

AGENDA

Smart Growth Committee

June 8th, 2016 – 7:30 pm

Committee Members: Diane LeBold (Chair)
Bill Scott
Brian Abbott

Department Head: Mike Perrone

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.
2. Discuss Food Truck Application Process
3. Discuss lamppost banners promoting Chester County Historical Society's 9-month exhibit of paintings about Humphry Marshall – See attached e-mail from Malcom Johnstone
4. Discuss Zoning amendments to MU Zoning District – Update from Diane LeBold
5. Discuss Certificates of Appropriateness:
 - a. 13. W. Miner Street
Replace hanging and building mounted signs
Approved with conditions: Hanging sign be mounted eight feet off of the sidewalk at the bottom and white color shall be off-white or ivory.
 - b. 125-33 N. Church St.
Replace 3 aged wood shingled roofs
Approve with conditions: No capping of any trim and the colonial red color as presented.
 - c. 230 W. Market St.
Replace 4 windows on front façade with vinyl inserts
Approve with conditions: Painted wood replacement windows be used similar to Anderson 400 series with one over one and removal of shutters
 - d. 37 W. Gay St.
Replace hanging sign on front façade and install recycled oil drum design accessory on front façade
Approve as presented

- e. 36 S. High Street
Remove deteriorated plywood covering rear façade; replace with vinyl siding.
Both windows replaced with fixed safety glass single panels with no divide.
Approve with conditions: Modification in lieu of vinyl it be painted hardie plank horizontal siding and windows be replaced with single pane safety glass and transom may be removed.
- f. 229 N. Church St.
Replace windows
Approve with conditions: Dormers be six over one and simulated or true divided light muttons be used for all
- g. 21 S. High St.
Move existing hanging sign bracket closer to the alleyway. Bracket will be affixed to building via mortar joints. Sign will be stainless steel
Approve as presented
- h. 18 N. Church St.
Install painted steel or iron 42” high double railing to privatize outside seating.
Approve with conditions: Stipulation that rail either be steel or iron and be like Lorenzo’s in design and 42” high.

6. Discuss draft busking ordinance

7. Discuss May minutes

8. Zoning Appeals:

- a. 102 E. Biddle St.
- b. 130 E. Lafayette St.
- c. 208 E. Market St.
- d. 323 E. Gay St.
- e. 530 E. Union St.

Food Truck Permit Application Process

Operating a food truck in the Borough of West Chester requires a license, and it is unlawful to sell any goods from a food truck within the Borough without first having obtained a food vendor's license from the Borough.

Application:

Applicants must complete the Borough's "Food Truck Vending Application" and submit the Application to the Borough's Building, Housing and Codes Enforcement Department, located in the Municipal Building, 401 E. Gay Street, West Chester, Pennsylvania.

A complete Application should include the following:

- a. Non-refundable licensing and application fee (payable by certified check, money order or cashier's check);
- b. Completed Food Truck Vending Application;
- c. Copy of valid driver's license;
- d. Copy of valid certificate of automobile liability coverage;
- e. Copy of valid Business License and Tax I.D.; and
- f. Copy of valid Chester County Food Vendor's License.

Vending Fees:

The cost of the Vendor's License shall be established by Borough Council by Resolution.

The Vendor's License permitting year runs from _____ through the end of _____ the following calendar year. Application fees are not prorated.

Designated Food Truck Vending Zone:

Vending shall be allowed from food trucks parked on Church Street, south of Sharpless Street, north of West Rosedale Avenue, and Hannum Avenue in the 400 block; however, 50 feet from any residential building.

Food Truck Operating Guidelines & Regulations:

- The term "Food Truck" includes trucks and trailer hitch units used for food vending.
- Vending may occur only between 7:00 a.m. and 10:00 p.m.
- Food trucks must be parking in a parking spot designated by the Borough.
- Food trucks may not arrive before 6:00 a.m. and must be removed by 11:00 p.m. each day.
- Food trucks may not stay parked on the street overnight and must be removed from the street every night.
- A valid Chester County Food Vendor's Permit must be posted visibly at all times.
- No food truck is permitted within fifteen (15) feet of a fire hydrant.
- No food truck is permitted within 500 feet of a building with a food handler's license issued from the Chester County Health Department.
- No vending is permitted on private property.
- A person-in-charge must be present at the food truck vending site at all times.
- Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk. Food trucks are prohibited from operating with their trucks open to the roadway.
- No tanks, generators or other equipment shall be placed within the public right-of-way.
- Temporary signs used as part of the food truck vending operation shall not exceed eight (8) sq. ft., and shall not block any sidewalks or impede any vehicular, biking or pedestrian traffic or paths.
- Awnings and canopies shall be at least 7' above public sidewalk.
- A food truck vending operation is subject to any and all applicable Borough Code requirements.

- Failure to comply with any directions or provisions of the Food Truck Permit Application Process and Food Truck Operating Guidelines may result in the denial of a Food Truck Vending Application and/or revocation of a Food Truck Vendor's License.
 - o The failure to comply with any Food Truck Operating Guidelines may result in the following penalties:
 - First violation: fine of up to \$100
 - Second violation: minimum fine of \$100, up to \$500 and/or suspension or revocation of license
 - Third violation: revocation of license

Borough of West Chester
Food Truck Vending Application

Application is hereby made for a revocable license for food truck vending within the Borough of West Chester in accordance with all applicable Borough Codes, Ordinances, Rules, Regulations; Policies and Guidelines.

Applicant Name: _____ Business Name: _____

Applicant Address: _____

City: _____ State: _____ Zip: _____

Phone # (required): _____ E-mail address: _____

Have you previously held a Borough of West Chester Food Truck Vending License? ____

If yes, please provide prior vending location(s):

Business License #: _____ Make of Truck: _____ Model: _____

License Plate of Vehicle: _____

Goods to be sold: _____

Proposed hours of food truck vending: _____

I shall indemnify and hold the Borough of West Chester, its officers, agents and employees, free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may be brought by third parties as a result of my activities which have been authorized by this license.

Applicant Name: _____

Applicant Signature: _____ Date: _____

Judy Benes

From: Malcolm Johnstone <mjohnstone@wcbid.com>
Sent: Wednesday, June 01, 2016 10:17 AM
To: Judy Benes; Michael A. Cotter; Michael Perrone
Subject: Re: Agendas

The West Chester BID is requesting that the Smart Growth Committee and Borough Council consider a proposal to allow the Chester County Historical Society (CCHS) to install banners that will promote the Adrian Martinez/Humphry Marshall exhibit for the period of time between October, 2016, through August, 2017, on existing Borough street poles in the following locations: Gay Street between Matlack & Darlington; High Street between Miner & Evans; Market Street between Matlack & Darlington; and Church Street between Miner & Chestnut, with the responsibility of the CCHS to install, remove, and maintain said banners.

Malcolm

--
Malcolm Johnstone, Executive Director
West Chester BID
119 North High St
West Chester PA 19380
610-738-3350
mjohnstone@wcbid.com

www.DowntownWestChester.com

Smart Growth Committee

Minutes

May 11th, 2016 –
Meeting started at 7:40 PM

Committee Members: Diane LeBold (Chair)
Bill Scott
Brian Abbott

Department Head: Mike Perrone

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.

Mike Perrone informed the Committee that the proposed traffic impact ordinance was ready for Council to set a public hearing date.

The Borough Planning Commission has reviewed the draft and made comments and changes which have been incorporated into the latest draft, which will be sent to the Chester County Planning Commission. Borough Council must give the County 30 days to review the proposed ordinance prior to a public hearing.

2. Discussion with Karen Marshall regarding the creation of a new Historical Commission

Karen Marshall, Heritage Preservation Coordinator, made a presentation to the Committee regarding the creation of Historical Commissions, their relationship with Historical and Architectural Review Boards, and the different responsibility for each body. Ms. Marshall suggested contacting Ms. Spears with the Chester County Planning Commission if the Borough needed additional information. The Committee requested that Tom Walsh create a list of tasks and functions for a newly created Historical Commission.

3. Discuss Food Truck Permit Application Process

Mike Perrone presented the changes and updates from last month's draft regulations. Dr. Jones suggested, and the Committee agreed, to add a minimum height requirement for awnings or canopies that overhang the public sidewalk. Mac Cotter informed the Committee that Fire Chief Mike McDonald has a concern regarding propane tanks on food trucks, and their use at Super Sunday and the Restaurant Festivals in the Borough. Mac will check with the Chief to see if he has any additional information, and what can be done to upgrade the safety of propane tanks. Mike Perrone will check with other municipalities to see if there is additional opportunity for the Borough to insure public safety as well.

4. Discuss rental permit fees – 2016
\$38.00/Room
\$42.00/Unit

The Committee made a recommendation 3-0 to set the rental fees as presented to Borough Council.

5. Discuss lamppost banners promoting Chester County Historical Society's 9-month exhibit of paintings about Humphry Marshall

Malcolm Johnstone is requesting to hang lamppost banners for the Chester County Historical Society's 9-month exhibit of paintings about Humphry Marshall from approximately 200 poles in the downtown area. Mr. Johnstone will provide a specific request in writing to Borough Council for their consideration.

6. Discuss zoning amendments to MU – Sections 112-34 & 112-36

Diane LeBold explained her request to have this zoning issue reviewed, and reported to the Committee that additional review needs to be done, however, she would like to see a TND type of development be further refined to fit within the existing MU Zoning district. Bill Scott and Diane LeBold will continue working on this proposal with Mike Perrone.

7. Discuss Certificates of Appropriateness:

- a. 239 E. Market Street
Install post mounted tenant directory sign in front of the property near street
Approve as presented

The Committee recommended that Borough Council approve the sign, pending the zoning officer's review that the sign complies with the minimum setbacks from the right of way.

8. Discuss April minutes

The committee recommended to approve the April minutes.

9. Zoning Appeals:

- a. 421 North New Street

No Action was taken



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: June 1, 2016
RE: 102 East Biddle Street – Zoning Variance

Recommendation

No Action

Motion

N/A

Background

Applicant is proposing to install a patio and storage area, exceeding the maximum building and impervious coverages; and minimum rear and side yard setbacks.

Variance Application

Applicant

Gerhard Scherffel
102 E Biddle Street
West Chester, PA 19380

Owner and address of Real Estate affected by variance

Gerhard Scherffel
102 E Biddle Street
West Chester, PA 19380

Property Description

102 E Biddle Street is a 2-family detached (twin) dwelling with a side and rear yard, with no rear alley access to Prospect Ave.

Current Zoning

The current zoning for the property is NC2-B. The property consists of 1-half of the 2-family detached dwelling, a front and side porch and side driveway. The driveway still has an open permit and will be finished with a permeable product for water drainage management. The current use is as a single family residence.

