

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

### Applicant & Owner Information

Applicant Colin Chavous Phone (610) 710-9372

Property Address 1001 S. Walnut St. City West Chester Zip 19382

E-mail info@chavouscustomcontracting.com

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_  
(if different from Applicant)

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
(if different from Property Address)

E-mail \_\_\_\_\_

### Request

Please select all that apply and provide a brief description of the requested relief or approvals sought.  
*i.e. 6 ft encroachment into rear yard, or Special Exception for construction of ADU.*

**Section 2104:** Appeals from the Zoning Officer \_\_\_\_\_

**Section 2105:** Challenge to the validity of the Zoning Ordinance or Map \_\_\_\_\_

**Section 2106:** Challenge to the Flexible Development Procedure \_\_\_\_\_

**Section 2107:** Variances 170-1708. A Parking more than one commercial vehicle

**Section 2108:** Special Exceptions \_\_\_\_\_ Requesting Approval for a Major Home Occupation





Applicant shall deposit with the Township a fee deemed sufficient to pay the Hearing expenses. These costs may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the Hearing. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings.

**FEE SCHEDULE**

Variance, Special Exception — \$850

Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$850

Challenge to the Zoning Ordinance/Map — \$2,500

————— **CERTIFICATION** —————

**Please review and certify the following information.**

In the event that the costs of the hearing exceed the funds deposited, the Applicant shall pay to the Township funds equal to such excess costs within thirty (30) days of the Township's request. Failure to deposit the additional funds shall be just reasons for terminating the proceedings.

I agree to pay additional funds (if necessary) as requested by the Township.

The Zoning Officer and Zoning Hearing Board may request additional information and documentation to prepare for said hearing.

By checking this box, I certify that the information presented in this application and all attachments is true and correct.

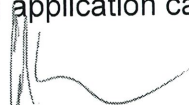
**Please ensure the following documents have been included in your application packet:**

- Completed and signed application form
- Check in the amount of the applicable application fee
- Narrative responding to all applicable prompts
- Proof of property ownership (Copy of Deed or Agreement of Sale)
- Six (6) copies of plans or sketch of the proposed improvements

*Plan drawings are preferred, but not required, to be prepared by a registered engineer, architect, or surveyor. Any measurements/setbacks should be accurate and clearly depicted on provided plot plans or elevations. If the applicant's plans are larger than 11" x 17", the applicant must submit one set of plans reduced to no larger than 11" x 17". Digital copies of plan sets shall be submitted if available.*

Any additional photos or supporting documentation (optional)

Applications may be submitted in person, mailed, or electronically as a PDF. The application fee must be submitted before an application can be accepted for review.

**Signature of APPLICANT**  \_\_\_\_\_

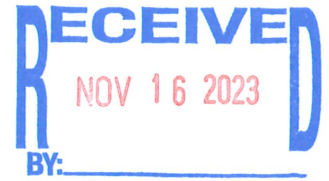
**Date** 11/6/2023

**Print Name** Colin Chavous

**Signature of OWNER** \_\_\_\_\_  
(If different from applicant)

**Date** \_\_\_\_\_

11/16/2023



## Special Exceptions Response.

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

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



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

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

**G. Major home occupations.**

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

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

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

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

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

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

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

- c. Total Habitable Dwelling Square Footage: 2,158 s.f.

Home Office: 24 s.f.

Attached Garage: 1082.75 s.f.

Detached Garage: 334 s.f.

Driveway Space: 1,165 s.f.

Gravel: 447 s.f.

Walkway/Porch: 252 s.f.

Brick Paver walls: 69 s.f.

Paved Drive: 78 s.f.

Concrete Pad: 63 s.f.

Flag Stone: 50 s.f.

Total Impervious Coverage on the Lot: 5,376 s.f.

Total Lot: 30,000 s.f.

Max Impervious Coverage: 25%

Current Impervious Coverage: 17.92%

Proposed Garage: 30'x20' = 600 s.f.

Remove Flag Stone: 50 s.f.

Remove Retaining Wall: 40 s.f.

Remove Gravel: 447 s.f.

Total Removal: 537 s.f.

Proposed Coverage: 63 s.f.

Total Proposed Impervious Coverage of Lot: 5,439 s.f.

Proposed Impervious Coverage: 18.13%



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

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

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

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

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

f. I acknowledge this requirement.

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

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

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

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

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

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

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

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

§ 170-1506 Environmental performance standards.

