI 67-3-132.3

Spencer D. Qualls

TO

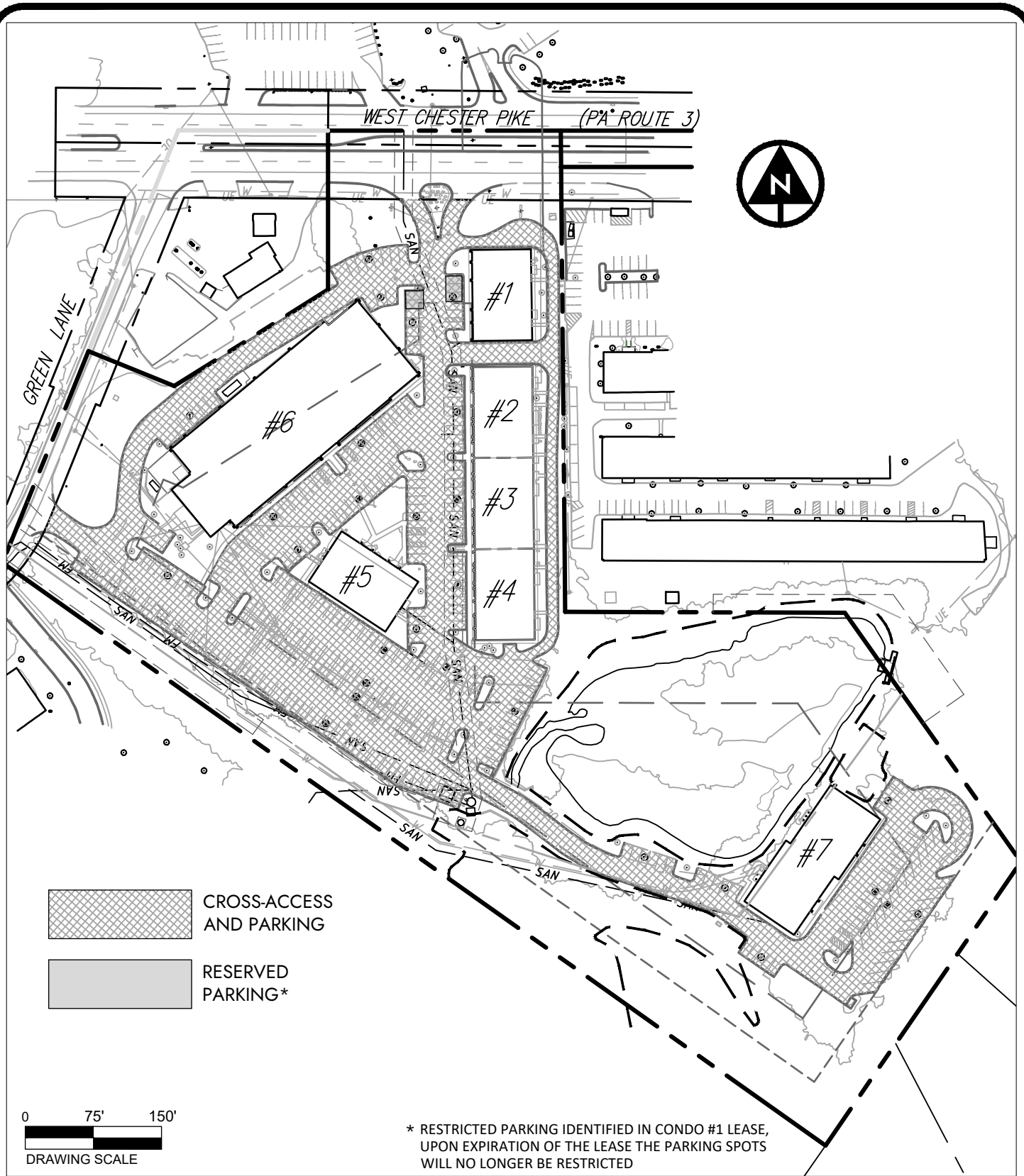
1646 Slat Building, LLC

PROPERTY

1646 West Chester Pike,
West Chester, PA 19382
1638 Green Lane,
West Chester, PA 19382

Neshaminy Abstract, LLC
540 Pennsylvania Avenue, Suite 307
Fort Washington, PA 19034
(215) 348-1848