Current Code

§ 112-21 Area and bulk regulations.				
A. Permitted principal uses. Except in the case of a municipal use, the following shall apply to the block class as shown on the Zoning Map within the NC-2 District:				
Regulation	Block Classes			
	A	B	C	D
Minimum rear yard (feet)	25	25	20	20
Minimum side yard, individual (feet)				
Single-family and two-family detached	10	10	5	5
All other types of dwelling units, except for single-family attached	15	15	10	5
Minimum aggregate side yards (feet)				
Single-family and two-family detached	25	20	15	10
All other types of dwelling units, except for single-family attached	35	30	25	10
Maximum building coverage (percent)	30%	35%	45%	45%
Maximum impervious coverage (percent)	50%	60%	70%	80%
Minimum green area (percent)	35%	25%	15%	15%

The current code states that for a NC2-B dwelling, the rear setback is 15 feet, the side setback is 15 ft, while maintaining a 35% maximum building coverage, 60% maximum impervious coverage and a minimum of 25% green space.

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3928

The proposed rear yard design would not adhere to those guidelines and while observing surrounding properties, the neighboring dwellings are built on the property lines with no setbacks and with much greater impervious coverage.

Two neighboring properties as examples:

104 E Biddle Street – This property has a much larger footprint on the overall property. The multi-family twin extends much further back, plus there is a 2-car garage in the rear. This garage also sits on the property line with no setback.

315 N Walnut Street – This property is a free standing building and used as a multi-family home. The left side of the dwelling is built on the property line, adjacent to 102 E Biddle, as this property is directly behind the subject property. The percent of total impervious coverage of this property greatly exceeds the proposed amounts, plus the setbacks of side and rear yards are far outside of the current guidelines.

Description of proposed improvements

This property was purchased in December of 2011 in total disrepair. The property has been an eye sore for neighbors due to decades of neglect. The entire home has been completely renovated and now is our home. The proposed rear yard design would provide for a rear patio and a structure to be used as an outdoor entertainment area with bar, seating, fold away glass doors and grilling station. The structure would be used for storage and yard equipment as well. Presently, there is no structures or patio in the rear yard.

The patio will be pie shaped, constructed of natural materials of brick and slate to match the construction of the home. The total size of the patio will be 420 sq ft and include a sitting wall around the perimeter, with two sets of steps that lead into the rear yard. The patio will be raised from the ground to provide an easy step down from the rear door of the home. A water feature is intended to be incorporated into the patio design to provide ambient noise, hiding the noise from surrounding streets. The patio will be constructed to be along the property line of the other half of the twin. No structure is on their property where this patio would go.

The rear structure will be 17 ft x 15 ft in size using frame construction and finished with Hardie Plank siding and a standing seam metal roof, to match the materials on the existing house. The structure will be 255 sqft in size and have a covered porch area with seating. The wall facing the house will have fold away glass doors, so the inside bar area will be exposed to the rear yard. From the right side, there will be a secured entrance to a storage room for yard equipment and supplies. A loft area will be used for storage.

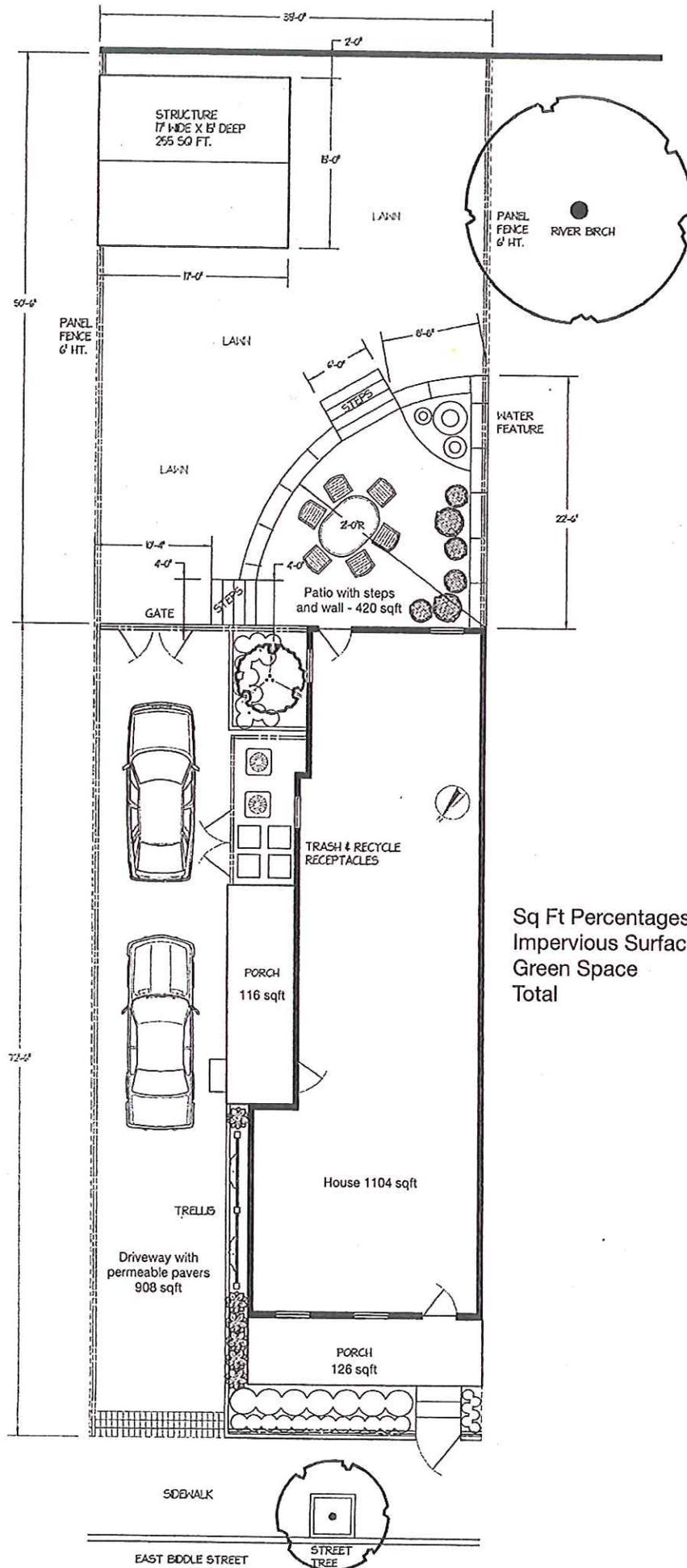
The placement of the rear structure is intended to on the left side property line. No structure exists on the neighboring property on that side. There is a dwelling on the property line to the rear, where a 2 ft setback is proposed. This 2 ft will be necessary to finish the side of the structure with the hardie plank siding, and for the overall completion of the structure.

Please see the attached drawings of the property, along with the rear yard design proposal.

In completing the design of the rear yard, the following codes would be affected

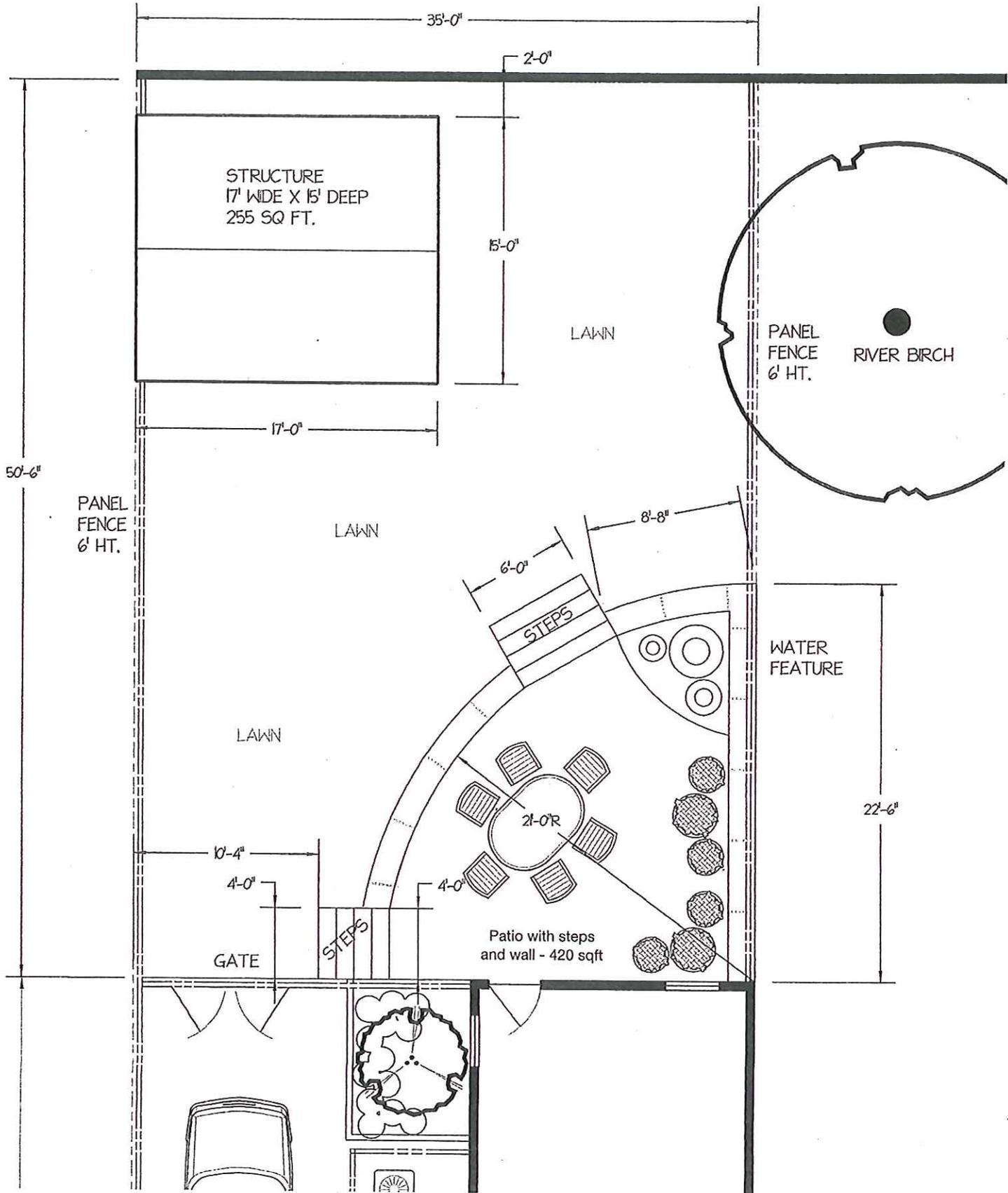
	Allowed	Proposed
Maximum Building Coverage	35%	37%
Maximum Impervious Coverage	60%	68%
Minimum Green area	25%	32% - not in violation
Minimum rear yard set-back	15ft	2ft
Minimum side yard set-back	15ft	0ft

