

October 3, 2019

Borough of West Chester
Zoning Hearing Board
Attn: Kevin Gore
Building and Housing Director
401 East Gay Street
West Chester, PA 19380

Re: Calvary Lutheran Church – Application for Special Exception

Dear Members of the Board:

Enclosed please find 3 copies of the following submitted on behalf of Calvary Lutheran Church:

- The Application fee of \$800.00
- Application for Special Exception
- Landscape Plan
- ChescoView
- Deed for proof of ownership
- A flash drive containing a pdf all of the above

Please let me know if you require anything further to schedule a hearing on this matter. Kindly let me know the date of any meetings where the application will be reviewed or considered. Thank you for your consideration.

Very truly yours,



Brian L. Nagle

/cfg

Enclosures

cc: Calvary Lutheran Church (w/enclosures)

BEFORE THE ZONING HEARING BOARD OF THE BOROUGH OF WEST CHESTER

In Re: Calvary Evangelical Lutheran Church of West Chester

Application for Special Exception – Religious Use

I. Introduction and Background

Calvary Evangelical Lutheran Church of West Chester (“Applicant”) is the owner of real property located in the NC-1 Neighborhood Conservation District (“NC-1 District”), with an address of 720 S. New Street in the Borough of West Chester, Chester County, Pennsylvania, 19382, being UPI No. 1-12-214 (the “Property”). The Property is currently improved with a single-family dwelling and driveway, and is one of six contiguous parcels owned by Applicant – the other five parcels being UPI Nos. 1-12-213, 1-12-215, 1-12-216, 1-12-200, and 1-12-201. Together, these parcels form Applicant’s church premises, the church having a mailing address of 730 S. New Street in the Borough of West Chester, Chester County, Pennsylvania, 19382.

Applicant proposes to replace the existing single-family dwelling and driveway on the Property with a pavilion for religious use in conjunction with Applicant’s church building.

II. Relief Requested

Applicant requests that the Zoning Hearing Board grant a special exception pursuant to Section 112-12.C(4) of the Township Zoning Ordinance (the “Ordinance”) to permit the Property and the proposed pavilion thereon to be used for a religious use. Applicant shall demonstrate compliance with all applicable provisions governing uses by special exception under Sections 112-12 and 112-119 of the Ordinance.

III. Compliance with Standards and Criteria of Section 112-113

The proposed pavilion for religious use would comply with the applicable standards and criteria for conditional uses at Section 112-113 of the Ordinance, which Section 112-119.C(2) of the Ordinance requires of special exception applicants.

Per subsection 112-113.A(1), the pavilion will be consistent with the purpose of Article IV of the Ordinance (“NC-1 Neighborhood Conservation District”), as well as the overall purpose of zoning as stated in Article I of the Ordinance and all other applicable provisions of the Ordinance. The pavilion would be for religious usage, which is a permitted use by special exception in the NC-1 District. The pavilion would be a logical development in conjunction with the existing religious use on the parcels containing the church premises.

The pavilion will comply with subsection 112-113.A(3), which requires that a use and its location be consistent with the Comprehensive Plan. Specifically, the pavilion will be consistent with the Comprehensive Plan because of its low impact, its modest dimensions compared to other religious uses (e.g., a church, synagogue, mosque, or other building for religious worship), its consistency with the religious use on Applicant’s immediately adjacent properties, and because the Ordinance expressly permits religious uses by special exception in the NC-1 District.

The pavilion would be consistent with subsection 112-113.A(4) because it would not adversely affect the health, safety, morals and general welfare of the Borough. The pavilion would merely be an extension of Applicant’s existing religious use on its adjacent properties, a type of use that is permitted by special exception. Additionally, Applicant

would control use of and access to the pavilion such that the use would not negatively affect the public welfare.

The pavilion would conform to subsection 112-113.A(5). The pavilion would be consistent with the uses on the immediately adjacent properties in part because one of the immediately adjacent properties contains Applicant's church building, a permitted religious use. The pavilion would also be compatible with neighboring properties used for single-family homes because Applicant would control use of and access to the pavilion such that the use would not detract from or harm these properties. The design of the pavilion would be aesthetically pleasing and would not negatively impact neighboring properties.

