$1500

TOWNSHIP USE ONLY

CASE NO. _____

RECEIVED
JUN 25 2010
BY: Denise Miller

ZONING HEARING BOARD
EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

APPLICATION FOR A HEARING
(Submit 11 complete packets)

CHECK ALL APPLICABLE REQUESTS FOR HEARING:

✓ Request for Variance
_____ Request for Special Exception
_____ Challenge to Validity of the Zoning Ordinance
_____ Appeal from Decision of Zoning Officer

1. Name of Property Owner: James E Sprows
2. Address of Property Owner: 15 Waters Edge Ct. Berlin, MD 21811
3. Telephone Number of Property Owner: _____

COMPLETE QUESTIONS #4 - #7 ONLY IF APPLICANT IS DIFFERENT FROM PROPERTY OWNER

4. Name of Applicant: Tiffany Sprows
5. Interest of Applicant (for example, tenant or equitable owner under an agreement of sale): tenant, daughter of owner of Property
6. Address of Applicant: 25 N. Danbury Cr. Coatesville Pa 19320
7. Telephone Number of Applicant: 610 384 8604

8. Address of Subject Property: 25 N Danbury Cr. Coatesville Pa 19320

9. Tax Parcel No. 47040405 0000

10. Zoning District of Subject Property: East Fallowfield, R-3

11. Name, Address and Telephone Number of Consultant, Attorney or Representative:
N/A

12. State the present use of the property which is the subject of this application:
Single Family Residential Home

13. State the proposed use of the property which is the subject of this application:
Pennsylvania State Licensed Home Day Care (Daycare Home as a Residential Accessory Use)

14. State the section or sections of the Zoning Ordinance under which the Hearing is being requested: Section 1702.B and 1712.C of the East Fallowfield Township Zoning Ordinance - Section 201 of this Ordinance (#6) - Off-street Parking

15. Please describe the grounds for the application (attach additional explanations on a separate sheet if necessary):

A. If a request for a variance, please set forth the variances requested and the hardship to support the granting of such variances or variances:
(See answer Attached)

B. If a request for a special exception, please identify the proposed special exception. including the applicable section or sections of the Zoning Ordinance: N/A

C. If this is an appeal from a determination of the Zoning Officer, what was the determination, and what is the error alleged?: N/A

D. If a challenge to the validity of the Zoning Ordinance, please specify the Section or Sections of the Zoning Ordinance claimed to be invalid and the grounds for such alleged invalidity: N/A

16. The following are additional requirements for all special exception requests (include 7 copies of each of the following):

N/A A. Written report providing all of the information required by Sections 2203 of the Zoning Ordinance.

N/A B. Listing of names and addresses of adjoining property owners, including properties directly across a public right-of-way.

N/A C. Ground floor plans and elevations of proposed structures.

N/A D. A scaled site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance. Please note that photo graphs are helpful to the reviewer. Show all the following (if applicable):

- a dimensions and number of parking spaces
- proposed/existing front yard set back from the property line with distance shown
- proposed/existing side yard set back from the property line with distance shown
- proposed/existing rear yard set back from the property line with distance shown
- location and size of building(s)
- size of area to be used for storage use, warehouse use, work space or any other use of applicable facilities that may be helpful in reviewing the application
- driveway location, dimensions, and material
- sign location and dimensions
- dumpster location and method of screening

- lighting location(s), type, size, and height
- lot lines
- clear sight triangle(s)
- any other information that would be helpful in the review process.

N/A E. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Zoning Ordinance, including the following:

- each of the Specific Criteria attached to the requested special exception as listed in Section 2207.2 of the Zoning Ordinance;
- the Zone requirements in which the subject property is located (e.g. setbacks, lot area, lot width, lot coverage, height, landscaping, etc);
- the General Provisions requirements listed in the Zoning Ordinance (e.g. vehicular access, off-street parking and loading, signs, screening and landscaping, etc.);
- for expansion or alteration of nonconforming uses, each of the criteria listed in Article 2000 of the Zoning Ordinance;
- for substitution or replacement of nonconforming uses, those criteria listed in Article 2000 of the Zoning Ordinance;
- for special exceptions proposed in the Floodplain Zone, those regulations contained in the Zoning Ordinance; and
- each of the General Criteria listed in the Zoning Ordinance.

N/A F. Signs: If the applicant anticipates erecting a sign, the sign information must be submitted with the paperwork for this hearing. Signs must be approved by the Zoning Hearing Board at the hearing.

