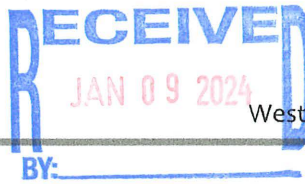


Westtown Township

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>January 9, 2024</u>	Project No.: <u>2024-01</u>
Parcel ID: <u>67-4-960</u>	Zoning Dist: <u>R-2</u>
Date Paid: <u>January 9, 2024</u>	PC Date: _____
Hearing Date: _____	Property Posted: _____
Dates Advertised: _____	
Reviewed by: <u>Mila Carter</u>	

Applicant & Owner Information

Applicant <u>Steven Dinkel</u>	Phone <u>[REDACTED]</u>
Property Address <u>109 Piper Lane</u>	City <u>West Chester, PA</u> , Zip <u>19382</u>
E-mail <u>[REDACTED]</u>	

Property Owner _____ <small>(if different from Applicant)</small>	Phone _____
Mailing Address _____ <small>(if different from Property Address)</small>	City _____ , Zip _____
E-mail _____	

Request

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

<input type="checkbox"/> Section 2104: Appeals from the Zoning Officer _____
<input type="checkbox"/> Section 2105: Challenge to the validity of the Zoning Ordinance or Map _____
<input type="checkbox"/> Section 2106: Challenge to the Flexible Development Procedure _____
<input checked="" type="checkbox"/> Section 2107: Variances _____ <small>Section 170-1502.G) - Locate a swimming pool 16' from a property line where 25' minimum is required.</small>
<input type="checkbox"/> Section 2108: Special Exceptions _____

Please provide a narrative of your request in an attachment that includes all required information and any other supporting documentation.

1. *Property information*

Setbacks of existing primary or accessory structure(s)
Lot Size: 30,396 sf Front: 83.1' Side (R): 29.9' Side (L): 65.8' Rear: 54.0'
Existing property use: Residential
Existing structure(s): Single-family dwelling

2. Description of all proposed improvements, additions and/or change of use. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, and sidewalks, including those within 250 feet of adjoining properties or structures. For physical changes to the lot or structures, indicate the size of all proposed improvements, setbacks to property lines, materials to be used and general construction to be carried out.

3. For **VARIANCES**, provide a response to each of the following hardship standards:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the area and bulk regulations or design standards of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, but shall not allow a change in use to one not permitted by right in that district.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

4. For **SPECIAL EXCEPTIONS**, provide a response to how the proposed use impacts each of the following:

- A. Relationship to the Comprehensive Plan. Consideration that the size, scope, extent, and character of the proposed use will be consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
- B. Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
- C. Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.
- D. Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
- E. Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.

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

FEE SCHEDULE
Variance, Special Exception — ~~\$850~~ *\$1,000 (adopted fee schedule 2024)*
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 1/8/2024

Print Name Steven Dinkel

Signature of OWNER _____
(If different from applicant)

Date _____

Dinkel Property

109 Piper Lane – Westtown Twp., Ches. Co., PA

01/05/2024

Zoning Ordinance Variance Request Narrative

The homeowners wish to install a private in-ground swimming pool to the rear of their existing dwelling. Due to an existing stormwater seepage bed in the rear yard, the pool would best fit the available space if it were shifted towards the side yard. As a result, the setback from the side property line to the pool will be 16 feet, which will be 9 feet closer to the line than the minimum 25 feet that is required. Therefore, a variance is being requested from section 170-1502.G.

Granted of this variance will have no impact on the character of the neighborhood since a pool is an allowable use, will be situated in a rear yard, and is a common modern recreation structure in the subject neighborhood. In addition, a private in-ground swimming pool poses no threat to the public welfare.

Dinkel Property

109 Piper Lane – Westtown Twp., Ches. Co., PA

01/09/2024

Zoning Ordinance Variance Request Narrative

The applicants wish to install a private in-ground swimming pool to the rear of their existing dwelling. Due to an existing stormwater seepage bed in the rear yard, the pool would best fit the available space if it were shifted towards the side yard. As a result, the setback from the side property line to the pool will be 16 feet, which will be 9 feet closer to the line than the minimum 25 feet that is required. Therefore, a variance is being requested from section 170-1502.G.

Below is the Westtown Township list of hardship standards related to variances with responses following each hardship:

- 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.

Response: An existing stormwater seepage bed and associated easement is located in the rear yard, which eliminates much of the space for development.

- 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.

