

Mark P. Thompson
West Chester Office
Main: (610) 430-8000
Direct: (610) 701-4407
mthompson@lambmcerlane.com

February 4, 2025

Via Electronic and First Class Mail

Christopher and Meg Zaro
72 Chesterfield Lane
Malvern, PA 19355
cwzcorp@aol.com

RE: Charlestown Township
Conditional Use Approval for Christopher and Meg Zaro
Property located at 72 Chesterfield Lane, Malvern, PA 19355

Dear Mr. and Mrs. Zaro,

Enclosed please find a copy of the Decision and Order of the Board of Supervisors approving your conditional use application referenced above.

If you have any questions, please do not hesitate to call me.

Thank you very much,

LAMB MCERLANE PC

By: 
Mark P. Thompson

Enclosure
cc: Charlestown Township
Chris Heleniak, Township Manager
(via email only)

CHARLESTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

DECISION AND ORDER

**Application of Christopher and Meg Zaro
for Conditional Use Approval**

February 3, 2025

I. INTRODUCTION

Christopher and Meg Zaro (the “Applicants”) 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 permit an accessory garage to be converted into a guest quarters on the Applicant’s property located at 72 Chesterfield Lane, Malvern PA 19355 (the “Property”). The property consists of 10 acres and is located in the FR Farm Residential Zoning District.

The Applicants submitted a Conditional Use Application and Plan dated September 18, 2024 (the “Plan”), showing the Property improved an existing single family dwelling and accessory three-car garage building with driveway accessing both structures.

A public hearing on the Applicant’s conditional use application was commenced on December 2, 2024, pursuant to properly provided public notice. By email dated October 3, 2024, the Applicant consented in writing to the Township’s commencement of the hearing on December 2, 2024. The Applicants testified at the hearing in support of the application. By email dated January 14, 2025, the Applicants consented to the Board issuing its written decision on February 4, 2025.

II. RELIEF REQUESTED

The Property that is the subject of the Application consists of 10-acres of land improved with a single family dwelling and garage that is identified as Tax Parcel No. 35-3-54.2. The Property is a flag-lot and the existing dwelling and garage on the Property has access by way of a private driveway over the “flagpole” to Chesterfield Lane. The Applicant proposes to add a second floor and expand the footprint of the existing garage on the Property as shown on the Plan, Exhibit A-1.

Section 27-1608.1.B(2) of the Zoning Ordinance provides

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.

In this case, the Applicants requested and were granted a variance from Section 27-1608.1.B(2)(c) of the Zoning Ordinance in order to allow the renovation and expansion of the garage into a second accessory residence with a garage, shop, storage on the ground floor, a master bedroom with bath, pantry, kitchen, living room and sitting rooms situated on the second floor, and storage rooms, full bathroom, art studio and home office on the third floor, as shown on Exhibit A-1 presented at the hearing. The Decision of the Zoning Hearing Board was identified at the hearing as Exhibit A-6.

The Applicants submitted a plan entitled “Proposed Renovation of Existing Garage into a 2nd Residence” prepared by Real Estate Engineering Associates, Inc., which depicts, among other information, the location of the existing improvements on the Property. The Plan, part of Exhibit A-1, also includes layout description and dimensions of the Ground Floor Level interior floor plan, Second Floor Level interior floor plan and Third Floor Level floor plan with the exterior dimension of approximately 58 feet by 31 feet for a square footage of approximately 1800 square feet. The Zoning Hearing Board found that an additional 800 square feet of living space was a de minimis increase to the 1000 foot limitation in Section 27-1608.1.B(2)(c) of the Zoning Ordinance.

The standards and criteria for conditional uses are set forth in Section 27-1809.1.A-R of the Zoning Ordinance. The Application is consistent with those standards. Regarding the specific standards for the grant of the conditional use, the Applicant’s proposed expansion of an existing garage of the size proposed has been found by the Zoning Hearing Board to be consistent with the FR District provisions for development of an accessory use on the Property.

In addition, the Applicants explained at the hearing that they may reduce the proposed size of the expansion of the garage from a four bay garage to a three bay garage with corresponding reduction in living space. Based on the size of the Property, the proposed garage and a reduced size garage, would be consistent with the uses on adjacent lots, which are residential, and is consistent with the character of the neighborhood. The Plan provides safe and adequate access to Chesterfield Lane and will not result in increased traffic beyond that expected from a single family residential use.

III. FINDINGS OF FACT

1. The Property that is the subject of this application is owned by the Applicants, Christopher and Meg Zaro and is located at 72 Chesterfield Lane, Malvern PA 19355.
2. The Property consists of 10 acres and is located in the FR Farm Residential Zoning District.
3. The Property is improved with a single family dwelling and accessory garage as shown on the Plan Exhibit A-1.

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

4. The Applicants propose to live in the expanded living quarters above the garage in order to “age in place” on the Property while their son’s family lives in the existing dwelling on the Property.

5. The Applicants’ proposal complies with the area and bulk regulations of the FR Farm Residential District (Exhibit A-1).

IV. CONCLUSIONS OF LAW

1. The Applicants have standing.

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

V. DECISION AND ORDER

AND NOW, this 3rd day of February, 2025, upon consideration of the testimony and exhibits presented, it is ORDERED that the Applicants, Christopher and Meg Zaro, are granted conditional use approval pursuant to Section 27-1608.1.B(2)(c) of the Zoning Ordinance Section 27-1608.2 of the Charlestown Township Zoning Ordinance in order to expand an accessory garage building on the Property located at 72 Chesterfield Lane, 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 Applicants’ Conditional Use Plan (Exhibit A-1) and representations made by the Applicants made as part of the record at the public hearing.

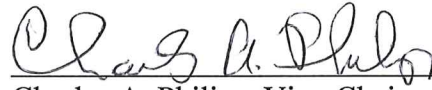
3. The Applicant shall comply with all exhibits, representations, and record evidence, including the October 2nd Review Letter from Montrose Environmental, which are incorporated herein as part of this approval.

5. 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.

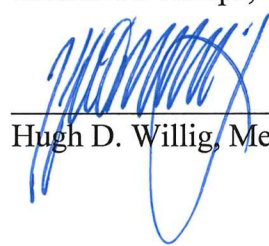
CHARLESTOWN TOWNSHIP
BOARD OF SUPERVISORS



Kevin R. Kuhn, Chairman



Charles A. Philips, Vice-Chairman



Hugh D. Willig, Member

Frank A. Piliero, Member



Louis P. Rubinfeld, Member

ATTEST:



Christopher W. Heleniak, Secretary