17. The following are additional requirements for all variance requests (include 7 copies of each of the following):

(See attached answer) A. A written description of the proposed use in sufficient detail to demonstrate compliance with each of those criteria listed in Section 2207.1 of the Zoning Ordinance.

(See attached answer) B. Listing of names and addresses of adjoining property owners.

(See attached plot plan) C. A scaled site plan with sufficient detail and accuracy to depict the nature of the request and reflect its relationship with adjoining properties, and their improvements. Please note that photographs are helpful to the reviewer. Show all the following (if applicable):

- dimensions and number of parking spaces
- proposed/existing front yard set back from the property line with distance shown
- proposed/existing side yard set back from the property line with distance shown
- proposed/existing rear yard set back from the property line with distance shown
- location and size of building(s)
- N/A size of area to be used for storage use, warehouse use, work space or any other use of applicable facilities that may be helpful in reviewing the variance application
- driveway location, dimensions, and material
- N/A sign location and dimensions
- N/A dumpster location and method of screening
- N/A lighting location(s), type, size, and height
- lot lines
- clear sight triangle(s)
- any other information that would be helpful in the review process.

See attached plot plan

D. For use variances, a writlen report and scaled site plan demonstrating compliance with all applicable provisions of the Zoning Ordinance including the following:

- the Zone requirements in which the subject property is located (e.g, setbacks, lot area, lot width, lot coverage, height, landscaping, etc);
- the General Provisions requirements listed in the Zoning Ordinance (e.g. vehicular access, off-street parking and loading, signs, screening and landscaping, etc.);

18. This application is not complete until the fee established for such applications by ordinance or resolution of the East Fallowfield Township Board of Supervisors has been paid by Applicant and all information required by this application has been furnished. The hearing fee is $ 1,500.00 (all checks should be made payable to "East Fallowfield Township".)

19. In making this application, the Applicant agrees to pay all fees required by the fee schedule adopted by the East Fallowfield Township Board of Supervisors by ordinance or resolution in effect on the date of the application.

20. Applicant agrees to post a sign or signs (provided by lhe Township) at conspicuous locations along the perimeter of the subject properly sufficient to notify potentially interested citizens of the zoning hearing. The sign or signs shall be posted continuously at least one week prior to the date of the hearing. Applicant agrees to return the sign or signs to the East Fallowfield Township Municipal Building on the night of the hearing.

21. If the application is approved, Applicant, in accordance with Section 2208 of the Zoning Ordinance, will have six (6) months from the date of such approval to apply for and secure a zoning permit and commence the authorized construction. All authorized construction must be completed within twelve (12) months from the dale of such approval. Should the applicant fail to obtain the necessary permits within said six (6) month period, or having obtained the permit should he fail to commence work thereunder within such six (6) month period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board. Should the applicant commence construction or alteration within said six (6) month period, but should he fail to complete such construction or alteration within said twelve (12) month period, the Board may upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) month period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

BY SIGNING THIS APPLICATION, I, THE APPLICANT, DO HEREBY VERIFY THAT I HAVE REVIEWED AND UNDERSTAND THE STATEMENTS MADE IN THIS APPLICATION AN D THAT ALL SUCH STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THESE STATEMENTS ARE BEING GIVEN BY ME TO INDUCE OFFICIAL ACTION ON THE PART OF THE EAST FALLOWFIELD TOWNSHIP ZONING HEARING BOARD, AND I UNDERSTAND THAT ANY FALSE STATEMENTS MADE HEREIN ARE BEING MADE SUBJECT TO THE PENALTIES OF 18 PA. C.S. §4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

Date: June 24th, 2010

(Signature of Applicant*)

(*If the application is being made by a person other than the property owner, attach a written authorization from the owner consenting to the application and designating you as his agent.)

Administration Use Only

Date Application Accepted _____ Total costs _____

Date Advertised (two successive weeks no more than 30 days and no less than 7 days before hearing)

_____ _____

First Date Second Date

Property Posting (at least one week before hearing) _____

Date of Hearing (within 60 days of application) _____

Date of Decision (within 45 days of last hearing) _____

Decision _____

_____

_____

_____

Conditions of Approval _____

_____

_____

_____

_____ _____ _____

Chairman Secretary Member

Number 15- A, page two answer:

I am requesting a variance for section 201 of this Ordinance which reads as followed:

#6- A minimum of two off-street parking spaces shall be provided in addition to the required number for a residence. An area for the discharge and pick-up of the children shall be provided, which is removed from both the parking and ingress/egress for the site.