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

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

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

B. The Property is on Public and Sewer.

C. All utilities shall be installed below ground.



C. No additional utilities are proposed.

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

D. I acknowledge the ZHB may request additional information.

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

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

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

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

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

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

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

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

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

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

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

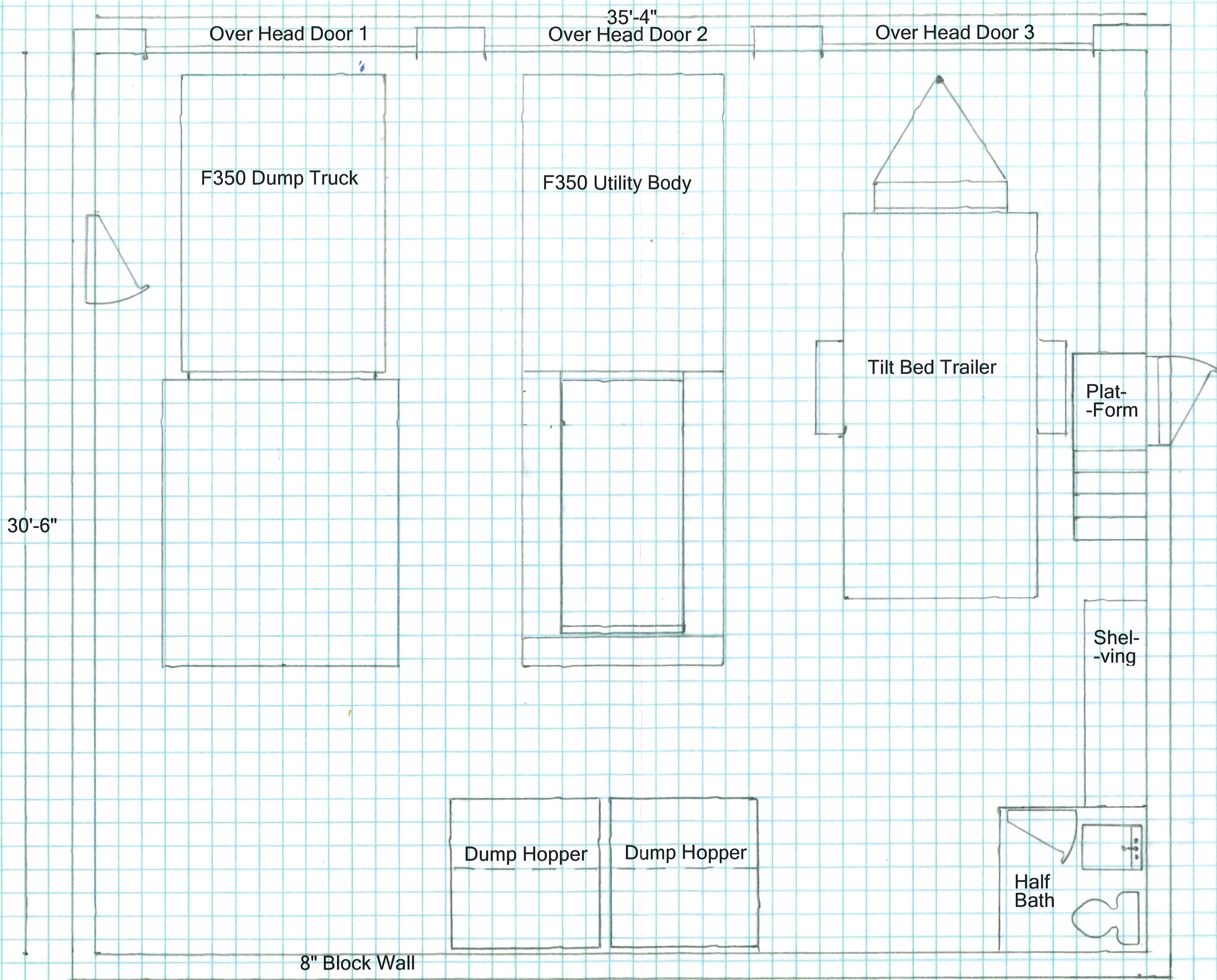
A. Dump Truck and Utility Body are stored in the 3 car garage, and equipment in the detached garage. GMC Terrain Parked in the driveway in front of the detached garage. Both trucks weigh under 10,000 and over 2 ton, but the garage was built originally with the intention of commercial use as the previous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