702 E Biddle Street
 Rear Yard design proposal
 Gerhard Scherffel
 610-517-7210

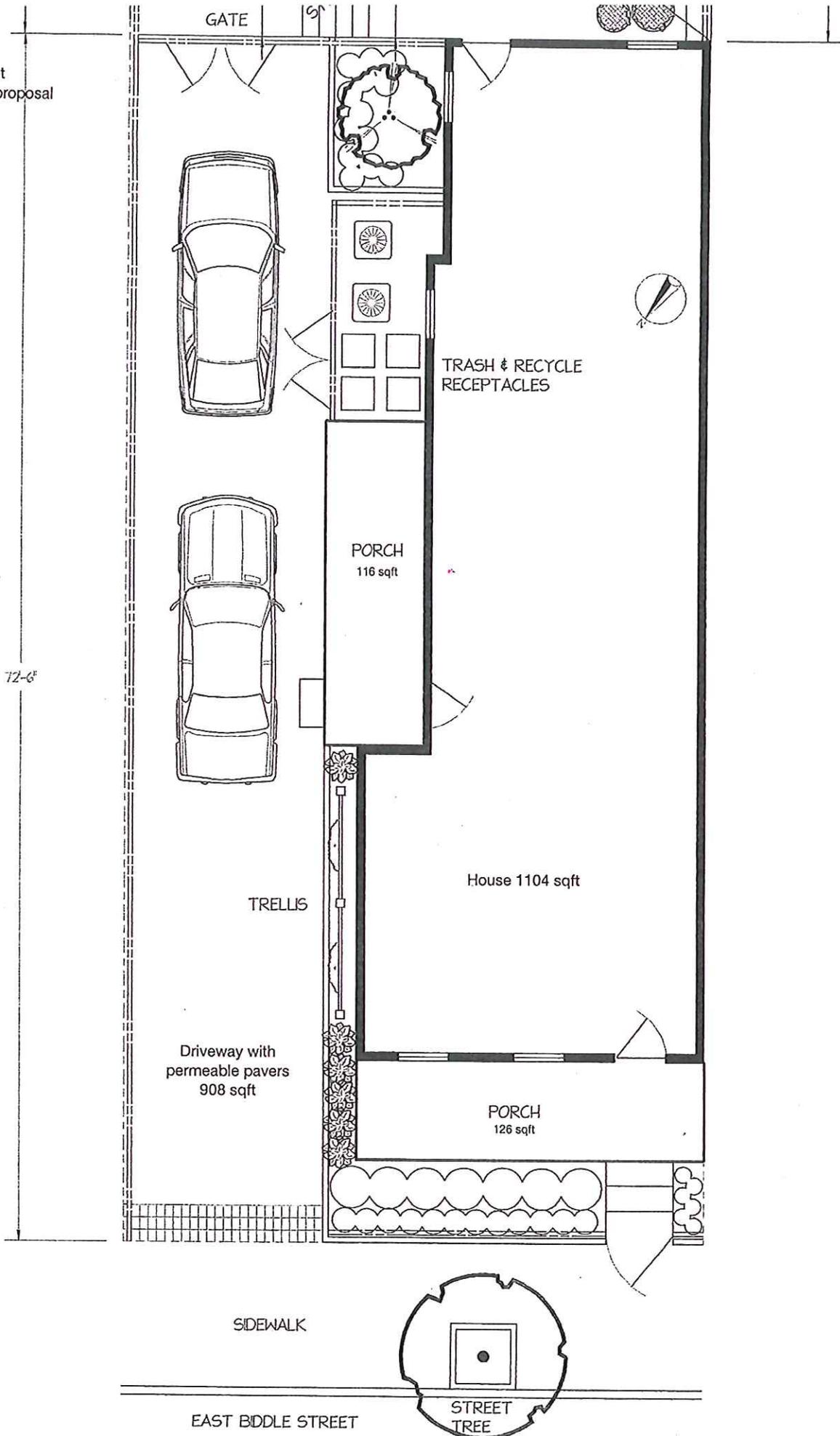


Sq Ft Percentages
 Impervious Surfaces 2953 sqft = 68%
 Green Space 1377 sqft = 32%
 Total 4305 sqft = 100%

102 E Biddle Street
Rear Yard design proposal
Gerhard Scherffel
610-517-7210



102 E Biddle Street
Rear Yard design proposal
Gerhard Scherffel
610-517-7210



72'-6"

GATE

TRASH & RECYCLE
RECEPTACLES

PORCH
116 sqft

House 1104 sqft

Driveway with
permeable pavers
908 sqft

TRELLIS

PORCH
126 sqft

SIDEWALK

EAST BIDDLE STREET

STREET
TREE



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: June 1, 2016
RE: 130 East Lafayette Street – Zoning Variance

Recommendation

No Action

Motion

N/A

Background

Applicant is proposing to construct a garage and patio. A variance from the maximum impervious coverage is required.

TOM MOHR LAW OFFICE, P.C.

301 West Market Street
West Chester, PA 19382

Voice (610) 431 0111

Facsimile (610) 436 9712

E-Mail TomMohr@TurksHeadAbstracting.com

May 31, 2016

Zoning Hearing Board of West Chester Borough
Attn: Michael Perrone, Codes Enforcement
401 East Gay Street
West Chester, PA 19380

RE: Application for Zoning Relief

Mr. Perrone:

Applicants Bruce F. and Margaret F. Gannett, by and through his counsel, Tom Mohr Law Office, PC, hereby files this Appeal of Zoning Officer Decision, in accordance with § 112-121 of the West Chester Borough Zoning Ordinance ("Ordinance") relating to the Appeals and Application procedure of the Zoning Hearing Board, and avers as follows:

1. The Applicants are Bruce F. Gannett and Margaret F. Gannett, residing at 130 East Lafayette Street, West Chester, Pennsylvania
2. Applicants are the equitable owners of the property at 130 East Lafayette Street, West Chester Borough, Chester County, Pennsylvania (CCTMP#1-5-102). The deed evidencing their ownership of the property is found at Record Book 9301, page 1455, in the office of the Recorder of Deeds of Chester County.
3. The property is located in zoning district NC2 Block Classification A.
4. The property in question is a non-conforming lot with a non-conforming building constructed thereon prior to the enactment and/or applicable amendment to the Zoning Ordinance, which building houses a conforming residential use. Accordingly, this application is governed by Article XV of the Borough Zoning Ordinance: **Supplementary Regulations Applicable to All Districts**. The non-conformity of the building is its intrusion upon both side yard setbacks.
5. The Applicants intend to demolish the rear "shed" portion of the existing residential structure, extend the then-current structure southward along the same lateral sides as the existing structure (east and west walls) approximately 14 feet beyond the original footprint of the to-be-removed shed. This extension will not expand the non-conformity

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\$400.00

of the side yard setbacks but will render the building non-confirming as to requirement regarding maximum impervious coverage.

6. In addition, the Applicants seek to construct a garage (accessory use structure) that complies in all respects with the provisions of Section 112-88 (J). **Provided, however,** the construction of the garage will increase the non-conformity as to the requirement regarding maximum impervious coverage.
7. Accordingly, the Applicants seek a variance from the provisions of Section 112-21 (A) as it relates to maximum impervious coverage in zoning district NC2, Block Classification A; and such other relief as the Zoning Hearing Board may deem appropriate under the circumstances.
8. A sketch plan of the proposed improvements is attached hereto. A more detailed plan shall be provided to the Borough and the Board in advance of the time of the hearing.

Respectfully Submitted



Tom Mohr
Attorney for Applicants



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: June 1, 2016
RE: 208 East Market Street – Zoning Variance

Recommendation

Motion

Background

Applicant is proposing to construct a 3,600 sf mixed use building addition with retail or personal service use on the first floor; two one-bedroom apartments on the second floor; and, one two-bedroom apartment on the third floor. Applicant is seeking a variance from Sections 112-73;Q(1) to allow stacked parking; and, 112-74;A to allow less than the minimum number of required parking spaces.

This plan has not been before the Planning Commission, however, it will be required to be reviewed by both the Chester County Planning Commission and the West Chester Borough Planning Commission.

Made in West Chester, LLC
208 E. Market Street
West Chester, PA 19382

May 10, 2016

Zoning Hearing Board of West Chester Borough
401 E. Gay Street
West Chester, PA 19380

Re: Application for Variance
206 / 208 E. Market Street, West Chester, PA (UPI 1-9-366)

Dear Zoning Hearing Board of West Chester Borough:

Please accept this Application for Variance ("Application") for the above captioned property in accordance with the Rules of the Zoning Hearing Board of West Chester Borough as adopted on June 11, 2102.

As a Member of the Zoning Hearing Board of West Chester Borough, I intend to recuse myself from this hearing.

Name and Address of Applicant:

Made in West Chester, LLC
208 E. Market Street
West Chester, PA 19382

Name and Address of Real Estate to be affected by the Variance:

Made in West Chester, LLC
208 E. Market Street
West Chester, PA 19382

Description of Real Estate to be affected:

A 0.13 acre parcel located on the South side of East Market Street containing one three-story mixed-use building with office space on the first and second floors and one apartment on the third floor. The Subject Property is located within the Town Center Zoning District and is Block Class A. The eastern part of the parcel is undeveloped.

Section of the Code where relief is requested:

Section 112-73Q(1) to allow stacked parking
Section 112-74A to allow less than the minimum number of required parking spaces

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Made in West Chester, LLC
208 E. Market Street
West Chester, PA 19382

Rationale for granting the variance:

Criteria for granting a variance

Unique Physical Characteristics – Given the modest, overall size of the Property, the "L" shaped undeveloped portion of the Property is a constraint upon the reasonable development of the balance of the Property.

Development potential due to physical property conditions – The Property cannot reasonably be fully developed based on the "L" shape of the undeveloped portion of the Property.

The hardship has not been created by the Applicant – The Applicant did not create the hardship as the above condition was present when the Property was acquired by the Applicant.

The variance will not alter the character of the neighborhood – Granting the Application will not adversely affect the character of the neighborhood. The undeveloped nature of the subject Property is an anomaly as most, if not all, of the parcels within the neighborhood are parcels which approach having 100% building coverage.

De Minimus/Hertzberg Variance Standard. The variance relief requested by Applicant does not constitute a "use" variance; rather, the relief requested may be classified as being in the nature of "de minimus" variance relief and/or minor "dimensional" variance relief. The Applicant is entitled to de minimus variance where the public interest would not be affected (which is the case in this Application) and/or a Hertzberg dimensional variance, where multiple factors may be considered, including economic detriment to the Applicant if relief is not granted and the fact that, if granted, relief will allow the Applicant to complete the development of the Property in a manner which is consonant with the surrounding neighborhood (both of which apply in this instance). The Applicant seeks the minimum relief that is required to reasonably develop the undeveloped portion of the Property.

Description of present improvements:

The site consist of one three-story mixed-use building (approximately 3,340 SF) with office uses on the first and second floor and one two bedroom apartment on the third floor.

The Applicant is proposing an approximate 3,600 SF mixed-use building with retail and/or personal service use on the first floor, two one bedroom apartments on the second floor, and one two bedroom apartment on the third floor. The proposed building will be constructed in accordance with all applicable governmental rules and regulations.

3 ADT's
RETAIL 1st Floor

Made in West Chester, LLC
208 E. Market Street
West Chester, PA 19382

Thank you in advance for your assistance with this matter.