I am asking for the variance due to the low volume traffic that a daycare home will incur. The maximum children arriving will be 6 on any given day, the parents will only be dropping off and picking up, which should take no more then 5 minutes. The parents will only be parked for a very short period of time. Most likely, the children will be arriving and leaving at different times of the day as well.

Number 17, page 4 answer:

A. A written description of the proposed use in sufficient detail to demonstrate compliance with each of those criteria listed in Section 2207.1 of the Zoning Ordinance.

2207.1 Variances

A. The Zoning Hearing Board shall hear and decide requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The Zoning Hearing Board may by rule prescribe the form application, as provided by Section 2102, General Permit Regulations. The Zoning Hearing Board may grant a variance, provided the following findings are made, where relevant, in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of the 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:

Answer:

My lot will not allow for the additional parking that is required for a Home Occupation; it would also not be approved by my Home Owners Association to expand my driveway to accommodate the required parking. As I mentioned in number 15 A. of the application, a Daycare

Home is a drop off pick up only, and the parents will not be parked for extended periods of time. Therefore, I do not find it to be necessary for the additional parking.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property:

Answer:
See above answer (2207.1 Variance- A- 1.)

3. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in the strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property:

Answer:

See above answer (2207.1 Variance- A- 1.)

4. That the variance, if authorized, will neither alter the essential character of the neighborhood or district which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare:

Answer:
The variance will not alter the essential character of the neighborhood, and will allow the exterior of the residence to have an appearance no different than if there were no daycare home conducted inside, which is a condition under Day Care Home, Section C, number 6. of the Ordinance.

5. That authorization of variances in the Flood Hazard District shall be consisted with the requirements of Section 1508 of this Ordinance:

Answer:
Not Applicable

6. 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.

Answer:
I can fit at least 2 cars side by side in my driveway, because a day care home is a drop off/pick up only, and the parents will be arriving and departing at different times of the day, 2 spaces should be sufficient

B. In granting any variance, the Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

Number 17. B- Answer- page 4

B. Listing of names and addresses of adjoining property owners.

1- Shawn and Molly Hoch, 23 N Danbury Circle Coatesville PA 19320
2- Joseph and Sharon Renshaw, 24 N Danbury Circle Coatesville PA 19320
3- Damoine and Gaildeen Owens, 29 N Danbury Circle Coatesville PA 19320
4- Pascal and Julie St. Laurent, 65 N Danbury Circle Coatesville PA 19320

BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2009 - 08

AN ORDINANCE AMENDING SECTIONS 1702.B. AND 1712 OF THE EAST FALLOWFIELD TOWNSHIP ZONING ORDINANCE OF 2002, AS AMENDED, TO ALLOW A DAY CARE HOME AS A RESIDENTIAL ACCESSORY USE. EFFECTIVE FIVE DAYS FROM ENACTMENT.

AND NOW, this 22nd day of December, 2009, the Board of Supervisors of East Fallowfield Township hereby enacts and ordains as follows:

Section 1. Section 1702.B. of the East Fallowfield Township Zoning Ordinance of 2002, as amended, pertaining to uses accessory to residential uses, is amended by adding a new subsection 10 to read as follows:

10. Day care home in accordance Section 1712.C.

Section 2. Section 1712 of the East Fallowfield Township Zoning Ordinance of 2002, as amended, pertaining to home occupations, is amended by adding a new subsection C. to read as follows:

C. Day Care Home. As defined in Section 201 of this Ordinance, a day care home shall be permitted when incidental and subordinate to an existing residential use, and when located on the same land as the principal use, subject to the following conditions:

1. Only single family detached dwellings are permitted to contain a day care home.

2. The principal operator of the day care home shall be a resident of the dwelling except that two persons not residing on the premises may be employed at a maximum of 50 hours per week per person.

3. A day care home shall occupy no more than 25 percent of the total floor area of the dwelling unit, or 750 square feet of floor area; whichever is less.

4. The exterior of the residence shall have an appearance no different than if there were no day care home conducted inside.

5. The use shall not emit noise which violates the performance standards of Section 1810 of this Ordinance.

6. A minimum of two off-street parking spaces shall be provided in addition to the required number for a residence. An area for the discharge and pick-up of children shall be provided, which is removed from both the parking and ingress/egress for the site.