c:\users\marnisklodowski\work\ipa\condolebase_1646wcp-110123.dwg



DATE:	11-13-2023
PROJECT. NO.	19162
SCALE:	1" = 150'
DESIGNED BY:	N/A
DRAWN BY:	MMS
CHECKED BY:	DDW

WESTTOWN TOWNSHIP - CHESTER COUNTY - PENNSYLVANIA

1646 WEST CHESTER PIKE

TMP# 67-3-132 & 67-3-132.3

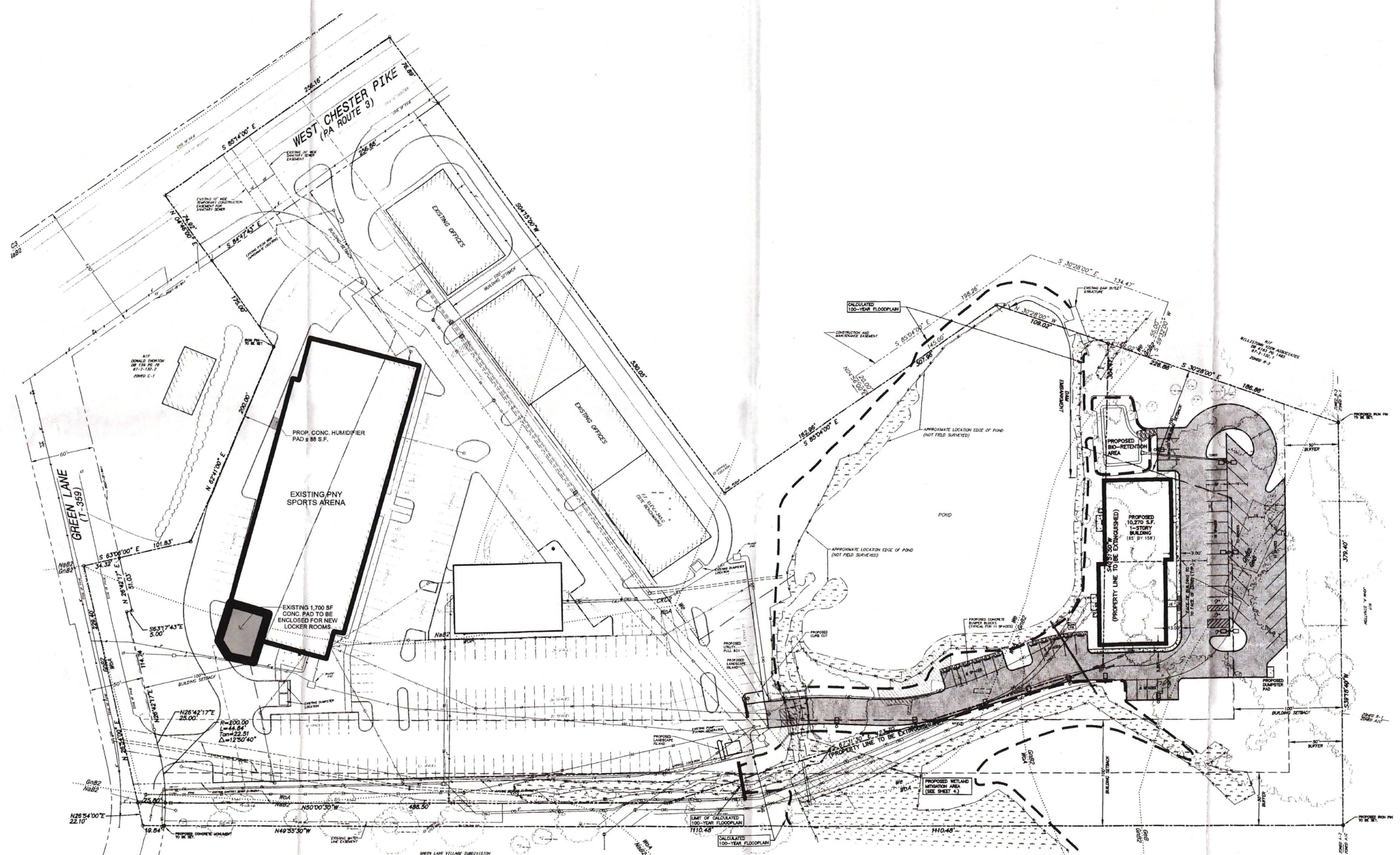
EXHIBIT FOR

CROSS-ACCESS & PARKING AGREEMENT

verdantas
PEOPLE FOCUSED FUTURE


5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. 302.239.6634 FAX 302.239.8485

SHEET:
1 OF 1



1 SITE PLAN
 SP1.0 SCALE: 1" = 40'-0"

15. FLOOR AREA RATIO CALCULATION:
 (A) TO THE EXTENT DEEMED NECESSARY BY THE TOWNSHIP ENGINEER, THE

ARCHITECT

 ARCHITETRA P.C.
 1500 E. Lancaster Ave.
 Suite 103
 Paoii, Pa. 19301
 (610) 993-9111 (610) 993-0510 fax

ARCHITECT
 CONSULTANT

CONSULTANT
 CONSULTANT

CONSULTANT
 CONSULTANT

CONTRACTOR
 OWNER

PROJECT
 PROPOSED RENOVATIONS FOR:
PNY SPORTS ARENA
 1646 WEST CHESTER PIKE
 WEST CHESTER, PA 19382

REVISIONS

NO.	DATE	REVISION

SHEET TITLE
SITE PLAN

ISSUED REVIEW
 DATE: 04/19/24 SCALE: 1" = 40'-0"
 DRAWN BY: JAL CHECKED BY: TSK
 DRAWING NO.


SP1.0

RECEIVED
 OCT 22 2024
 BY: _____

REVIEW

COPYRIGHT © ARCHITETRA, P.C.

RECEIVED
 OCT 22 2024
 BY: _____

ARCHITECT

ARCHITETRA, P.C.
 1500 E. Lancaster Ave.
 Suite 103
 Paoli, Pa. 19301
 (610) 993-9111 (610) 993-0510 fax