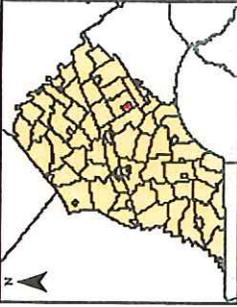
Respectfully submitted,

Made in West Chester, LLC

A handwritten signature in blue ink, appearing to read "Charles E. Swope, Jr.", written in a cursive style.

Charles E. Swope, Jr., Member

COUNTY OF CHESTER
PENNSYLVANIA



Find Owner Information

PAR ID: 0109 03660000
 LPI: 1-9-366
 Owner: MADE IN WEST CHESTER LLC
 Owner 2:
 Mail Address 1: 208 E MARKET ST
 Mail Address 2: WEST CHESTER PA
 Mail Address 3:
 ZIP Code: 19382
 Deed Book: 8239
 Deed Page: 408
 Deed Recorded Date: 9//2011
 Legal Desc 1: SES E MARKET ST
 Legal Desc 2: LOT & BLDG
 Acres: 0.13
 LUC: C-30
 Lot Assessment: \$ 40,760
 Property Assessment: \$ 85,130
 Total Assessment: \$ 125,890
 Assessment Date: 12/18/2015
 Property Address: 206 E MARKET ST
 Municipality: WEST CHESTER
 School District: West Chester Area



Map Created:
Wednesday, May 11, 2016

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 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.

Map



***** (C) MEA Land Record Parcel Information ***** 05/11/2016

Parcel # 0109 03660000 Municipality WEST CHESTER
 Deed Book/Page 8239 -408 Grantor STAR SOCIAL CLUB
 Census tract 302600 Grantee MADE IN WEST CHESTER LLC
 Tax status Non-exempt Mail address 208 E MARKET ST
 Land Assessment \$40,760 WEST CHESTER PA 19382-2740
 Bldg Assessment \$85,130
 Total Assessment \$125,890 Phone nbr
 Twp/Borough Taxes \$876 Site address 206 E MARKET ST
 School Taxes \$2,464 WEST CHESTER PA 19382-
 County Taxes \$524 Latitude 39.961456 Longitude 75.600346
 Total Taxes \$3,864 Owner Occupied
 Land use C-30C - Restaurants, Stores Zone code NONE

 Lot size 5,658 sq/ft .129 acre Topography Level with street
 Sewerage Public Gas Public Water Public

Commercial
 ttl bldg. s/f 4,320 ttl lease s/f 3,340 Air condition Central
 Nbr buildings Elevator Year built 1896
 Heating Hot water/steam # units
 # park spaces Fuel
 Location Perm Central Business Dist Bldg use DOWNTOWN ROW TYPE

Date latest sale 09/01/2011 Latest saleprice \$188,950
 Date previous sale 02/11/1919 previous saleprice \$5
 Steb value Sale validity Unverified

Parcel History
 property transfer grantor grantee STAR SOCIAL CLU
 saledate 1919/02/11 saleprice 5 deed book/page L15 463
 property transfer grantor grantee STAR SOCIAL CLU
 saledate 1919/02/11 saleprice 5 deed book/page L15 463
 property transfer grantor STAR SOCIAL CLU grantee MADE IN WEST CH
 saledate 2011/09/01 saleprice 188950 deed book/page 8239 408
 2012/02 total assessment changed from 122890 to 125890

U S Census 2000 Statistical data for Census Tract 302600

Total population 4489 Pct population < 18 14.4
 Pct population 18-24 45.6 Pct population 25-44 24.4
 Pct population 45-64 10.6 Pct population 65 + 4.9
 Median age 22.7 Nbr housing units 1610
 Avg. household size 2.75 % single Hd/Househld 25.2
 Median Family income 70563 Per Capita income 27259



11120497
Page 1 of 4
B-8239 P-408

This Document Recorded
09/01/2011 State RTT: 1,889.50 Doc Id: 11120497
10:56AM Local RTT: 1,889.50 Receipt #: 574036
Doc Code: DEE Chester County, Recorder of Deeds Office Rec Fee: 65.00
Recorded Electronically by Simplifile

Prepared by :

Whitford Land Transfer
403 West Lincoln Highway
Exton PA 19341
Phone 610-363-4935

Return to:

Whitford Land Transfer
403 West Lincoln Highway
Exton PA 19341
Phone 610-363-4935

Property Address:

206/208 E Market Street, West Chester, PA 19380
West Chester Borough
Chester County, Pennsylvania

File No. 22352

UPI # 1-9-366

DEED

Grantor: Star Social Club, Inc.

Grantee: Made in West Chester, LLC

Check Number _____ Date _____

Unofficial Copy

 *Ruth M. Morgan*
RECORDER OF DEEDS

Prepared by and Return to:

Whitford Land Transfer Company
403 West Lincoln Highway
Exton, PA 19341
Phone: 610-363-4935 Fax: 610-363-4938

File No. 22352

UPI # 1-9-366 ✓

JD

This Indenture, made the 29th day of August, 2011,

Between

STAR SOCIAL CLUB, INC.

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

MADE IN WEST CHESTER, LLC

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

Witnesseth, that the said Grantor for and in consideration of the sum of **One Hundred Eighty Eight Thousand Nine Hundred Fifty Dollars 00/100 (\$188,950.00)** lawful money of the United States of America, unto it 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

ALL THAT CERTAIN brick message and lot of ground Situate on the south side of East Market Street in the **Borough of West Chester, County of Chester**, Commonwealth of Pennsylvania, known as No. 206 and 208 (the latter number added recently); bounded northwardly by said Market Street, westwardly by lands now or late of Charles B. Lee, southwardly by the northern line of a fourteen feet wide alley and eastwardly by lands of Patrick J. McCormick, being forty seven feet nine inches in front on said Market Street and extending back of that width between parallel straight lines at right angles with said Market Street one hundred eighteen feet and six inches to the northern line of the aforesaid alley.

CONTAINING five thousand six hundred and fifty eight square feet of land, be the same more or less.

BEING the same premises which Solomon Sherman, by deed dated 2/11/2019, and recorded in Chester County in Deed Book L-15 page 463 granted and conveyed unto Star Social Club, in fee.

COPY

UNRECORDED

Together with all and singular the buildings 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 whatsoever of 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 hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, to and for the only proper use and behoof of the said Grantee, his heirs and assigns, forever.

And the said Grantor, its successors and/or assigns does covenant, promise and agree, to and with the said Grantee, his heirs and assigns, by these presents, that the said Grantor and its successors, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with appurtenances, unto the said Grantee, his heirs and assigns, against the said Grantor and its successors, and against all and every person and persons whosoever lawfully claiming or to claim the same or any part thereof, by, from or under or any of them, shall and will

WARRANT and forever DEFEND.

In Witness Whereof, the party of the first part has hereunto set its hand and seal. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

Star Social Club, Inc.

Edward R. Brown Jr {SEAL}
Pres
Jammie J Walker
Sec

Unofficial

Commonwealth of Pennsylvania
County of Chester

ss:

On this the 29th day of August, 2011, before me, a Notary Public for the Commonwealth of Pennsylvania, the undersigned Officer, personally appeared Leonard S. Closson SR, who acknowledged herself/himself to be the President of Star Social Club, Inc., a corporation, as that she/he as such President being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself/himself as .

In witness whereof, I have hereunto set my hand and official seal.

Carol J. Cain
Notary Public

The address of the above-named Grantee is:

208 E Market
West Chester Pa 19382

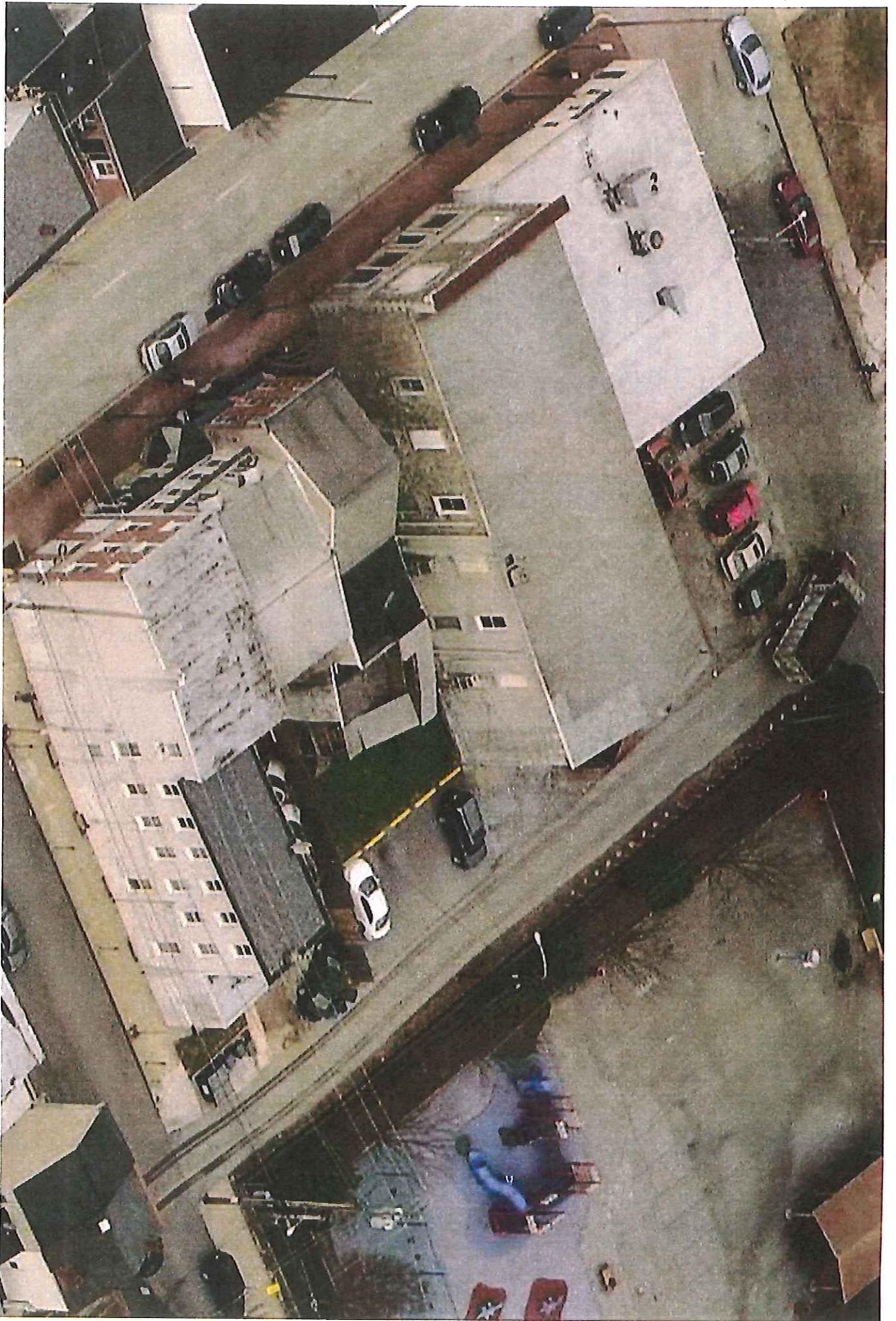
CC
On behalf of the Grantees

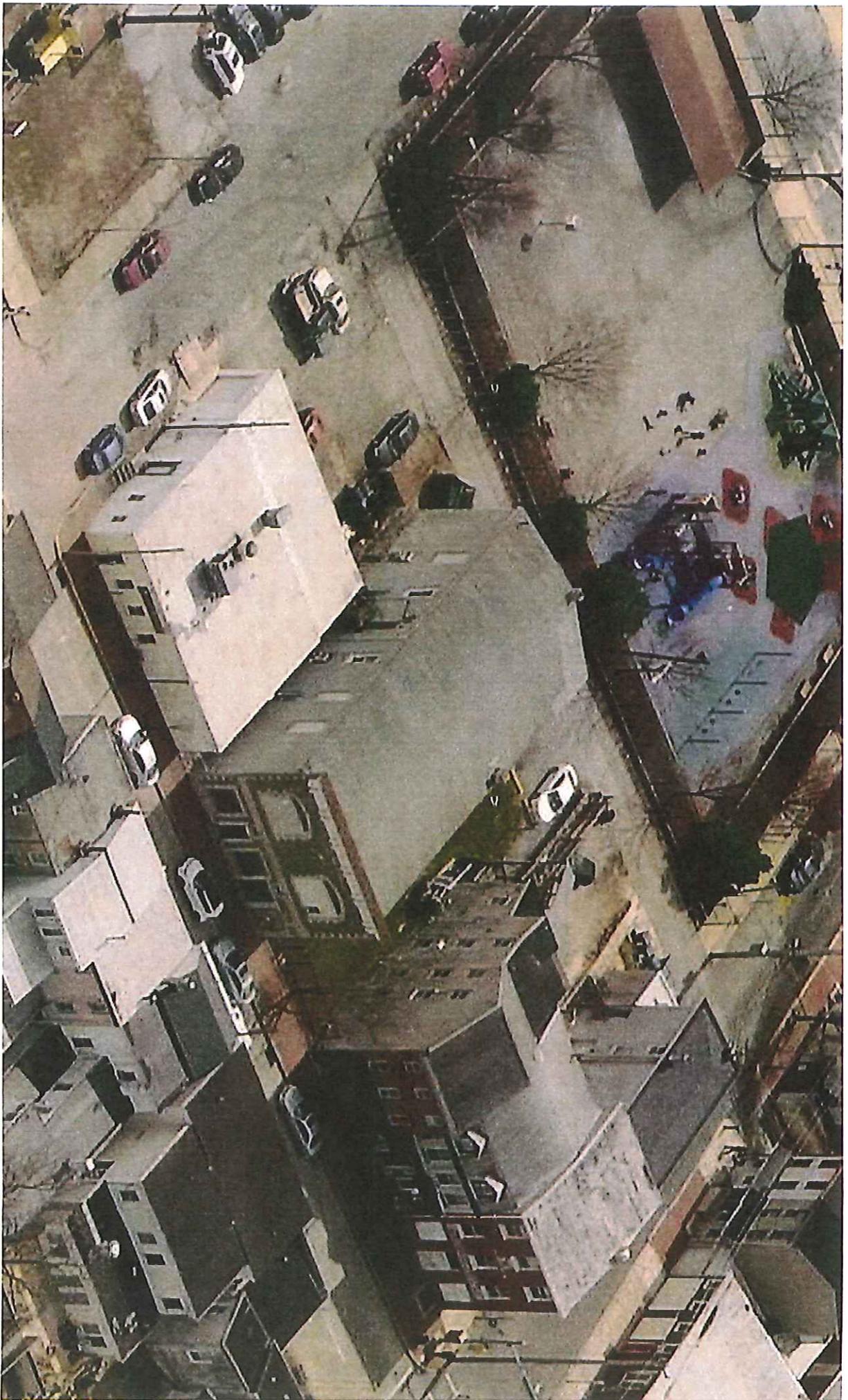
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Carol J. Cain, Notary Public
West Whiteland Twp., Chester County
My Commission Expires Nov. 12, 2014
Member, Pennsylvania Association of Notaries

File No. 22352
Record and return to:
Whitford Land Transfer Company
403 West Lincoln Highway
Exton, PA 19341