7. No storage or display of moveable play equipment or materials shall take place out-of-doors expect during daylight hours.

8. There shall be an outdoor play area of one hundred (100) square feet per child, subject to the following requirements:

   a. Outside play shall be limited to the hours of daylight.

   b. The outdoor play area shall be fenced on all sides and shall not include driveways, parking areas or land unsuited by other uses or natural features for active play area.

   c. Fencing shall be a minimum height of four (4) feet.

   d. The play area shall be setback no further forward than the rear setback line of the dwelling.

9. There shall be an indoor play area of fifty (50) square feet per child.

10. The day care home shall meet all of the requirements of 34 Pa. Code §403.23(b) applicable for a day care facility that is an R-3 occupancy which provides day care services to four to six children.

11. The day care home shall be licensed under 55 Pa. Code Chapter 3290, relating to family child day care homes, and any other applicable state regulation.

Section 3. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and **ORDAINED** this 22nd day of December, 2009.

BOARD OF SUPERVISORS OF
EAST FALLOWFIELD TOWNSHIP

_____
George Broadbent, Jr., Chairman

_____
Chris Makely, Vice Chairman

_____
Chris Amentas, Member

Gary Barach, Member

Garth Monaghan, Member

ATTEST:

Denise Miller, Secretary

address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decisions or findings and a statement of the place at which the full decision or findings maybe examined.

(*Ord. 2002-06*, 11/11/2002, §2206)

§27-2207. Jurisdiction and Functions.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of this Chapter, except those brought before the Board of Supervisors pursuant to §609.1. "Procedure for Landowner Curative Amendments," and §916.1(a)(2), "Challenge to Validity of Ordinance," of the Municipalities Planning Code, Act 247, as amended, 53 P.S. §§10609.1, 10916.1(a)Q).

B. Challenges to the validity of this Chapter raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of this Chapter. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure, or lot.

D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of Part 15, "Flood Hazard District," of this Chapter.

E. Applications for variances from the terms of this Chapter pursuant to §910.2 of the Municipalities Planning Code, Act 247, as amended, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter pursuant to §912.1 of the Municipalities Planning Code, Act 247, as amended, 53 P.S. §10912.1.

G. Appeals from the Zoning Officer's determination, under §916.2, "Procedure to Obtain Preliminary Opinion," of the Municipalities Planning Code, Act 247, as amended, 53 P.S. §10916.2.

H. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of this Chapter, or provision thereof, with reference to sedimentation and erosion control and stormwater management, insofar as the same relates to development.

2. *Variances.*

A. The Zoning Hearing Board shall hear and decide requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship on the applicant. The Zoning Hearing Board may by rule prescribe the form of application, as provided by §27-2102, "General Permit Regulations." The Zoning Hearing Board may grant a variance, provided the following findings are made, where relevant, in a given case:

(1) 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 this Chapter in the neighborhood or district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the applicant.

(4) That the variance, if authorized, will neither alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) That authorization of variances in the Flood Hazard District shall be consistent with the requirements of §27-1508 of this Chapter.

(6) 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 Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

3. *Special Exceptions*. The Zoning Hearing Board shall hear and decide requests for special exceptions where this Chapter has stated special exceptions are to be granted pursuant to the following express standards and criteria, in addition to such other considerations and determinations as may be required by the Municipalities Planning Code, Act 247, as amended, 53 P.S. §10101 *et seq*., and other provisions of this Chapter. The Zoning Hearing Board shall:

A. Give full consideration to the size, scope, extent, and character of the exception desired and assure itself that such request is consistent with the plan for future land use in East Fallowfield Township and with the spirit, purpose, and intent of this Chapter.

B. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

C. Consider the public interest in, or the need for the proposed use or change that determines that the proposal will serve the best interest of the Township, the convenience of the community (where applicable) and the public health, safety, and general welfare.

D. Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities

including, but not limited to, public water and sewer, police and fire protection, transportation, and public schools.

E. Be guided in its study, review, and recommendations by sound standards or subdivision practice, where applicable.

F. Review the recommendations of the Planning Commission on the proposed development plan, where such plan is required. The Zoning Hearing Board shall not be bound by such recommendations, nor shall the Zoning Hearing Board be bound by the action of the Board of Supervisors in relation to the development plan.