Response: The pool and patio are sized to accommodate the Applicant's family and intended use. A reduction in the patio or pool size to strictly conform to the setback requirement would adversely affect the intended use.

- C. That such unnecessary hardship has not been created by the applicant.

Response: The existing seepage bed, which is restricting the location of the pool and patio, was constructed by the lot developer without the Applicant's knowledge.

- 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.

Response: Granted of this variance will have no impact on the character of the neighborhood since a pool is an allowable use, will be situated in a rear yard, and is a common modern recreation structure

in the subject neighborhood. In addition, a private in-ground swimming pool that meets building code standards poses no threat 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.

Response: Situating the pool at 16 feet from the side lot line allows the Applicant to install a pool and patio that are adequate for the size of their family and their intended use. The pool is situated as far away from the side lot line as is possible to accommodate the pool and patio.

PROPERTY INFORMATION

PARCEL I.D.#: 67-4-9.20
 INSTRUMENT #: 1178719
 ADDRESS: 109 PIPER LANE
 WEST CHESTER, PA 19382
 OWNER: STEVEN W. DINKEL & MICHELLE L. HARTL

GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE CONSTRUCTION OF AN IN-GROUND SWIMMING POOL ON AN EXISTING RESIDENTIAL LOT.
2. TOPOGRAPHIC FEATURES SHOWN ARE BASED ON A LIMITED FIELD SURVEY PERFORMED IN OCTOBER 2023. BOUNDARY, INCLUDING BEARINGS AND DISTANCES, ARE SHOWN BASED ON THE PROPERTY DEED DESCRIPTION. NO BOUNDARY SURVEY HAS BEEN PERFORMED FOR THIS PROJECT.
3. SURVEY WAS PERFORMED WITHOUT ACCESS TO A TITLE REPORT, WHICH WOULD PROVIDE INFORMATION ON ANY LEGAL RIGHT, RESERVATION, OR EASEMENT ON THE SUBJECT PROPERTY.
4. THE RECORD PLAN FOR THE LOT IS THE "PLAN OF PRELIMINARY FINAL TITLE PLAN FOR WESTTOWN WOODS", PREPARED BY EDWARD B. WALSH & ASSOCIATES, INC., DATED 03/17/2016, LAST REVISED 10/05/2017. THE SUBJECT PROPERTY WAS KNOWN AS LOT 13 ON SAID PLAN.
5. VERTICAL ELEVATIONS ARE RELATIVE TO THE SITE AND NOT ASSOCIATED WITH A PARTICULAR DATUM.
6. BOUNDARY BEARINGS ARE PER DEED DESCRIPTION AND NORTH ARROW IS ORIENTED PER DEED BEARINGS.
7. RIGHT-OF-WAY WIDTHS PER DEEDS AND / OR PLANS OF RECORD.
8. PER FEMA FIRM 42029C0206G, EFFECTIVE DATE 09/29/2017, THE ENTIRE PROPERTY IS DESIGNATED AS "AREA OF MINIMAL FLOOD HAZARD - ZONE X".
9. BASED ON THE OBSERVED EXISTING FEATURES, THE EXISTING DWELLING APPEARS TO BE SERVED BY A PUBLIC SANITARY SEWER DISPOSAL SYSTEM AND A PUBLIC WATER SUPPLY SYSTEM.
10. LIMITS OF UNDERGROUND UTILITY SERVICE LINES ON THE LOT CANNOT BE DETERMINED.
11. EXISTING UTILITIES SHOWN ON THIS PLAN SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. REPAIR OF DAMAGED UTILITIES ON OR OFF THE PROPERTY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL NOTIFY PA-1-CALL SYSTEM AT LEAST 3 DAYS PRIOR TO THE START OF CONSTRUCTION.
12. HARDSCAPE PATIO AND STORMWATER MANAGEMENT FACILITY ARE SUBJECT TO CHANGE UPON GRADING PERMIT APPLICATION SUBMISSION.