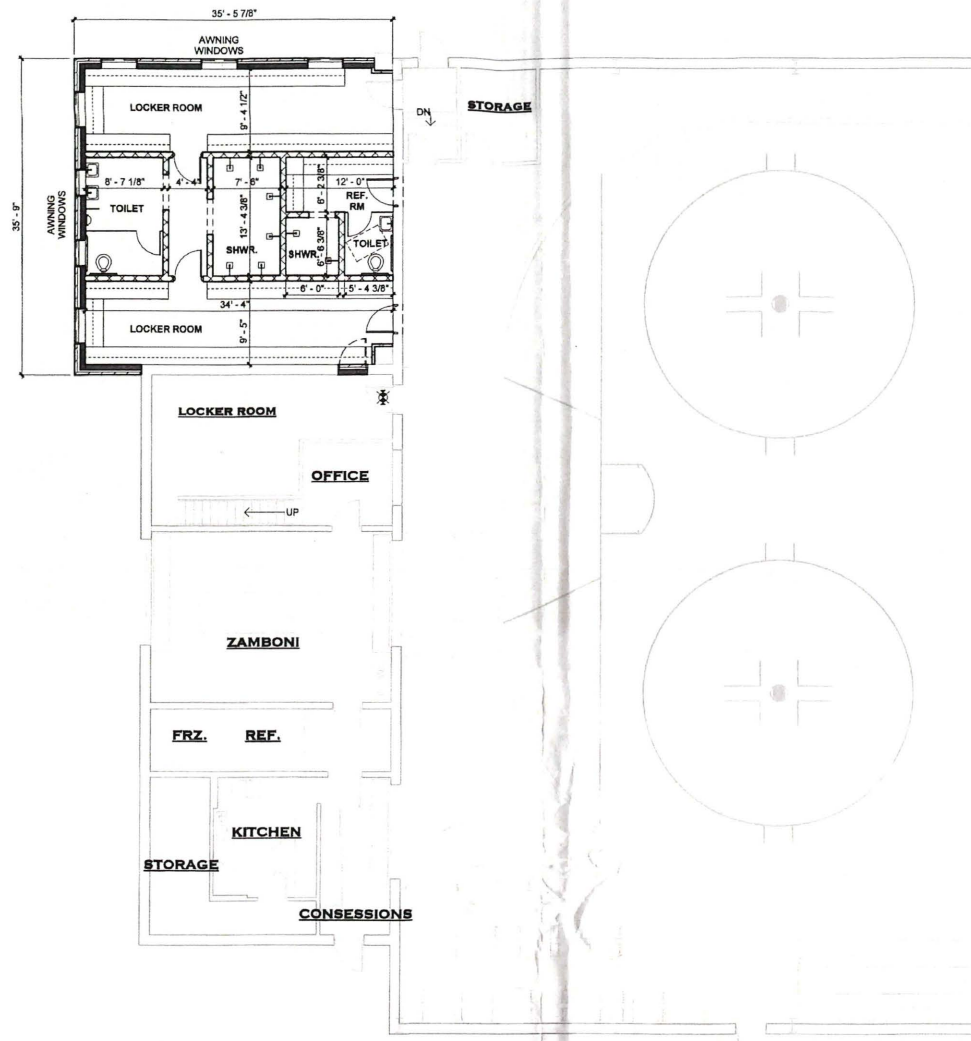
ARCHITECT
 CONSULTANT
 CONSULTANT
 CONSULTANT
 CONTRACTOR
 OWNER

PROJECT
PROPOSED RENOVATIONS FOR:
PNY SPORTS ARENA
 1646 WEST CHESTER PIKE
 WEST CHESTER, PA 19382

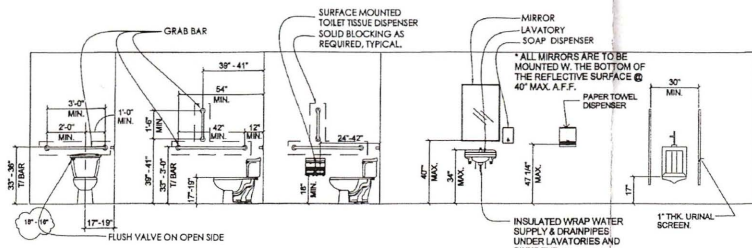
REVISIONS

NO.	DATE	REVISION
1	8.04.24	REVIEW REVISIONS

SHEET TITLE
FLOOR PLANS