G. Guide the development of highway frontage insofar as possible so as to limit the total number of access points, reduce the need for on-street parking and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highways.

H. Consider, where pertinent, the effects of the proposal, with respect to congestion on the roads or highway, the most appropriate use of land, conserving the value of buildings, safety from fire, panic, and other dangers, adequacy of light and air; the prevention of overcrowding of land; congestion of population and adequacy of public and community services and determine that approval of the application will not have a substantially adverse effect thereon.

I. Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provisions of water or sewer service, and any other alterations to the site's pre-development conditions shall be consistent with Township goals, practices, and plans in these regards, and that demand for water and energy by the proposed, use shall be minimized to the optimal extent.

J. Impose such conditions, in addition to those required as are necessary to assure that the intent of this Chapter is complied with, and which are reasonably necessary to safeguard the health, safety, morals, and general welfare of the residents of the Township at large, and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, in accordance with §27-1809, "Lighting," of this Chapter, numbers of persons involved, and performance standards, in accordance with §27-1810, "Performance Standards."

K. *Special Conditions*. In addition to conforming with the general standards above, and all other applicable regulations contained in this Chapter, the proposed special exceptions shall conform with all conditions for that use as given in Part 17.

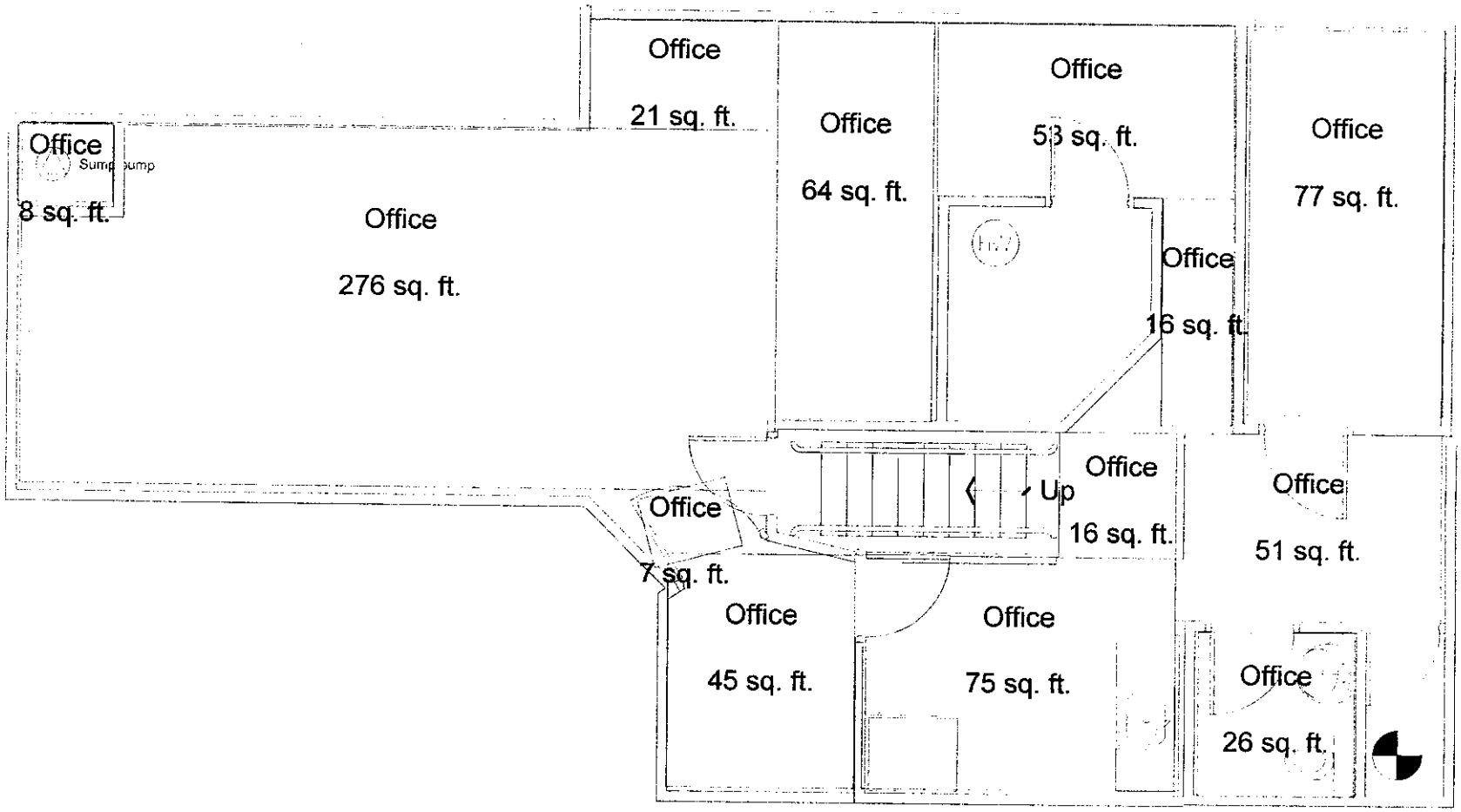
(*Ord. 2002-06*, 11/11/2002, §2207)