LOT AREA SUMMARY:

GROSS / NET LOT AREA = 30,396 SF (0.698 AC)

IMPERVIOUS SURFACES SUMMARY:

	EXISTING	ADDED	TOTAL
DWELLING (BUILDING AREA) =	2,536 SF	0 SF	2,536 SF
PORCH / COV. DECK (BUILDING AREA) =	553 SF	0 SF	553 SF
DECK =	492 SF	0 SF	492 SF
HARDSCAPE PATIO / WALKWAY =	283 SF	-800 SF	1,183 SF
WALLS =	93 SF	+85 SF	178 SF
DRIVEWAY =	1,856 SF	0 SF	1,856 SF
POOL / SPA WATER SURFACE =	0 SF	+700 SF	700 SF
POOL / SPA COPING =	0 SF	+114 SF	114 SF
TOTAL =	5,803 SF	+1,799 SF	7,602 SF

ZONING SUMMARY:

1. SUBJECT PROPERTY IS IN THE "R-2 RESIDENTIAL DISTRICT" AND IS NOT LOCATED IN ANY OVERLAY DISTRICTS.
2. CURRENT PRINCIPAL USE IS A SINGLE-FAMILY DETACHED DWELLINGS, WHICH IS PERMITTED.
3. PROPOSED ACCESSORY USE IS A PRIVATE IN-GROUND SWIMMING POOL, WHICH IS PERMITTED.
4. SINGLE-FAMILY DWELLING (PRINCIPAL STRUCTURE) DIMENSIONAL DATA:

	REQUIREMENT	EXISTING	PROPOSED
LOT AREA	22,000 SF MIN. (1)	30,396 SF	NO CHANGE
LOT WIDTH AT SETBACK LINE	100 FT MIN.	143.9 FT	NO CHANGE
IMPERVIOUS COVERAGE	25% MAX.	19.1 %	25.0 %
LOT WIDTH AT STREET LINE	50 FT MIN.	132.8 FT	NO CHANGE
BUILDING SETBACK LINE	40 FT MIN.	83.1 FT	NO CHANGE
SIDE YARD			
INDIVIDUAL WIDTH	10 FT MIN.	29.9 FT	NO CHANGE
AGGREGATE WIDTH	25 FT MIN.	95.7 FT	NO CHANGE
REAR YARD	30 FT MIN.	54.0 FT	NO CHANGE
BUILDING HEIGHT			
STORIES	3 MAX.	2	NO CHANGE
MEASUREMENT	38 FT MAX.	- 38 FT	NO CHANGE

(1) FOR LOTS SERVED BY PUBLIC SEWER AND WATER.