Per subsection 112-113.A(6), the pavilion would be in an area for which the lot is suited because the pavilion is a logical development of Applicant's religious use on its immediately adjacent church premises.

The pavilion would be consistent with subsection 112-113.A(8) in that it will be designed and constructed by professionals retained by Applicant in accordance with good design principles and sound engineering. The design of the pavilion is aesthetically pleasing and in keeping with existing construction in the neighborhood.

In accordance with subsection 112-113.A(9), Applicant's design of the pavilion will be environmentally sensitive and based on thorough site analysis and evaluation of topography, soils, vegetation, hydrology, visual quality and related site conditions and characteristics. Applicant will provide such proof of these design criteria as the Board requires.

In accordance with subsection 112-113.A(14), the pavilion would be properly sited on the Property and not be disruptive to existing natural resources such as streams and ponds or vegetation.

Per subsection 112-113.A(17), the pavilion will provide for adequate environmental controls in accordance with Article XV of the Ordinance, as applicable. Finally, the pavilion will conform to subsection 112-113.A(20) because it will utilize effective stormwater management techniques and soil erosion and sedimentation control techniques to the extent required. The proposed pavilion would in fact be an improvement over the existing single-family dwelling on the Property in terms of stormwater management, because the pavilion would occupy less impervious surface.

IV. Conclusion

Applicant will demonstrate compliance with the applicable requirements and standards for special exception relief and other Ordinance requirements during the hearing before the Board.

Respectfully submitted on behalf of Applicant,

MacELREE HARVEY, LTD.



Dated: October 3, 2019

By:

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

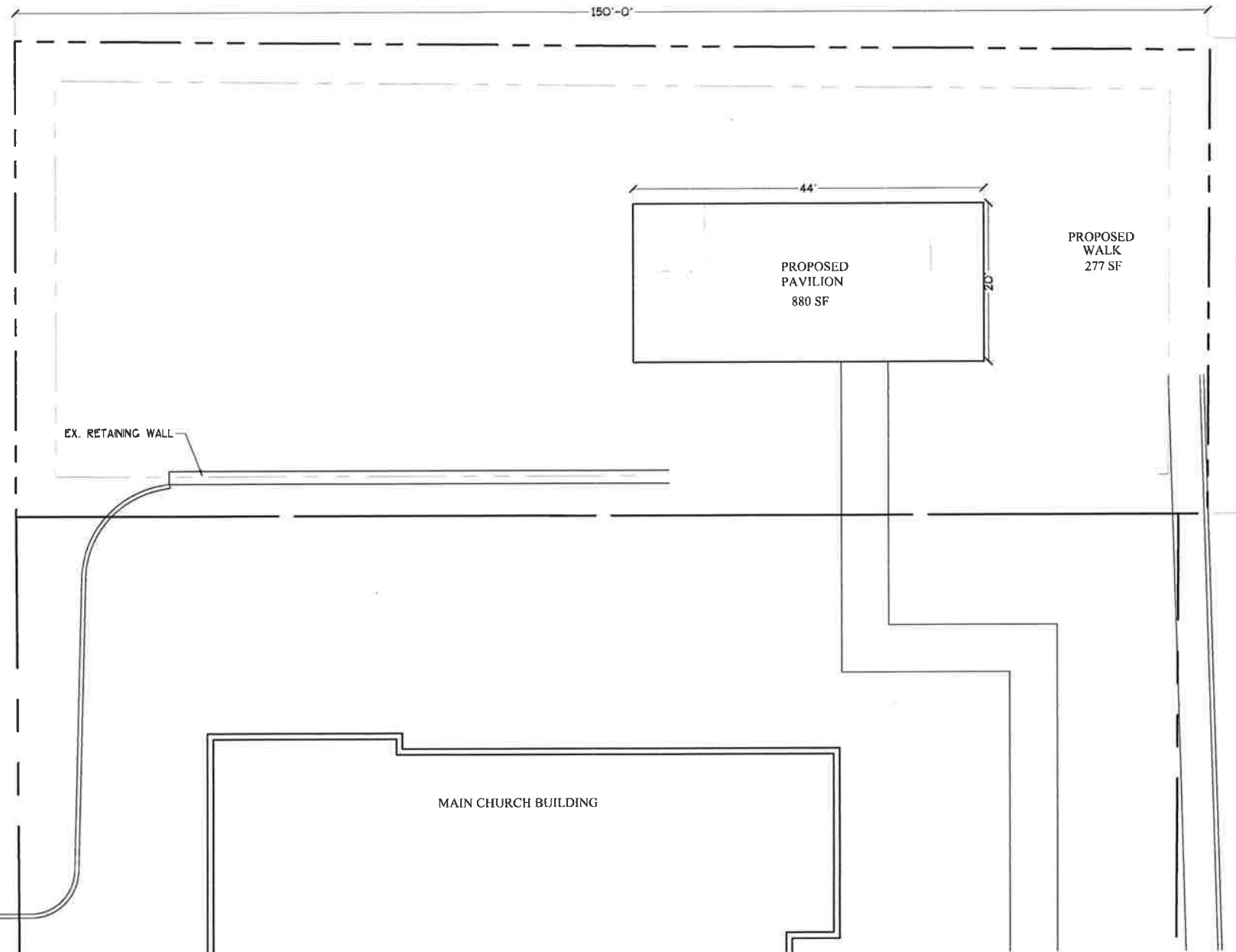
**CALVARY LUTHERAN
CHURCH**
720 S. NEW STREET, WEST CHESTER, PENNSYLVANIA

LANDSCAPE
PLAN

DATE: 1/30/19
REV.: 7/02/19

SHEET:

LP-1

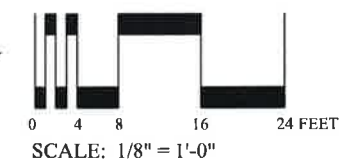
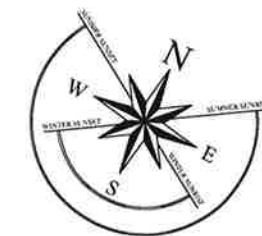


IMPERVIOUS COVERAGE SUMMARY

EXISTING IMPERVIOUS	
BUILDINGS	1103.9 SF
PATIO	65.6 SF
WALKS	168.8 SF
DRIVE	677.8 SF
WALLS	99.2 SF
TOTAL	2,115.3 SF

PROPOSED IMPERVIOUS	
BUILDINGS	880 SF
WALKS	114.6 SF
TOTAL	1,157.4 SF

EXISTING IMPERVIOUS TO BE REMOVED	
BUILDINGS	1103.09 SF
PATIO	65.6 SF
WALKS	168.8 SF
DRIVE	677.8 SF
TOTAL	2,015.29 SF






Find UPI Information

PARID: 0 112 0214000F
 UPE: 1-12-214
 Owner1: CALVARY EVANGELICAL LUTHERAN
 Owner2: CHURCH OF WEST CHESTER
 Mail Address 1: 730 SNEW ST
 Mail Address 2: WEST CHESTER PA
 Mail Address 3:
 ZIP Code: 19382
 Deed Book: 4325
 Deed Page: 1033
 Deed Recorded Date: 4/1/1998
 Legal Desc 1: WS OF SNEW ST
 Legal Desc 2: LOT 73
 Acres: 0.21
 LUC: E-10
 Lot Assessment: \$ 38,110
 Property Assessment: \$ 0
 Total Assessment: \$ 38,110
 Assessment Date: 1/28/2019
 Property Address: 720 SNEW ST
 Municipality: WEST CHESTER
 School District: West Chester Area

Map Created:
 Wednesday, October 2, 2019



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 here in, 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.