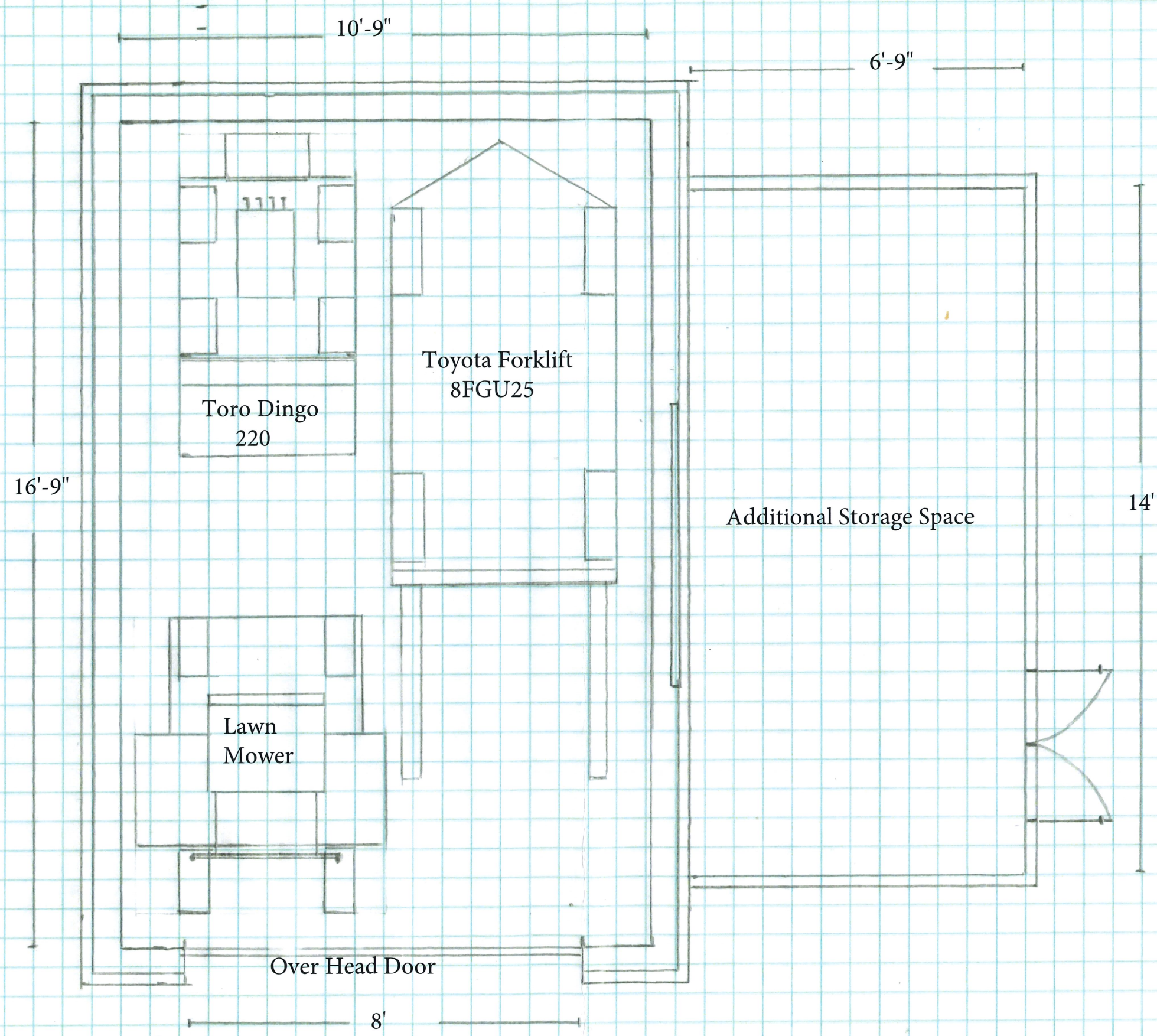
Chavous Family Garage  
1001 S. Walnut St.  
West Chester, Pa 19382