5. SWIMMING POOL (ACCESSORY STRUCTURE) DIMENSIONAL DATA:

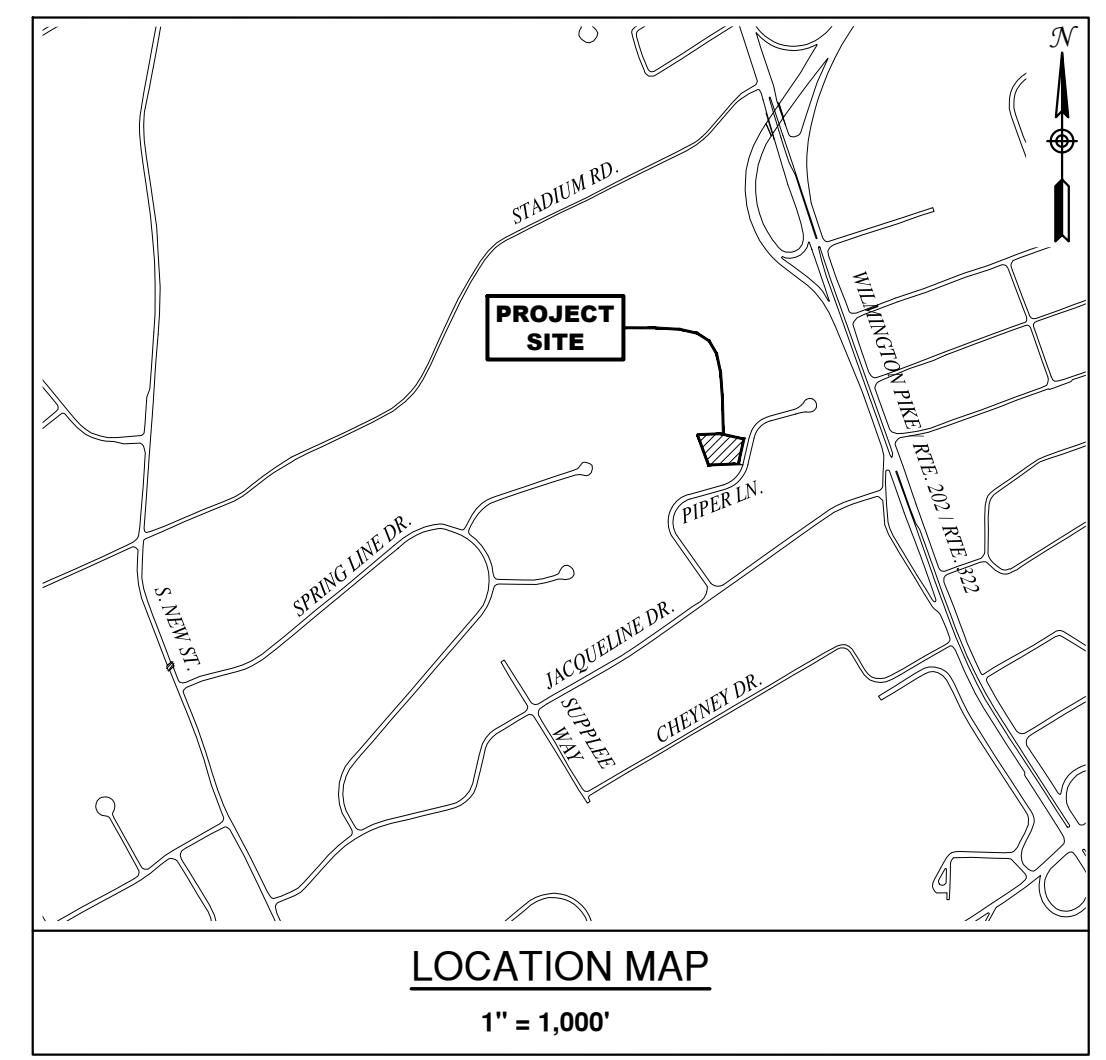
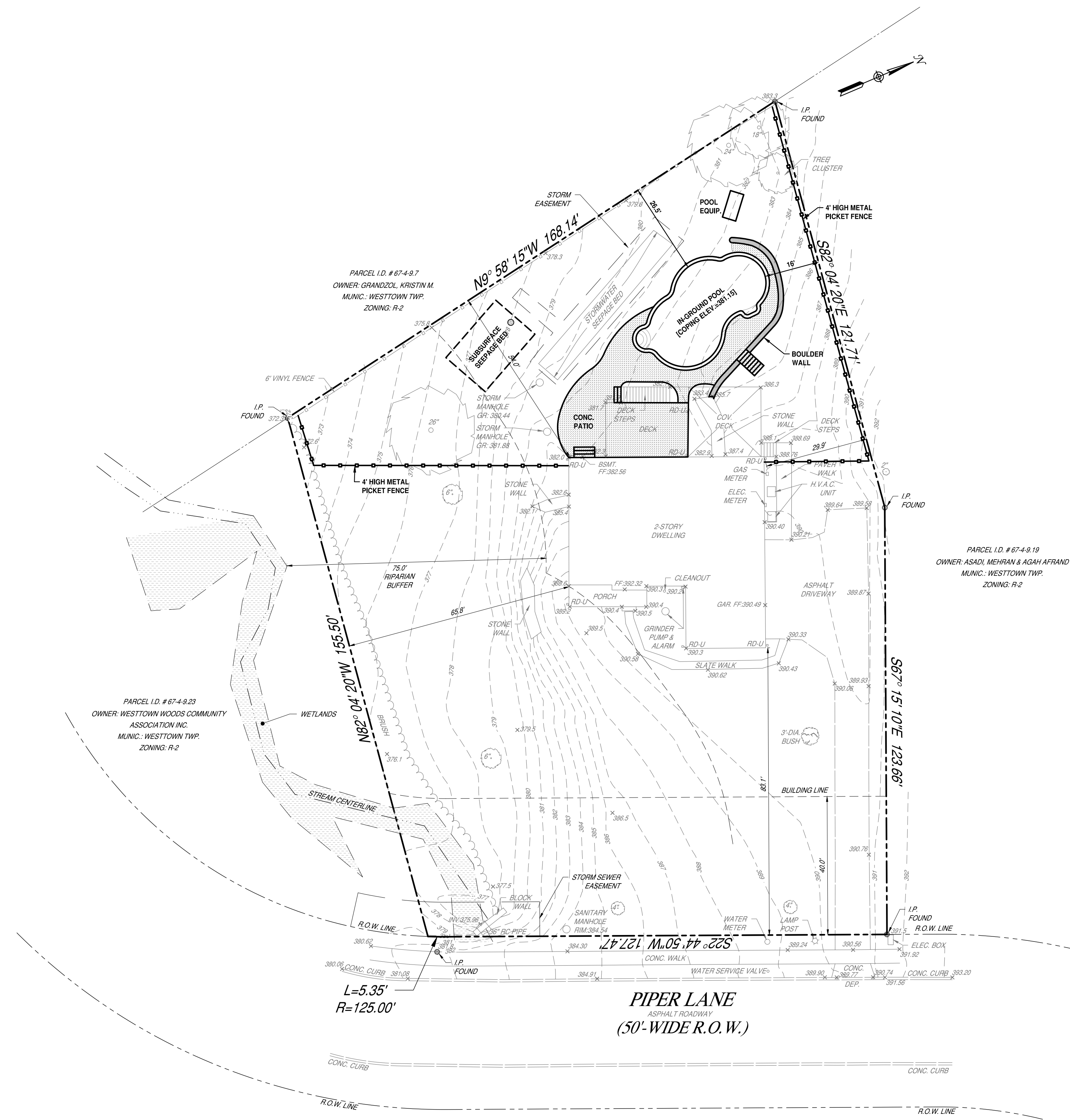
	REQUIREMENT	EXISTING	PROPOSED
LOCATION	PROHIBITED IN FRONT YARD	N/A	OUTSIDE REQ'D FRONT YARD
LOT LINE SETBACK	25 FT MIN.	N/A	16.0 FT (1)