3/2/98

Also 19398 ACCOMMODATION ONLY

This Deed, made this 31 day of March, 1998

Between CALVARY EVANGELICAL LUTHERAN CHURCH OF WEST CHESTER

, a corporation organized and existing under and by virtue of the laws of Pennsylvania

(hereinafter called the "Grantor(s)", of the one part,

And CALVARY EVANGELICAL LUTHERAN CHURCH, WEST CHESTER, PENNSYLVANIA

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

Witnesseth, That in consideration of ONE DOLLAR (\$1.00)

in hand paid, the receipt whereof is hereby acknowledged, the said Grantor(s) do(es) hereby grant and convey unto the said Grantee(s), its successors and assigns

ALL THAT CERTAIN lot or parcel of land Situate in the Borough of West Chester, County of Chester, and State of Pennsylvania, and being designated as Lot No. 73 on map of Property for Ernestine Bacon Cairns by T.G. Colesworthy, County Surveyor, West Chester, Pa., October 1940, as follows:

BEGINNING at an iron pin on the west side of South New Street at a distance of 270.09 feet northward from an iron pin marking the intersection of the west line of South New Street with the North line of Rosedale Avenue, a corner of Lot No. 72; thence extending by Lot No. 72, South 67 degrees 27 minutes West, 150 feet to an iron pin, a corner of Lot No. 86; thence extending by Lot No. 86, North 22 degrees 33 minutes West, 60 feet to an iron pin, a corner of Lot No. 74; thence extending by Lot No. 74, North 67 degrees 27 minutes East, 150 feet to an iron pin in the west line of South New Street aforesaid; thence extending along the west line of said street South 22 degrees 33 minutes East, 60 feet to the first mentioned iron pin and place of beginning.

BEING THE SAME PREMISES which William H. Chamberlin and Linda J. Kurz, Executors of the Estate of Lillian E. Chamberlin, deceased, by Deed dated 4/4/97 and recorded in the Office for the Recording of Deeds, in and for Chester County, Pennsylvania, in Record Book 4168, page 638, granted and conveyed unto Calvary Evangelical Lutheran Church of West Chester, in fee.

TAX PARCEL #1-12-214

And the said Grantor doth hereby covenant to and with the said Grantee(s) that, it, the said Grantor, its successors, SHALL and WILL and by these presents does , Warrant and forever Defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee(s), its successors and assigns, against the said Grantor and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under it, them or any of them.

IN WITNESS WHEREOF, the said Grantor(s) has(ve) caused these presents to be duly executed, the day and year first above written.

CALVARY EVANGELICAL LUTHERAN CHURCH OF WEST CHESTER

Attest:

By:

Jennie E. Painter
Secretary

Russell Neubauer
President

Commonwealth of Pennsylvania, County of Chester

On this 31 day of March, 1998, before me the undersigned officer, personally appeared RUSSELL NEUBAUER, who acknowledged himself to be the President of the said Grantor corporation, and that 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 himself as President.

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

NOTARIAL SEAL
DIANA L. MOONEY, Notary Public
West Chester Boro, Chester County
My Commission Expires Sept. 1, 2001

Diana L. Mooney
Notary Public

ABCO Title # ACCOMMODATION
104 S. Church Street
West Chester, PA 19382-3202

Deed

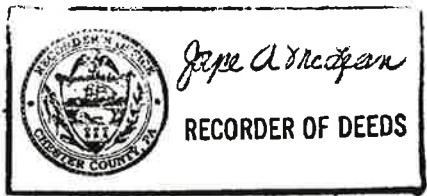
CALVARY EVANGELICAL LUTHERAN CHURCH OF WEST CHESTER, Grantor(s)

TO

CALVARY EVANGELICAL LUTHERAN CHURCH, WEST CHESTER, PENNSYLVANIA, Grantee(s)