Unofficial



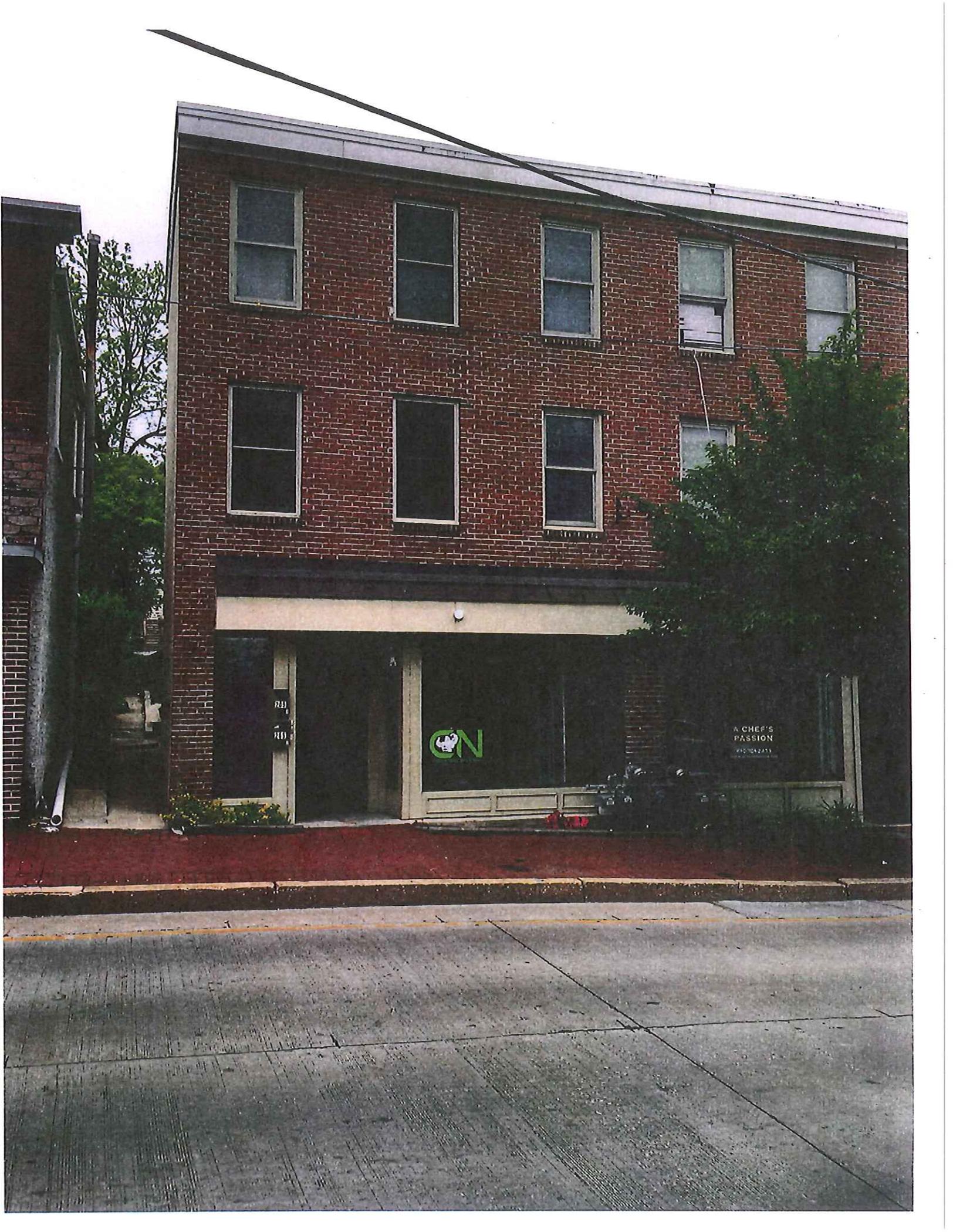








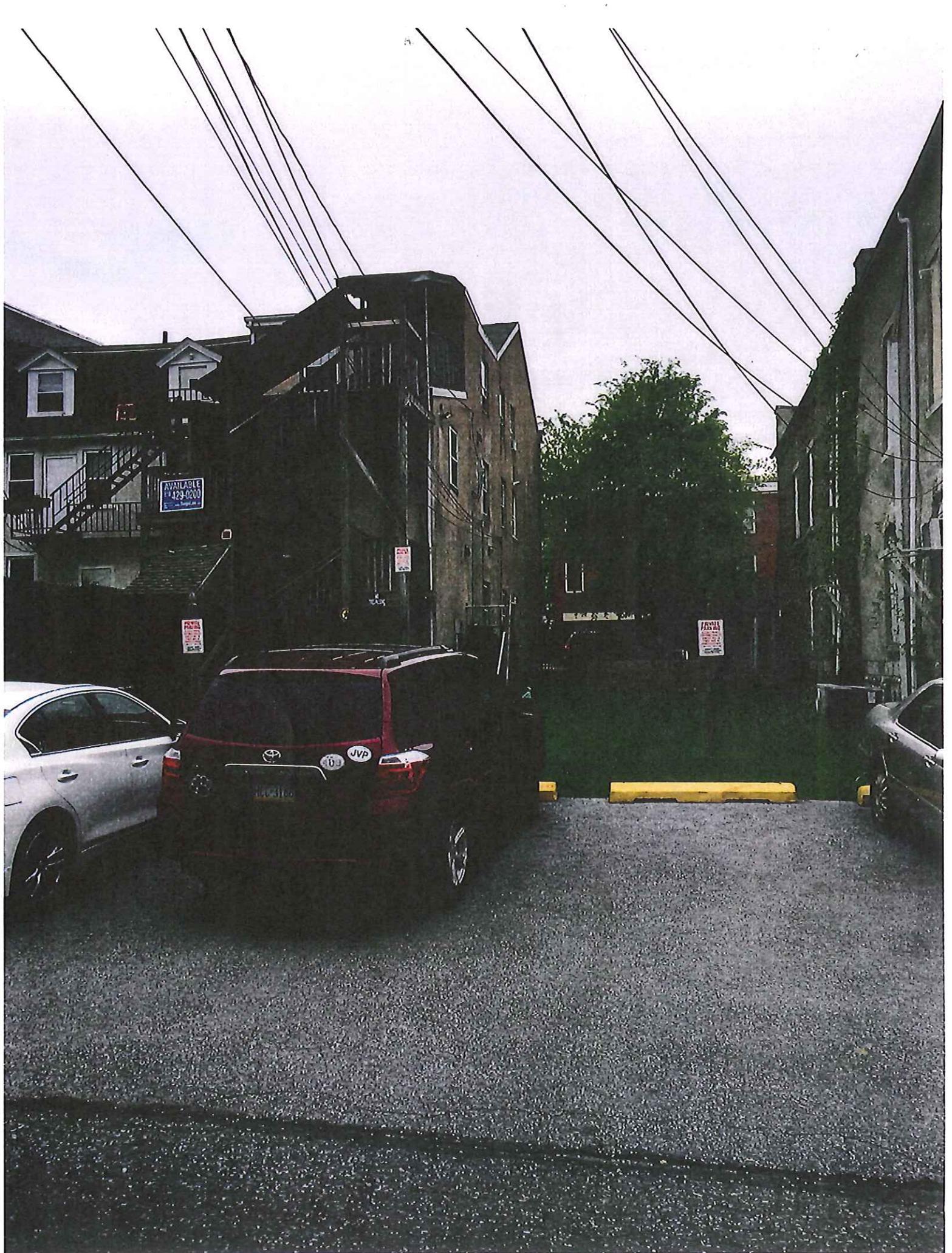
AVAILABLE
28-9-10

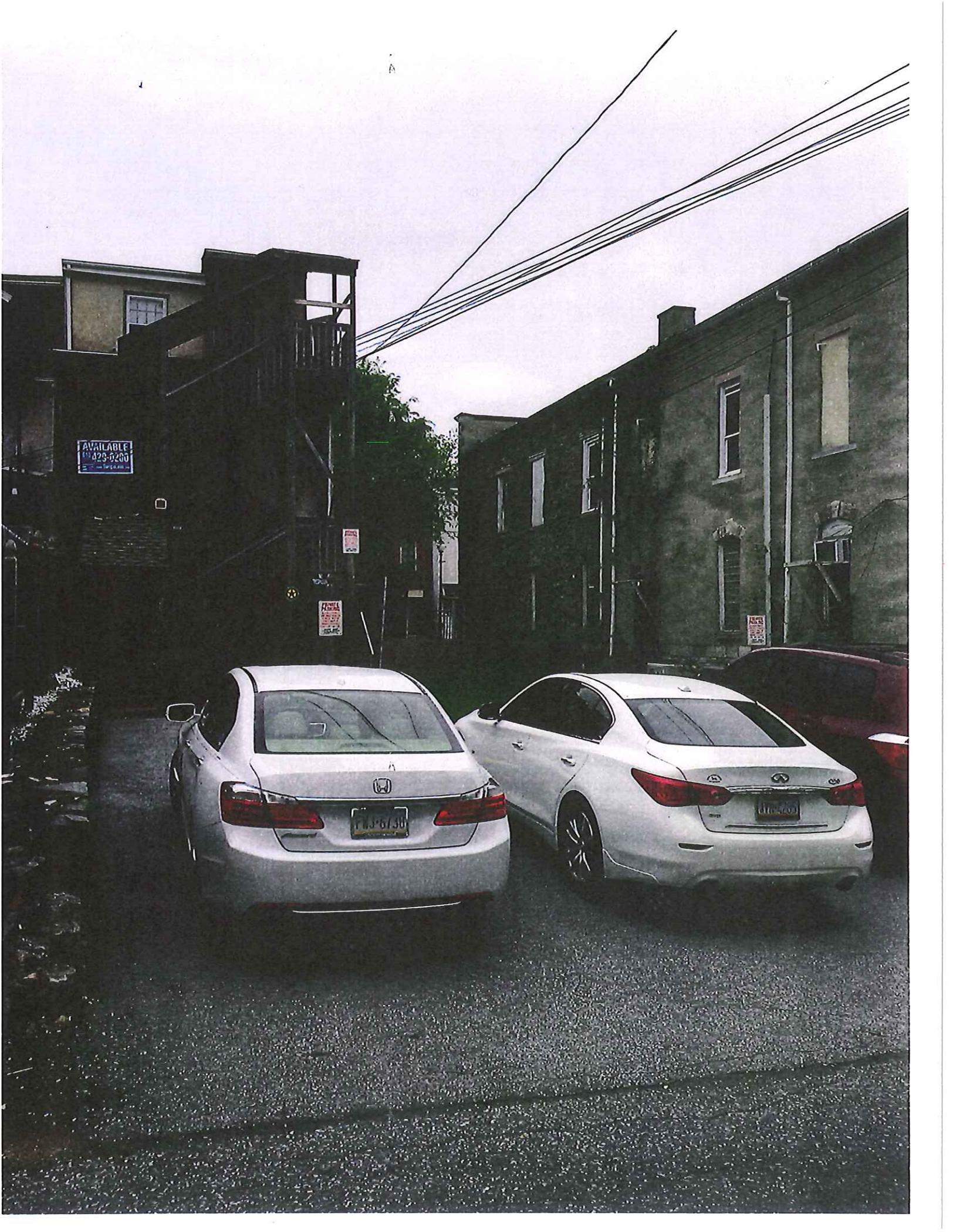


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PASSION
812.704.2433





AVAILABLE
423-6200

RENTAL

RENTAL

FLJ 6730

116-400



**PRIVATE
PARKING**
LEASED PARKING
AND UNPAID
VEHICLES WILL BE
TOWED AWAY AT
OWNER'S EXPENSE
FOR THE TOWING FEE

**PRIVATE
PARKING**
LEASED PARKING
AND UNPAID
VEHICLES WILL BE
TOWED AWAY AT
OWNER'S EXPENSE
FOR THE TOWING FEE





MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: June 1, 2016
RE: 323 East Gay Street – Units B9 and B10 –CS Zoning District – Special Exception

Recommendation

No Action

Motion

N/A

Background

Applicant is seeking a special exception to operate a public place of amusement, (Escape the Room), which consists of two themed rooms where participants have to solve a series of mental puzzles, find clues and escape the room within one hour.



Gawthrop Greenwood, PC
Attorneys at Law

17 East Gay Street, Suite 100, P.O. Box 562 p. 610.696.8225
West Chester, PA 19381- 0562 www.gawthrop.com

Patrick M. McKenna
610.696.8225 x155
610.344.0922 fax
pmckenna@gawthrop.com

June 1, 2016

VIA HAND DELIVERY

Michael Perrone, Zoning Officer
Borough of West Chester
401 E. Gay St.
West Chester, PA 19380

**Re: Escape the Room West Chester, LLC
Tax Parcel No. 1-5-392, Units B9 and B10, CS District
Application for Special Exception**

Dear Mike:

Please be advised that I represent Escape the Room West Chester, LLC (“Escape the Room”), the prospective lessee of Units B9 and B10 of the property located at 323 E. Gay Street, West Chester Borough, Tax Parcel No. 1-5-392 (“Property”). Please allow this letter to serve as my client’s application for a special exception.

The Property is located in the CS Commercial Service District, and is part of the shopping center known as Cambridge Square, on E. Gay Street, between N. Adams Street and Patton Avenue. The shopping center is owned by Spring Hill Realty, 528 Main Street, Suite 200, Harleysville, PA 19438. The units my client are leasing, B9 and B10, are at the end of the building closest to E. Chestnut Street, adjacent to Arianna’s Gourmet Café. The lease is intended to begin on July 1, 2016, conditioned upon the grant of this special exception. Accordingly, my client does not have a lease to provide with this application, but a letter from the landlord confirming my client’s right to make this application will be submitted under separate cover.

The Property is currently improved with a vacant, one-story commercial space that, per the landlord, was most recently a day care. Escape the Room intends to use the Property to run an amusement business consisting of two (2) themed rooms, and plans to modify the interior of the Property accordingly. However, there will be no external changes to the building, aside from updating the signage. Per the terms of the lease, signage on the exterior of the units and on the freestanding sign at the entrance to the shopping center will be the same as the previous lessee’s in size and construction, updated to reflect the new tenant, and will otherwise comply with the zoning requirements for signs.

In order to operate its business, Escape the Room West Chester, LLC seeks a special exception to operate a “public place of amusement,” pursuant to §112-35.C(3) of the Zoning Ordinance, and any other relief that may be necessary. The business consists of two (2) themed rooms, with a maximum capacity of ten (10) people per room, where the participants have to use elements of the room to solve a series of mental puzzles, find clues, and escape the room within one (1) hour. My clients believe their request should be granted because the Borough is not

saturated with similar businesses, this business provides entertainment that is not noxious, noisy or offensive, and is better for the Borough than leaving the site vacant.

It is my understanding that, as parking in Cambridge Square was approved at the time of the development of the shopping center, no additional parking requirements apply. If that is not correct, pursuant to §122-74.A, parking for public places of amusement is 1 for every 250 square feet of gross floor area. While the gross floor area has not yet been finalized, the total square footage of the leased space is 1,990 square feet, resulting in eight (8) parking spots. Cambridge Square has in excess of seventy (70) parking spots.

Escape the Room expects to have two (2) to three (3) employees on week nights, and four (4) on weekends. The layout for the themed rooms is purchased through Escape Room Franchise (escaperoomfranchise.com), upon selection of the desired rooms from its inventory of themes. As the lease is conditioned upon the Borough granting the special exception, my client has not yet purchased the rooms, as it does not wish to expend these significant funds if it will not be permitted to open the business. Once granted, my client will work with an escape room design consultant from Escape Room Franchise to select two (2) themed rooms. Escape Room Franchise will then supply the design, puzzles and testing of the completed rooms. However, as discussed above, there will be no changes to the external footprint of the building. Generally, the internal footprint of the facility will be an entrance area where participants check in, are given an introduction to the activity, and then meet to debrief at the end. The facility will also include restrooms, an office and a small storage area, and the two (2) large, themed rooms. Once a special exception is granted, and the franchise purchased, the proposed floor plan can be provided, if requested by the Borough.

In support of this request, enclosed herewith please find the following:

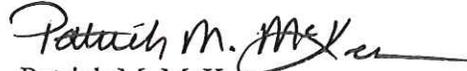
1. Commercial application fee of \$600.00 made payable to the Borough of West Chester;
2. Deed for the Property;
3. Floor plan from Spring Hill Realty showing the current internal layout of the leased premises;
4. Tax parcel map;
5. Close-up of the tax parcel map to depict available parking in Cambridge Square;
6. Tax parcel details;

Under separate cover, my client will forward correspondence from Spring Hill Realty confirming Escape the Room's standing to make this application, and, once finalized, the lease between Spring Hill Realty and Escape the Room West Chester, LLC for Units B9 and B10 of the Property.

Kindly confirm that the application will be scheduled to be heard at the Zoning Hearing Board's meeting on July 11, 2016, at which a representative of my client will appear. Please advise as to whether you wish my client to present its proposal at the June 8th Smart Growth

Committee meeting. Should you require any additional information, please do not hesitate to contact me.

Very truly yours,


Patrick M. McKenna

Enclosures

cc: Don Kelley, via email
Diane Turner, via email

PAID

JUN 01 2016

✓ #1026 - \$1600.00
BOROUGH OF WEST CHESTER

5/2
~~17~~

Unofficial

DEED

FROM

WCP General Partnership,
a Pennsylvania
general partnership,
GRANTOR

TO

SPRING HILL REALTY, INC.
a Pennsylvania
business corporation,
GRANTEE

THIS INDENTURE

Made this 30th day of April, 1996,

BETWEEN

WCP GENERAL PARTNERSHIP, a Pennsylvania general partnership, having its principal place of business c/o PNC Realty Holding Corp, One PNC Plaza, Pittsburgh, Pennsylvania 15265 (hereinafter called "Grantor")

AND

SPRING HILL REALTY, INC., a Pennsylvania business corporation (hereinafter called "Grantee")

WITNESSETH, that the said Grantor in consideration of One Million and 00/100 Dollars (\$1,000,000), paid to the Grantor by the Grantee does grant, bargain, sell and convey unto the said Grantee, its successors and assigns,

ALL that certain property described on Exhibit A hereto,

with the appurtenances; TO HAVE AND TO HOLD the same to and for the use of the said Grantee, its successors and assigns forever, and the Grantor for itself, its successors and assigns hereby covenants and agrees that it will WARRANT GENERALLY the property hereby conveyed.