RECEIVED  
NOV 16 2023  
BY: \_\_\_\_\_



RECEIVED  
NOV 16 2023  
BY: \_\_\_\_\_



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





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

484-326-8202

info@chavouscustomcontracting.com

Dear Neighbors,

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

Sincerely,

Colin & Taj Chavous

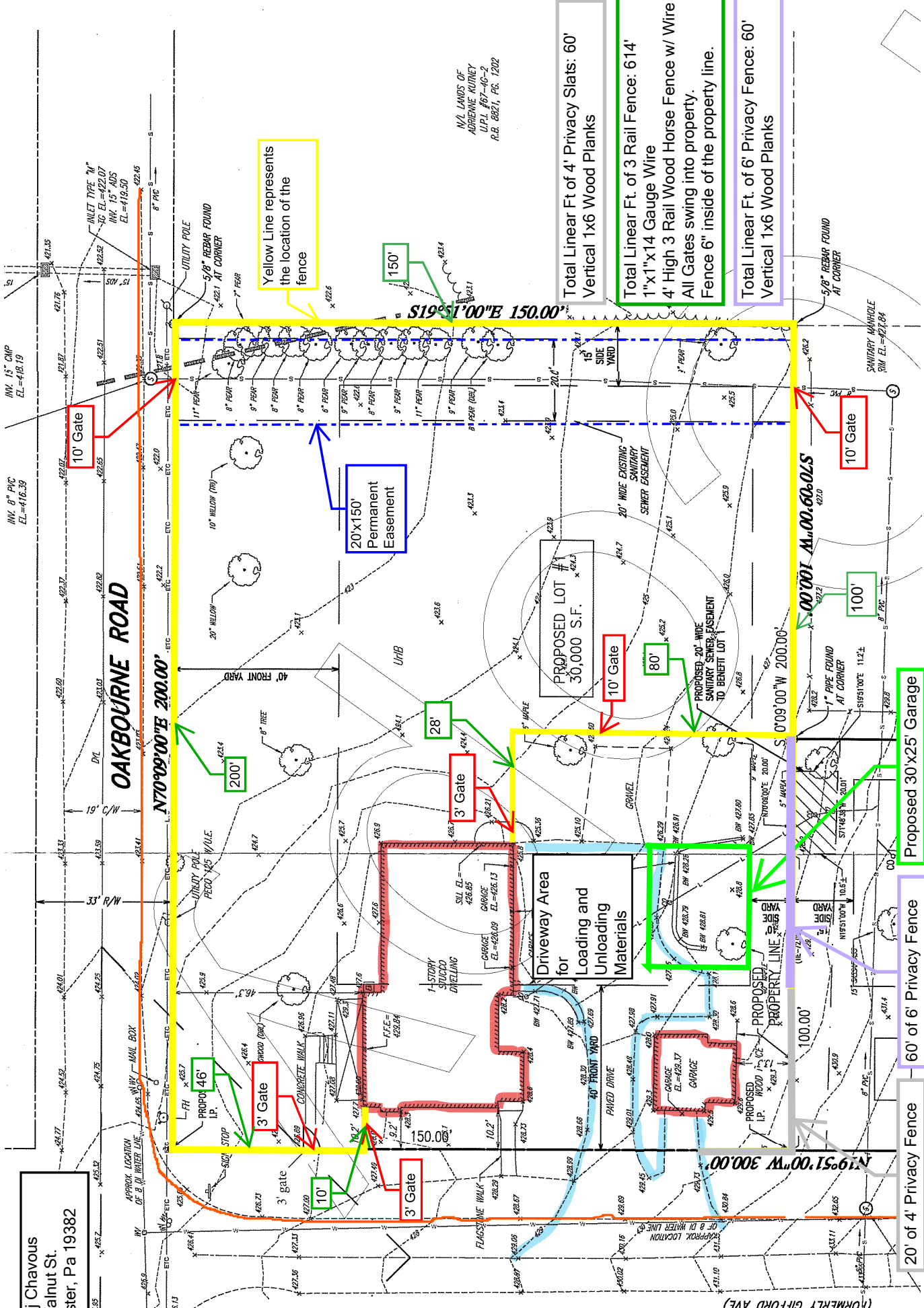
| SIGNATURE          | ADDRESS                                     |
|--------------------|---|
| Agton Rusi         | 101 Broadway Av<br>W. Chester PA 19382      |
| Tom Harter         | 103 Broadway Ave<br>West Chester PA 19382   |
| Steve Oakes        | 119 OAKBOURNE RD.<br>W. C. PA. 19382       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

Where Excellent Craftsmanship, Meets Care and Integrity.

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

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

S. WALNUT STREET  
(FORMERLY GIFFORD AVE)



10' Gate

Yellow Line represents the location of the fence

20'x150' Permanent Easement

PROPOSED LOT # 30,000 S.F.

Driveway Area for Loading and Unloading Materials

10' Gate

100'

Proposed 30'x25' Garage

60' of 6' Privacy Fence

20' of 4' Privacy Fence

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

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

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

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

OAKBOURNE ROAD

S. WALNUT STREET  
(FORMERLY GIFFORD AVE)