(1) VARIANCE REQUIRED.

ZONING VARIANCE REQUESTED:

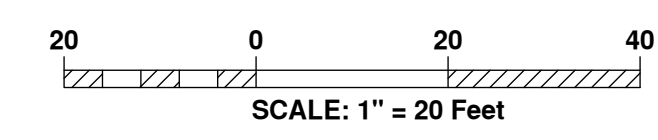
THE FOLLOWING VARIANCE FROM THE WESTTOWN TOWNSHIP ZONING ORDINANCE IS BEING REQUESTED FOR THIS PROJECT:

- VARIANCE FROM SECTION 170-1502.G TO ALLOW THE NEW POOL TO BE LOCATED LESS THAN TWENTY-FIVE (25) FEET FROM A PROPERTY LINE.



LEGEND

---	: SUBJECT PROPERTY BOUNDARY	BSMT.	: BASEMENT
---	: RIGHT-OF-WAY LINE	GAR.	: GARAGE
---	: ADJOINER PROPERTY LINE	CHIM.	: CHIMNEY
---	: EXISTING CONTOUR	CANT.	: CANTILEVER
---	: PROPOSED CONTOUR	LSCP.	: LANDSCAPE
---	: EXISTING SPOT ELEVATION	ROW	: RIGHT-OF-WAY
---	: PROPOSED SPOT ELEVATION	TBR	: TO BE REMOVED / RELOCATED
---	: EXISTING TREE WITH TRUNK DIAMETER	I.P.	: IRON PIN
---	: EXISTING BUSH WITH DIAMETER	I.PIPE	: IRON PIPE
---	: EXISTING EDGE OF DENSE VEGETATION	MON.	: MONUMENT
---		FF	: FINISHED FLOOR
---		TOFW	: TOP OF FOUNDATION WALL
---		CONC.	: CONCRETE
---		DEP.	: DEPRESSED
---		COV.	: COVERED
---		ELEC.	: ELECTRIC
---		U.G.	: UNDERGROUND
---		TW	: TOP OF WALL
---		BW	: BOTTOM OF WALL
---		TS	: TOP OF STEP
---		BS	: BOTTOM OF STEP
---		RD-S	: ROOF DOWNSPOUT - SURFACE
---		RD-U	: ROOF DOWNSPOUT - UNDERGROUND



Professional Engineer Seal for David M. Lisanti, No. PE080272, State of Pennsylvania.

DATE	REVISION	SHEET:
		1 OF 1
SITE IMPROVEMENTS		
ZONING COMPLIANCE PLAN		
PREPARED BY: DAVID M. LISANTI, P.E., LLC 2657 OLD CEDAR GROVE ROAD BROOMALL, PA 19008 (484) 574-4684 DLISANTI@OUTLOOK.COM		FOR DINKEL PROPERTY 109 PIPER LANE, WEST CHESTER, PA 19382 WESTTOWN TOWNSHIP CHESTER COUNTY, PENNSYLVANIA
SCALE: 1" = 20'	DATE: 01/04/2024	PROJECT: 23-66