The address of the Grantee(s) is

730 S. New St. West Chester Pa
19382-3666



DATE: 04/01/1998 TIME: 03:30P INST NO.: 21333

CHESTER COUNTY, PA
OFFICE OF THE RECORDER OF DEEDS

RECEIPT NO : 010398 TYPE DOC : DEED
REC FEE : 13.00
LOC RTT : 0.00
ST RTT : 0.00
WRIT TAX : 0.00
DATE: 04/01/1998 TIME: 03:30P INST NO.:

CHESTER COUNTY, PA
OFFICE OF THE RECORDER OF DEEDS

RECEIPT NO : 010398 TYPE DOC : HOUSING
REC FEE : 13.00
LOC RTT : 0.00
ST RTT : 0.00
WRIT TAX : 0.00
DATE: 04/01/1998 TIME: 03:30P INST NO.:

CHESTER COUNTY, PA
OFFICE OF THE RECORDER OF DEEDS

RECEIPT NO : 010398 TYPE DOC : CO REC FUND
REC FEE : 1.00
LOC RTT : 0.00
ST RTT : 0.00
WRIT TAX : 0.00
DATE: 04/01/1998 TIME: 03:30P INST NO.:

CHESTER COUNTY, PA
OFFICE OF THE RECORDER OF DEEDS

RECEIPT NO : 010398 TYPE DOC : RE REC FUND
REC FEE : 1.00
LOC RTT : 0.00
ST RTT : 0.00
WRIT TAX : 0.00



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

**REALTY TRANSFER TAX
STATEMENT OF VALUE**

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	—
Book Number	4325
Page Number	1033
Date Recorded	4-1-98

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name: DIANA L. MOONEY Telephone Number: _____
 Street Address: 104 S. CHURCH ST City: WEST CHESTER State: PA Zip Code: 19382
 Area Code (610) 431-3600

B TRANSFER DATA

Grantor(s)/Lessor(s) <u>CALVARY EVANGELICAL LUTHERAN CHURCH, WEST CHESTER, PENNSYLVANIA</u>	Date of Acceptance of Document <u>3/31/98</u>
Grantee(s)/Lessee(s) <u>730 S. New ST</u>	Grantee(s)/Lessee(s) <u>730 S. New ST</u>
Street Address <u>730 S. New ST</u>	Street Address <u>730 S. New ST</u>
City <u>WEST CHESTER PA</u> Zip Code <u>19382</u>	City <u>WEST CHESTER PA</u> Zip Code <u>19382</u>

C PROPERTY LOCATION

Street Address: SOUTH NEW ST. City, Township, Borough: WEST CHESTER
 County: CHESTER School District: WEST CHESTER Tax Parcel Number: 1-12-214

D VALUATION DATA

1. Actual Cash Consideration <u>0</u>	2. Other Consideration <u>+ 0</u>	3. Total Consideration <u>= 0</u>
4. County Assessed Value <u>97,290</u>	5. Common Level Ratio Factor <u>x 1</u>	6. Fair Market Value <u>= 97,290</u>

E EXEMPTION DATA

1a. Amount of Exemption Claimed: 100%
 1b. Percentage of Interest Conveyed: 100%

2. Check Appropriate Box Below for Exemption Claimed

- Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- Transfer to Industrial Development Agency.
- Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____
- Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- Other (Please explain exemption claimed, if other than listed above.) Correcting grantee name

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party: Diana L. Mooney Date: 3/31/98

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

120402

MACELREE HARVEY, LTD.

17 WEST MINER STREET
WEST CHESTER, PA 19382

BB&T
BRANCH BANKING AND TRUST COMPANY
PENNSYLVANIA

60-912/313

DATE
10/02/19

CHECK

AMOUNT
****\$800.00

*** EIGHT HUNDRED & 00/100 DOLLARS

PAY

TO THE
ORDER
OF:

Borough of West Chester
401 East Gay Street
West Chester PA 19380

CHECKS OVER \$3,000 REQUIRE TWO SIGNATURES
VOID AFTER 90 DAYS



[Handwritten Signature]

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

Security features. Details on back

⑈ 120402⑈ ⑆031309123⑆ 1390000207337⑈