

L A M B | M C E R L A N E ^{PC}

ATTORNEYS AT LAW

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May 9, 2025

Via Electronic and First-Class Mail

Jay Robinson
April Robinson
25 Country Lane
Malvern, PA 19355
jrobinso99@gmail.com

RE: Charlestown Township
Conditional Use Approval for Jay and April Robinson
Property located at 5 Country Lane, Malvern, PA 19355

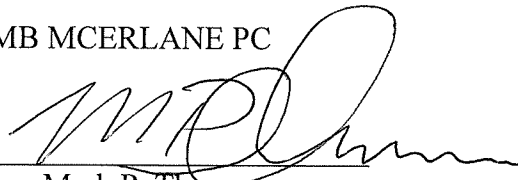
Dear Mr. and Mrs. Robinson,

Enclosed please find a copy of the Decision and Order of the Charlestown Township 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

Enclosures

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

CHARLESTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

DECISION AND ORDER

**Application of Jay and April Robinson
for Conditional Use Approval**

May 5, 2025

I. INTRODUCTION

Jay and April Robinson (the “Applicants”) filed an application for conditional use approval pursuant to Section 27-1608.2 of the Charlestown Township Zoning Ordinance (“Zoning Ordinance”) in order to construct a 2400 square foot accessory barn on their property located 25 Country Lane, Malvern PA 19355 (the “Property”). The Property is located in the FR Farm Residential Zoning District.

In order to construct the barn at the proposed size, the Applicants submitted a Conditional Use Application pursuant to Section 27-1608.2 of the Charlestown Township Zoning Ordinance (the “Zoning Ordinance”).

A public hearing on the Applicant’s conditional use application was commenced on April 7, 2025, pursuant to properly provided public notice. Anurag Shrivastava, the owner of the property located at 29 Trevor Lane adjacent to the Property and Elisabeth Hounsell, the owner of property at 27 Trevor Lane adjacent to the Property, were both parties to the Application.

II. RELIEF REQUESTED

The Applicants’ Property consists of 2.4-acres of land improved with a single family dwelling also identified as Tax Parcel No. 35-4-45.4C. The existing dwelling on the Property has access by way of a private driveway identified as Country Lane. The Applicant proposes to construct an accessory 40’ x 60’ two-story barn in the location of a previous swimming pool to the right of the existing driveway and in front of the existing dwelling on the Property. The swimming pool on the Property was filled several years ago and the area where the pool was located consists of approximately 2,600 square feet of concrete and fill. The purpose of the proposed barn is to house the Applicant’s collection of pinball machines on both the first and second floors and allow a space for foster dogs on the first floor.

The accessory barn building is proposed to be 2,400 square feet in size. The existing dwelling in the Property is 3,170 square feet in size. Section 27-1608.2 of the Zoning Ordinance provides that “In no event shall accessory buildings on a lot exceed 50% of the ground floor area of the permitted principal structure except if at all upon a grant by the Board of Supervisors of a conditional use permit therefore.” The standards and criteria for conditional uses are set forth in Section 27-1809.1.A-R of the Zoning Ordinance. The evidence presented at the hearing demonstrates that the Application is consistent with those standards.

Regarding the specific standards for the grant of the conditional use, the proposed size of the barn, despite it being greater than 50% of the size of the existing dwelling on the Property is consistent with the FR District provisions for development of an accessory use on the Property.

Given the exterior appearance generally as shown on Exhibit A-4, the proposed barn will be consistent with the uses on adjacent lots, which are residential. Given its proposed size, location, and existing and proposed vegetation on the Property, the barn will be consistent with the character of the neighborhood; and there will be safe and adequate access to Country 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 Jay and April Robinson (the "Applicants") and is located at 25 Country Lane, Malvern PA 19355 also identified as Tax Parcel No. 35-4-45.4C.

2. The Property consists of 2.4-acres of land improved with a single family dwelling and is a flag lot with the flagpole consisting of Country Lane, which takes access to Charlestown Road.

3. The Property is located in the FR - Farm Residential District

4. The Applicants own and reside on the Property in the existing single-family dwelling.

5. The existing dwelling in the Property is 3,170 square feet in size.

6. The Applicant proposes to construct an accessory 40' x 60' two-story barn in the location of a previous swimming pool to the right of the existing driveway and in front of the existing dwelling on the Property as shown in the Application, Exhibit T-1.

7. The purpose of the proposed building is to house the Applicant's collection of pinball machines on both the first and second floors and allow a space for foster dogs on the first floor.

8. The proposed 2400 square foot accessory barn building would be approximately 75% of the size of the existing dwelling on the Property.

9. Applicants propose to maintain a fence and vegetative buffer between the location of the barn and the adjacent property to the east owned by the party to the Application, Hounsell.

10. The Application will comply with the area and bulk regulations of the FR Farm Residential District.

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 5th day of May, 2025, upon consideration of the testimony and exhibits presented, it is ORDERED that the Applicants, Jay and April Robinson, are granted conditional use approval pursuant to Section 27-1608.2 of the Charlestown Township Zoning Ordinance in order to construct a 40' x 60' two story barn on the Property located at 25 Country 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, 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 barn as shown on the Conditional Use Application (Exhibit A-1) and representations made by the Applicants as part of the record at the public hearing.

3. The Applicants shall comply with all exhibits, representations, and record evidence, including the March 3, 2025 Review Letter from Comitta Associates, and March 4, 2025 Review Letter from Montrose Environmental, which are both incorporated herein as part of this approval.

4. The use of any area on the first floor of the proposed barn, which is intended to be used to foster dogs, shall be limited to housing two foster dogs at a time.

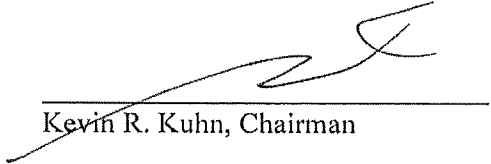
5. The Applicants shall maintain a fence and vegetative buffer between the location of the proposed barn and the adjacent property to the east owned by Hounsell.

~~6. The Applicants shall maintain the location of the existing driveway on the Property and shall not extend the driveway to access the proposed barn.~~

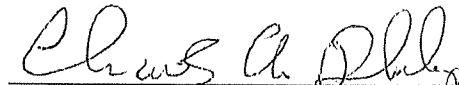
7. In relation to the construction of the proposed barn, the Applicants shall comply with the requirements of the Charlestown Township Stormwater Management Ordinance, Chapter 23 of the Code.

8. 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

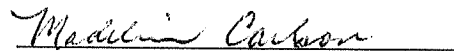


Kevin R. Kuhn, Chairman


Charles A. Philips, Vice-Chairman


Hugh D. Willig, Member


Louis P. Rubinfeld, Member


Madeleine Carlson, Member

ATTEST:


Christopher W. Heleniak, Secretary