§27-2208. Expiration of Special Exception and Variance.

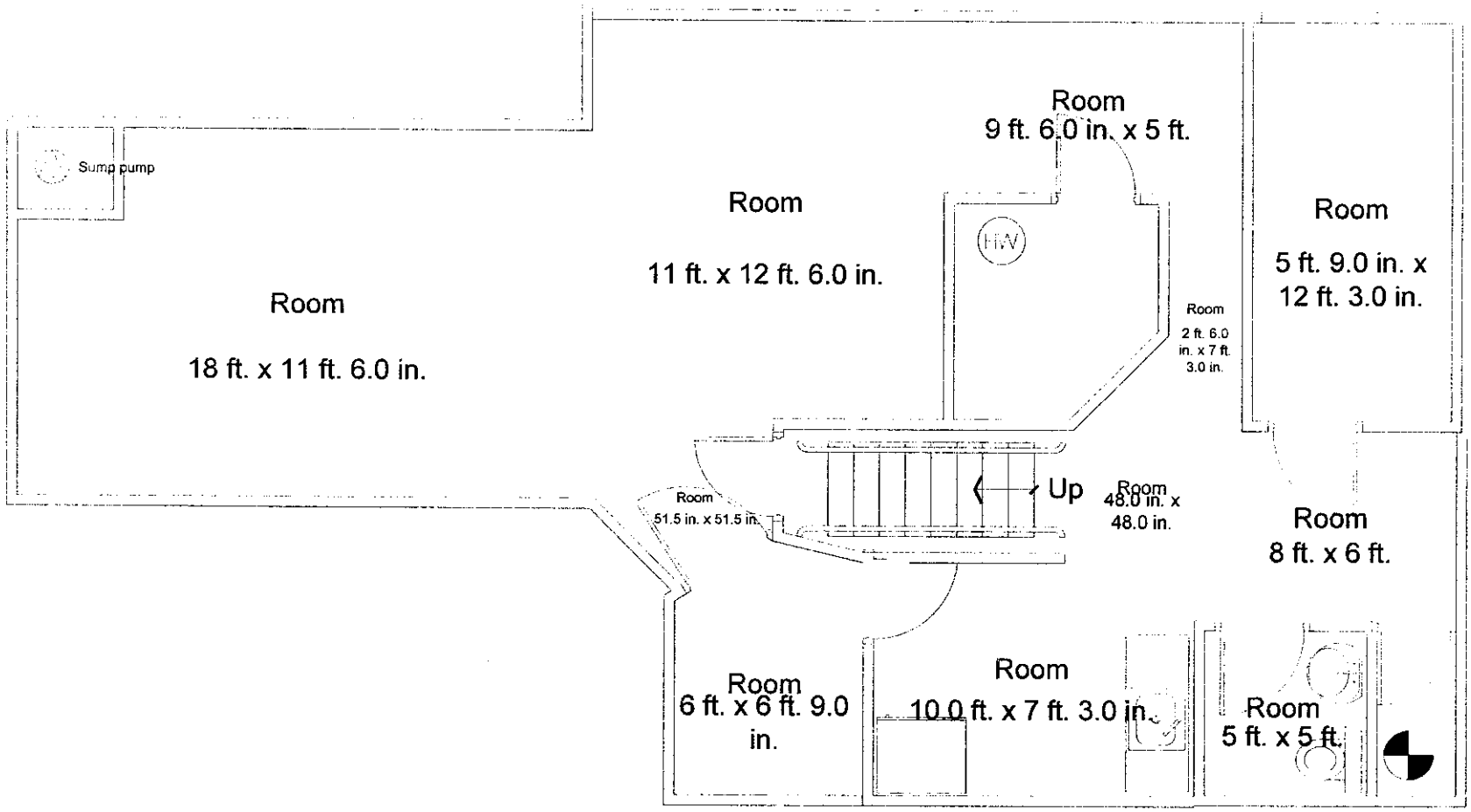
Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within 6 months from the date of authorization thereof.