Dated the day and year first above written, being executed by PNC Realty Holding Corp of New Jersey, Managing General Partner of Grantor, in accordance with Section 5.01 of Grantor's Partnership Agreement.

WITNESS:

WCP GENERAL PARTNERSHIP,
By PNC Realty Holding Corp
of New Jersey,
Managing General Partner

Leslie A. Reese

By J. L. Walters
Title: Vice President

EXHIBIT A

PREMISES A

ALL THAT CERTAIN lot or piece of ground SITUATE at West Chester, Pennsylvania:

BEGINNING at an iron pin set in the north street line of East Gay Street at its intersection with the east street line of Franklin Street extended; THENCE extending along the extension of Franklin Street North twenty-four degrees, twenty-two minutes West one hundred sixty seven and fifty-five hundredths (167.55) feet two tenths of a foot north of an iron pin set on line, said point being forty feet easterly from the center line of the Frazer Branch of the Penna. Railroad; THENCE extending along land of the Railroad parallel to and forty feet easterly from the center line thereof, north ten degrees, fifty-three minutes East two hundred thirteen and eighteen hundredths (213.18) feet to an iron pin set in the south street line of Chestnut Street; THENCE extending along said south street line of Chestnut Street, North sixty-six degrees, twenty-three minutes East one hundred five and thirty-one hundredths (105.31) feet to an iron pin a corner of land belonging to A. L. Halteman; THENCE by Halteman's land, leaving Chestnut Street, South twenty-three degrees, forty-eight minutes East three hundred forty-two and seventy-three hundredths (342.73) feet to a point in the North street line of Gay Street and one tenth of a foot west of an iron pin set in said north street line; THENCE, extending along the north street line of Gay Street, South sixty-six degrees fifteen minutes west two hundred and twenty-five (225.0) feet to the first mentioned point and place of beginning.

CONTAINING one and five hundred and thirty seven thousandths (1,537) Acres of land, be the same more or less.

PREMISES B

ALL THAT STRIP or parcel of land, the greater portion thereof being 21.65 feet wide, SITUATE in the Borough of West Chester, County of Chester and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the northeasterly line of vacated Franklin Street distant 16 feet Eastwardly at the right angles from the gauge of the easterly rail of the main track of railroad of Penn Central Company known as the West Chester Branch; EXTENDING from said beginning point the following six courses and distances, the first four thereof being by remaining land of said Penn Central Company. (1) North 10 degrees, 53 minutes East, parallel with said gauge of easterly rail, 186.15 feet to a point within the lines of East Chestnut Street (60 feet wide); the following three courses and distances being within the lines of said East Chestnut Street; (2) South 79 degrees 07 minutes East, 7.0 feet; (3) North 10 degrees 53 minutes East, 11.0 feet; (4) South 79 degrees 07 minutes East, 14.65 feet to the westerly line of land of Charles A. Kinnach Estate; (5) South 10 degrees, 53 minutes West, by said last mentioned land, 227.80 feet to said northeasterly line of vacated Franklin Street; and (6) North 24 degrees 22 minutes West, along said line of vacated Franklin Street, 37.52 feet to the place of beginning.

CONTAINING 4,523.26 square feet, more or less.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM A DESCRIPTION of a required slope right of way, SITUATE South of the East Chestnut Street right of way in the Borough of West Chester, Pennsylvania, as shown on a plan titled "East Chestnut Street, Condemnation Plan, Evan B. Sharpless Property" prepared by Robert F. Harsch & Associates, Inc., dated July 19, 1984.

BEGINNING at a point on the southerly right of way of East Chestnut Street, said point also being the northeasterly corner of property of N/F Evan Sharpless Tax Parcel No. 1-5-392); THENCE along the Southerly right of way of East Chestnut Street and the lands of N/F Evan B. Sharpless, North 66 degrees 23 minutes 00 seconds East 49.73 feet to a point, said point being the northwesterly corner of the required slope right of way; THENCE through the lands of N/F Evan B. Sharpless, the following 2 courses and distances: (1) South 21 degrees 23 minutes 00 seconds West 21.21 feet to a point, 15.00 feet south of the southern right of way line of East Chestnut Street; (2) South 66 degrees 23 minutes 00 seconds West, 45.04 feet to a point on the easterly line of lands of N/F Evan Sharpless; THENCE along the lands of Evan Sharpless, North 10 degrees 53 minutes 00 seconds East 18.20 feet to the point and place of beginning.

CONTAINING 711.00 square feet of land, more or less.

A DESCRIPTION of a required slope right of way, SITUATE south of the East Chestnut Street right of way in the Borough of West Chester, Pennsylvania, as shown on a plan titled "East Chestnut Street, Condemnation Plan, Evan G. Sharpless Property", prepared by Robert F. Harsch & Associates, Inc., dated July 19, 1984.

BEGINNING at a point on the southerly right of way of East Chestnut Street, said point also being the northeasterly corner of land of the Borough of West Chester (Tax Parcel No. 1-5-390); THENCE along the southerly right of way of East Chestnut Street, North 66 degrees 23 minutes 00 seconds East 26.27 feet to a point, said point being the northwesterly corner of land N/F Evan Sharpless; THENCE along said property line, South 10 degrees 23 minutes 00 seconds West, 18.20 feet to a point, said point being 15.00 feet south of the southern right of way line of East Chestnut Street; THENCE through the lands of Evan Sharpless, South 66 degrees 23 minutes 00 seconds West 26.7 feet to a point on the easterly line of lands of the Borough of West Chester; THENCE along the lands of the Borough of West Chester, North 10 degrees 53 minutes 00 seconds East, 18.20 feet to the point and place of beginning.

CONTAINING 394.00 square feet of land, more or less.

BEING Tax Parcel 1-5-392.

BEING the same property which Robert A. Erling, Sheriff of Chester County, Pennsylvania, by deed dated May 2, 1995 and recorded in the Recorder's Office of Chester County, Pennsylvania in Deed Book Volume 3886, page 2183, granted and conveyed unto WCP General Partnership c/o PNC Realty Holding Corporation, General Partner, the Grantor herein.

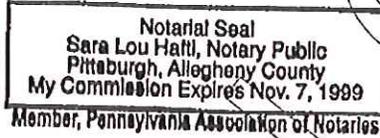
STATE OF Pennsylvania)
COUNTY OF Allegheny) SS:

On this 29th day of APRIL, 1996, before me a Notary Public, the undersigned officer, personally appeared F. R. Walters, who acknowledged himself to be the Vice President of PNC Realty Holding Corp of New Jersey, a corporation, and that he as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such OFFICER.

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

Sara Lou Hattl
Notary Public

My Commission Expires:



Certificate of Residence

I, R. Wayne Clemens, do hereby certify that Grantee's precise residence is designated as P.O. Box 218, Schwenksville, PA 19473.

WITNESS my hand this 30th day of April, 1996.

R. Wayne Clemens



25390

DATE: 05/03/1996 TIME: 10:49A INST NO.: 25390

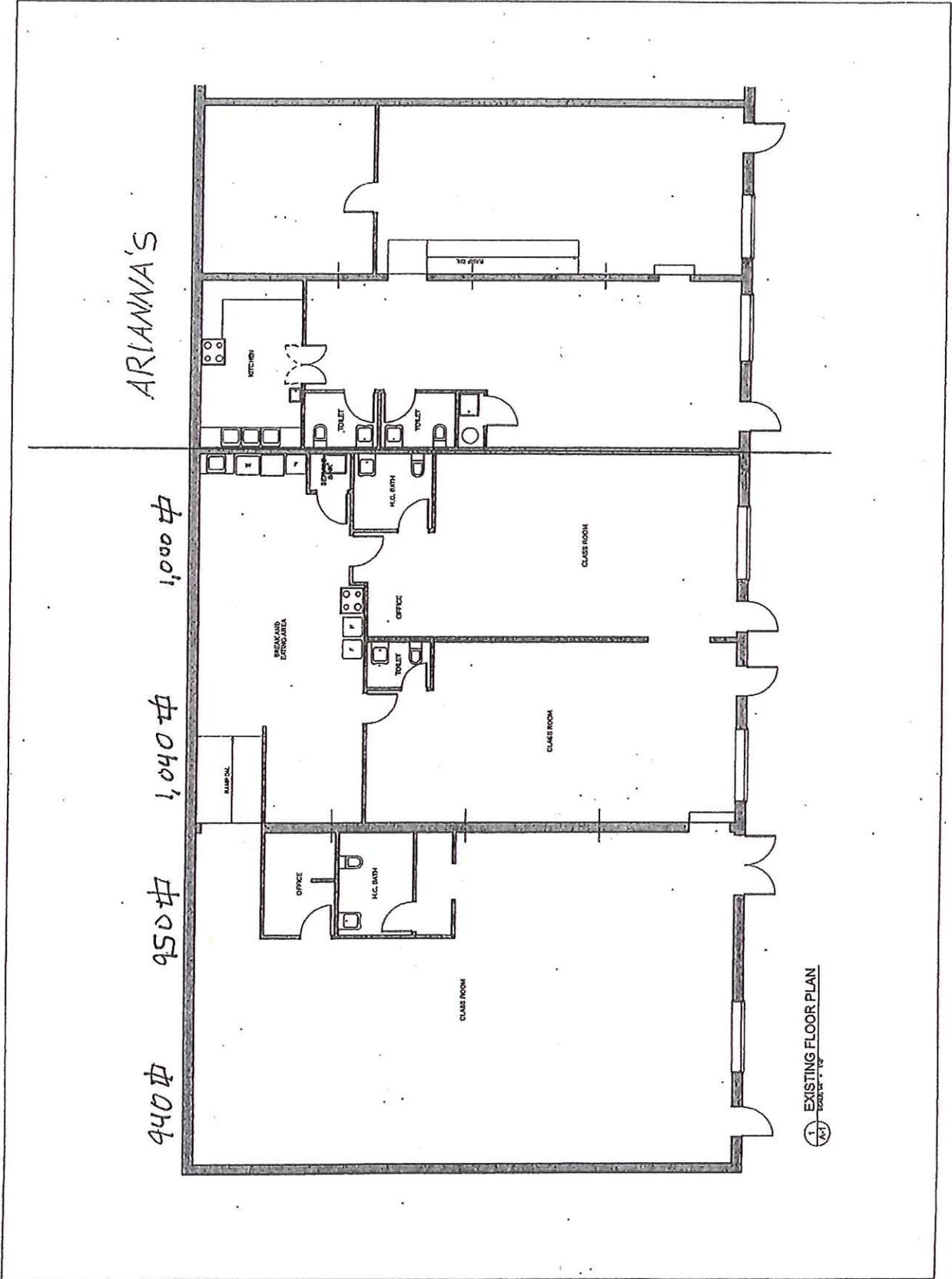
CHESTER COUNTY, PA
OFFICE OF THE RECORDER OF DEEDS

RECEIPT NO : 044703 TYPE DOC : DEED
REC FEE : 15.50
LOC RTT : 10000.00
ST RTT : 10000.00
WRIT TAX : 0.50
DATE: 05/03/1996 TIME: 10:49A INST NO.:

CHESTER COUNTY, PA
OFFICE OF THE RECORDER OF DEEDS

RECEIPT NO : 044703 TYPE DOC : HOUSING
REC FEE : 15.50
LOC RTT : 0.00
ST RTT : 0.00
WRIT TAX : 0.00

Clemens Pulley & Hafford
540 E Broad St
Souderton Pa
18964



EXISTING FLOOR PLAN
A-1

COUNTY OF CHESTER
PENNSYLVANIA



Find UPI Information

PAR ID: 0 105 03920000
 UPI: 1-5-392
 Owner: SPRING HILL REALTY INC
 Owner2:
 Mail Address 1: 528 MAIN ST STE 200
 Mail Address 2: HARLEYSVILLE PA
 Mail Address 3:
 ZIP Code: 19438
 Deed Book: 4026
 Deed Page: 1528
 Deed Recorded Date: 4/1/1996
 Legal Desc 1: NS OF E GAY ST
 Legal Desc 2: 1.6 AC & STORES
 Acres: 1.6
 LUC: C-50
 Lot Assessment: \$ 338,710
 Property Assessment: \$ 1,176,680
 Total Assessment: \$ 1,515,390
 Assessment Date: 12/18/2015
 Property Address: 323 E GAY ST
 Municipality: WEST CHESTER
 School District: West Chester Area



Map Created:
 Wednesday, June 01, 2016

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 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.

Map





Parcel Results (1 of 3)

UPI: 1-5-392
 Parcel ID: 0105 03920000
 Street Concat: 323 E GAY ST
 Owner 1: SPRING HILL REALTY INC
 Owner 2:
 Mailing Address 1: 528 MAIN ST STE 200
 Mailing Address 2: HARLEYSVILLE PA
 Mailing Address 3:
 ZIP Code: 19438
 Deed Book: 4026
 Deed Page: 1578

Real Estate/Assessment > Parcel Details

[Select Another Search Criteria](#)

[Search Another Parcel](#)



ID # 01-05-0392 UPI # 1-5-392

5/18/2016 11:11 AM Tax Year 2017

Owner Information

Name:	SPRING HILL REALTY INC	Address:	528 MAIN ST STE 200 HARLEYSVILLE PA 19438
-------	------------------------	----------	---

Parcel Details

Lot Location:	NS OF E GAY ST	District:	01
Property Descr:	1.6 AC & STORES	Plan #:	
Land Use Code:	C-50	Acres:	1.6000
Deed Reference:	4026 1528	Sq. Feet:	69,696
Recorded Deed Date:	04/01/1996	Sale Price:	\$1,000,000
Location Address:	323 E. GAY ST, WEST CHESTER, PA 19380		

[Deed Description](#)

Assessments

Lot:	338,710	Act 319:	
Property:	1,176,680	Act 515:	
Total:	1,515,390		
Assessment Date:	12/18/2015		

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



MEMORANDUM

TO: Michael A. Cotter, Borough Manager
FROM: Michael A. Perrone, C.B.O.
DATE: June 1, 2016
RE: 530 East Union Street; Chester County Family Academy – Zoning Variance

Recommendation

Motion

Background

Applicant is requesting a parking variance from Chapter 112, Section 74, for a 3 parking space area to be used as part of an outdoor play area.

BEFORE THE ZONING HEARING BOARD OF WEST CHESTER BOROUGH

In Re: Chester County Family Academy

Application for Variance

1. Applicant is Chester County Family Academy, with a mailing address c/o Susan Flynn, 530 Union Street, West Chester, Pa 19382.

2. Chester County Family Academy is a public charter school, funded with public dollars and custom designed to provide a "private school style" education for young learners, including but not limited to:

- a. Science-based learning delivered through the arts;
- b. Yearly integrated theme connected to everyday life
- c. Experiential learning events focused on multiple intelligences
- d. CCFA provides special education and related services to children with disabilities.

3. The property that is the subject of this application is located in the Borough's MU-Mixed Use Zoning District, being U.P.I. No. 1-10-83.1A [hereinafter the "Property"]. Aerial photographs showing the Property is attached to this application as Exhibit "A-1".

4. Chester County Family Academy is one of three tenants in the subject building and files this application with the full consent of the owner of the Property. See letter from the owner attached hereto as Exhibit "A-2".

5. The other tenants of the subject building are the West Chester Area Senior Center and Encore Elite Wildcatz All Star Cheerleading.

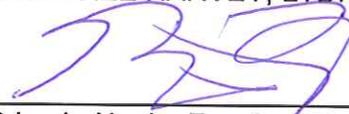
6. CCFA currently uses parking spaces as a recess and play area during the school day.

7. The spaces are neither utilized for nor needed for parking. No fewer than 15 open parking spaces are available at all times during the school day.
8. CCFA only utilizes 15 parking spaces on a day to day basis.
9. CCFA has a need to provide improved recess/play space for the children who attend the school and to provide outdoor classroom space in the parking area.
10. CCFA is proposing to install a fence around a six contiguous parking space area and to install pour and play safety turf on the existing macadam surface.
11. While the building has three more parking spaces than what is required by the zoning ordinance for the extent uses, an area of 6 parking spaces is needed in order to accommodate the proposed improved recess/play and outdoor class room space.
12. Therefore, a variance of 3 parking spaces is hereby requested from Chapter 112, Section 74, which requires 1 space for each 50 square feet for schools.
13. A parking variance is a dimensional variance under the law of the Commonwealth of Pennsylvania.
14. The variance amounts to a variance of less than 5% and constitutes characterized as a *de minimis* variance.
15. The Applicant requests that the Zoning Hearing Board schedule a hearing on this application at which time the Applicant will present testimony and evidence in favor of the requested variance.

16. The Applicant requests that the Zoning Hearing Board grant the relief requested and any other relief that the Board deems necessary and appropriate.

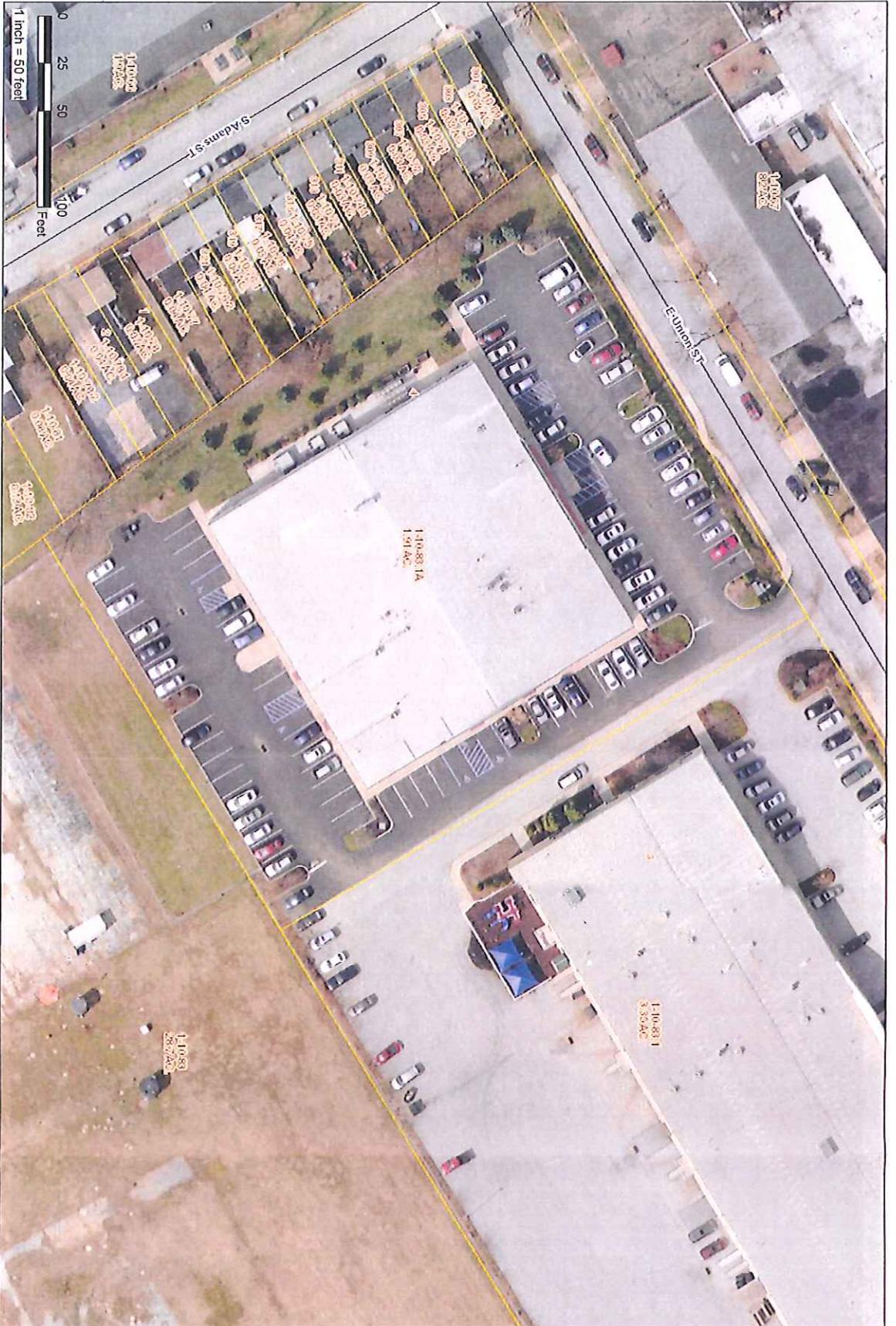
Respectfully submitted,

MacELREE HARVEY, LTD.



Brian L. Nagle, Esquire
17 West Miner Street
P.O. Box 660
West Chester, PA 19381-0660
(610) 436-0100

Date: June 1, 2016



Map Created:
Tuesday, April 19, 2016
BLN
County of Chester

LI

Liability of Title and Date
The completeness, accuracy, or content of any data
contained herein, and makes no representation of any
kind, whether expressed or implied, that the information is
correct, reliable, or that the use of the information will
not result in any liability for the provider of the information.
The information is provided as a service and is not intended
to be used as a substitute for professional advice. The
provider of the information is not responsible for any
damages or losses resulting from the use of the information.
Service price listed at www.alldata.com/pricing.





ALL-STATE LEGAL®
EXHIBIT
A-1(a)