 ISSUED REVIEW
 DATE: 7.3.2024 SCALE: As Indicated
 DRAWN BY: JML/JAO CHECKED BY: TBK
 DRAWING NO.
A2.0



TYP. H/C ACCESSIBILITY MOUNTING HEIGHTS & DIMENSIONS

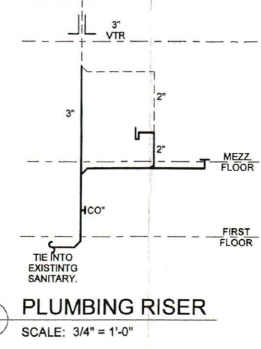
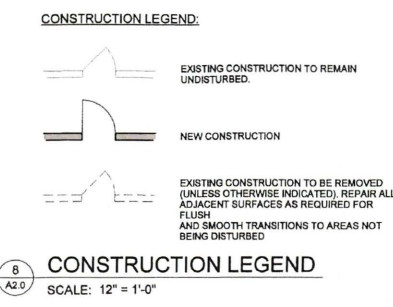
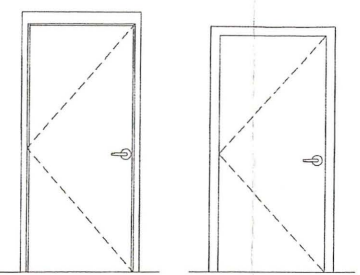
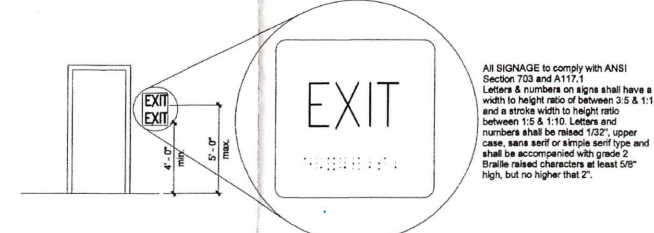


