

CHARLESTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

DECISION AND ORDER

**Application of Michael Richter
for Conditional Use Approval**

October 7, 2019

I. INTRODUCTION

Michael Richter (the “Applicant”) filed an application for conditional use approval pursuant to Section 27-1608.1.B(2) of the Charlestown Township Zoning Ordinance (“Zoning Ordinance”) in order to construct an accessory use building with an area to be used as a garage and area for a guest quarters, a use which is permitted by conditional use in the R-1 Residential Zoning District.

The Applicant proposes the conditional use on the property located at 141 Ravenhill Road, Phoenixville (the “Property”). The Applicant submitted a Conditional Use Plan dated July 30, 2019 (the “Plan”), showing the Property improved a single family dwelling and showing the proposed accessory use building with the garage and living quarters areas delineated in addition to a proposed new driveway accessing the garage.

A public hearing on the Applicant’s conditional use application was commenced on September 3, 2019, with public notice properly provided. The Applicant testified at the hearing in support of the application.

II. RELIEF REQUESTED

The Property that is the subject of this application is owned by Michael Richter and is located at 141 Ravenhill Road, Phoenixville. The Property consists of 0.92-acres of land improved with a single family dwelling also identified as Tax Parcel # 35-1D-1. The existing dwelling on the Property has access by way of a private driveway to Ravenhill Road. The Applicant proposes to construct the accessory building to the rear of the Property with access by way of a new driveway as shown on the Plan, Exhibit A-3. The driveway is proposed to be made of stone with a geo-web.

The accessory building is proposed to be 1715 square feet in size with 859 square feet of living space. The building is proposed to be located 25-feet from the side lot line with the portion of the building delineated as the living quarters at least 40-feet from the side lot line as required by Section 27-1608.1.B(2)(d) of the Zoning Ordinance. The Applicant does not intend to plant additional trees between the proposed accessory building and the closest neighboring property owned by the Apsokardus’, and there is no intent to remove existing trees in that location in order to minimize impact on the neighbors.

Section 27-202 of the Zoning Ordinance defines the term “Guest House” as “A building accessory to a single-family detached dwelling used exclusively for temporary residential purposes, having no service connection for electricity, water and/or septic disposal independent of the principal building, and having no facilities for cooking.” Section 1608 of the Zoning Ordinance permits a Guest House by conditional use in relevant part as follows:

§ 27-1608 Accessory Uses, Buildings and Structures.

1. Accessory uses, buildings and structures shall include, but not necessarily be limited to the following:

B. Uses, Buildings and Structures Accessory to Dwellings....

(2) Quarters for guests and servants, provided that:

(a) Such quarters shall only be permitted as a conditional use.

(b) Only one guest house or servants quarters shall be permitted per lot.

(c) The gross square footage shall not exceed 1,000 square feet.

(d) Such quarters shall be no closer to any side or rear lot line than 40 feet.

The standards and criteria for conditional uses are set forth in Section 27-1809 of the Zoning Ordinance. Based on those standards, the Applicant’s proposed development of a Guest House is consistent with the R-1 District provisions for a an accessory use building and use; the Plan is consistent with the uses on adjacent lots, which are residential, and is consistent with the character of the neighborhood; and the Plan provides safe and adequate access to Ravenhill Road and will not result in excess traffic volumes.

III. FINDINGS OF FACT

1. The Property that is the subject of this application is owned by Michael Richter and is located at 141 Ravenhill Road, Phoenixville.

2. The Property consists of 0.92-acres of land improved with a single family dwelling also identified as Tax Parcel # 35-1D-1 and is located in the R-1 Residential District

3. The Applicant, Michael Richter owns and resides on the Property in the existing single-family dwelling.

4. The Applicant’s proposal complies with the area and bulk regulations of the R-1 District (Exhibit A-1).

IV. CONCLUSIONS OF LAW

1. The Applicant has standing.

2. The Applicant has satisfied the standards set forth in 27-1809 of the Zoning Ordinance for conditional use approval.

V. DECISION AND ORDER

AND NOW, this 7th day of October, 2019, upon consideration of the testimony and exhibits presented, it is ORDERED that the Applicant, Michael Richter, is granted conditional use approval pursuant to Section 27-1608.1.B(2) of the Charlestown Township Zoning Ordinance in order to construct an accessory use building consisting of a garage and guest quarters on the Property located at 141 Ravenhill Road, subject to the following conditions.

1. The proposed use is subject to compliance with all terms and provisions of the Zoning Ordinance, and all other Township Ordinances and regulations, and in addition to the regulations of all other government agencies having jurisdiction over the use.

2. The scope of this approval is limited to the requested use as shown on the Applicant's Conditional Use Plan (Exhibit A-3) and representations made by the Applicant made as part of the record at the public hearing.

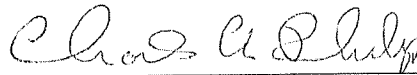
3. The Applicant shall comply with all exhibits, representations, and record evidence, including the August 6, 2019 Memorandum from Thomas Comitta Associates (Exhibit T-5) and the August 12, 2019 Review letter from Advanced Geoservices (Exhibit T-4), which are incorporated herein as part of this approval.

4. The Applicant shall express to the Board in writing within fourteen (14) days of the date of this Decision and Order, its agreement to the above conditions or the Application is denied; the Board expressly finding and concluding that the Application in the absence of compliance with the said conditions is inconsistent with the objective criteria set forth in the applicable provisions of the Zoning Ordinance.

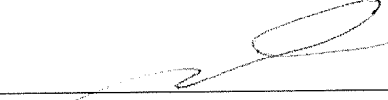
CHARLESTOWN TOWNSHIP



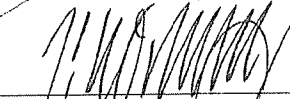
Frank Pilicro, Chairman



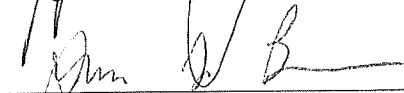
Charles A. Philips, Vice Chairman



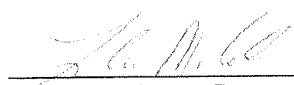
Kevin R. Kuhn, Member



Hugh D. Willig, Member



Susan Bednar, Member



Linda M. Csete, Secretary