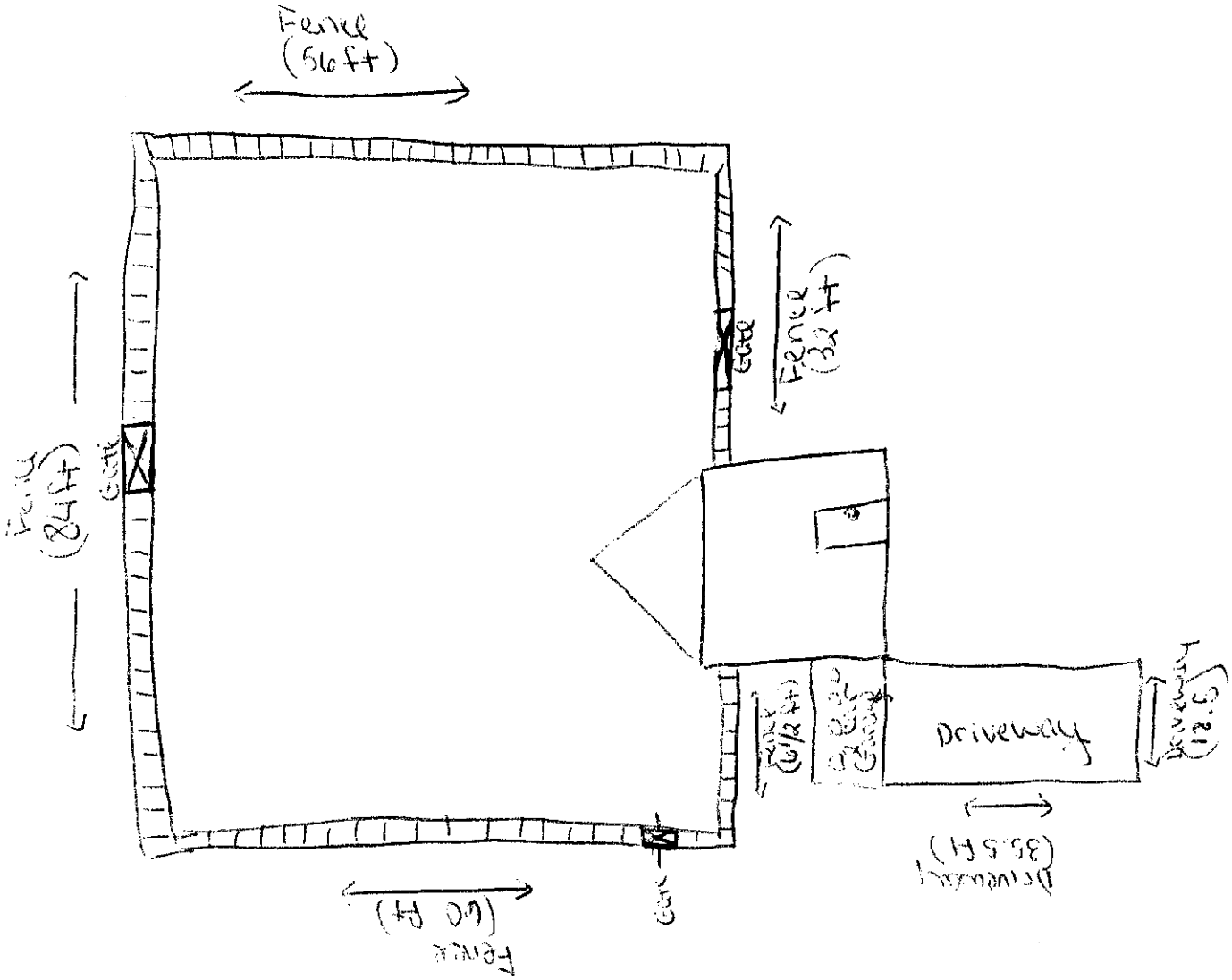
(*Ord. 2002-06*, 11/11/2002, §2208)

Finished Basement- Area for home day care



Area for home daycare - Finished Basement




Fence
(56 ft)
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Gate
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Gate
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Driveway
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