Door Schedule

DOOR NUMBER	DOOR TYPE	WIDTH	HEIGHT	DESCRIPTION	DOOR	FRAME	HDWR. SET
100	FLUSH	3'-0"	6'-8"	FLUSH	HM	HM	36x80
101	FLUSH	3'-0"	6'-8"	FLUSH	HM	HM	36x80
102	FLUSH	3'-0"	6'-8"	FLUSH	HM	HM	36x80
103	FLUSH	3'-0"	6'-8"	FLUSH	HM	HM	36x80
104	FLUSH	3'-0"	6'-8"	FLUSH	HM	HM	36x80
105	FLUSH	3'-0"	7'-0"	METAL FLUSH	HM	HM	36x84
106	FLUSH	3'-0"	7'-0"	METAL FLUSH	HM	HM	36x84
107	FLUSH	3'-0"	6'-8"	FLUSH	HM	HM	36x80

HARDWARE SCHEDULE

SET	DOOR NO.	ITEM	MANUFACTURER & MODEL NUMBER	FINISH	REMARKS
01	106	1 1/2 PAIR BUT HINGES (1) EXIT DEVICE (1) DOOR STOP & HOLD OPEN (1) DOOR CLOSER	HAGER 4 1/2 x 4 1/2 HD BALL BEARING VONDUPRIN 90 SERIES w/ LEVER & CYLINDER ROCKWOOD #477 NORTON 7700 SERIES	US 26 D US 26 D US 26 D US 26 D	
02	106	1 1/2 PAIR BUT HINGES (1) STOREROOM LOCK w/ LVLR HANDLE (1) DOOR CLOSER (1) KICKPLATES (1) DOOR STOP & HOLD OPEN	HAGER 4 1/2 x 4 1/2 HD BALL BEARING SCHLAGE D69PD STOREROOM LOCK ATHENS LEVERS NORTON 7700 SERIES ROCKWOOD 8 x 32 ROCKWOOD #473	US 26 D US 26 D US 26 D US 26 D	
03	100, 101, 102, 107	1 1/2 PAIR BUT HINGES (1) OFFICE LATCH w/ LEVER HANDLE (1) DOOR STOP & HOLD OPEN (1) KICKPLATES	HAGER 4 1/2 x 4 1/2 HD BALL BEARING SCHLAGE D59PD OFFICE LOCK ATHENS LEVERS ROCKWOOD #473 ROCKWOOD 8 x 32	US 26 D US 26 D US 26 D US 26 D	
04	104	1 1/2 PAIR BUT HINGES (1) CLASSROOM LATCH w/ LVLR HANDLE (1) DOOR CLOSER (1) KICKPLATES (1) DOOR STOP & HOLD OPEN	HAGER 4 1/2 x 4 1/2 HD BALL BEARING SCHLAGE D70PD CLASSROOM LOCK ATHENS LEVERS NORTON 7700 SERIES ROCKWOOD 8 x 32 ROCKWOOD #473	US 26 D US 26 D US 26 D US 26 D	
05	103	1 1/2 PAIR BUT HINGES (1) PRIVACY LATCH w/ LEVER HANDLE (1) DOOR CLOSER	HAGER 4 1/2 x 4 1/2 HD BALL BEARING SCHLAGE D408 PRIVACY LOCK ATHENS LEVERS NORTON 7700 SERIES	US 26 D US 26 D US 26 D US 26 D	



HARDWARE NOTES:
 A. PROVIDE WEATHER-STRIPPING AT ALL EXTERIOR DOORS.
 B. PROVIDE YES #11 FELICERS AT ALL WOOD DOORS NOT RECEIVING WEATHER-STRIPPING.
 C. PROVIDE WALL OR FLOOR STOP, AS APPROPRIATE, AT ALL DOOR.

REVIEW

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