

**APPLICATION OF VALLEY HILL PROPERTIES, LLC
BEFORE THE ZONING HEARING BOARD OF
CHARLESTOWN TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA**

NO. 04-24

DECISION

The Application of Valley Hill Properties, LLC, by its officers, Lori and Ralph Warner, was heard by the Zoning Hearing Board of Charlestown Township on March 5, 2025. Applicant is the owner of 2109 Valley Hill Road, Charlestown Township. Applicant intends to raze the existing dwelling, a nonconforming structure, and replace it with an enlarged improved single family dwelling, with a garage and driveway. Applicant retained JMR Engineering, LLC, to arrange for demolition of the existing structure, and construction of the proposed dwelling. Scott E. Deisher, P.E., of JMR Engineering, LLC, presented a site plan in support of Applicant's proposal and informed the Board, inter alia, that Applicant's construction will require variance relief of two front yard setbacks, located along the western and southern property lines, as the subject lot is bordered by Valley Hill Road to the South and a shared driveway to the West. At the conclusion of the hearing, the Zoning Board, following motion of Andrew Greg Nesor, unanimously granted Applicant by a recorded public vote, two front yard setback variances from §27-405.5 and one side yard setback variance from §27-406.5 of the Charlestown Township Zoning Ordinance, as amended. In accord with the Pennsylvania Municipalities Planning Code, the Zoning Hearing Board renders this Decision, supported by Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Valley Hill Properties, LLC, "Applicant," herein, purchased 2109 Valley Hill Road, sometimes known as UPI 35-7-38, from Gail Burgess, by Deed, dated December 12, 2023, the original of which is filed at the Recorder of Deeds of Chester County at Deed Book 11148, pages 1 through 4.

2. David Warner and Lori Warner, the officers and owners of Valley Hill Properties, LLC, reside at 2159 Valley Hill Road.
3. Applicant is the present owner of 2109 Valley Hill Properties, LLC, sometimes hereinafter the "Subject Property".
4. Applicant filed a Zoning Hearing Board Application with Charlestown Township on December 12, 2024, wherein Applicant requested variances from 27-405.5 and 27-405.6 of Charlestown Township Zoning Ordinance, as amended.
5. 2109 Valley Hill Road is situated in Charlestown Township's FR-Farm Residential District and is subject to §27-405, entitled, "Area and Bulk Regulations for Conventional Lot Development".
6. §27-405.1 provides, in pertinent part, that a net lot area of not less than 80,000.00 square feet shall be provided for each single-family detached dwelling or other principal building erected.
7. The subject lot totals approximately 56,628 square feet.
8. 2109 Valley Hill Road is a non-conforming property.
9. Applicant intends to demolish the existing dilapidated structure situated on the the Subject Lot and construct thereon a single family dwelling.
10. By letter, dated January 3, 2025, the Supervisors and copied parties were informed, inter alia, at paragraph 5, that "Since the Applicant proposes to demolish the existing building instead of expanding the nonconforming building, this section does not apply; the setbacks of the underlying zoning district apply".
11. At the Board of Supervisors meeting held January 6, 2025, Scott Deisher, Applicant's representative, informed the Board that the nearest home to Applicant's proposed dwelling would be 100 feet and that the Jenkins' property owned by the Township would be a similar distance from Applicant's proposed dwelling.
12. At public meeting held January 6, 2025, Charlestown Township's Board of Supervisors unanimously voted to take a neutral position with respect to Applicant's proposal.

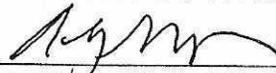
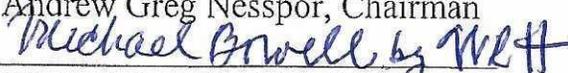
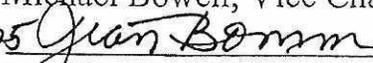
13. On January 22, 2025, Scott E. Deisher on behalf of Applicant, waived the time period upon which the zoning hearing board shall timely hear, render, and decide Applicant's Zoning Application to March 29, 2025.
14. At the outset of the zoning hearing, the Chairman of the Zoning Board read the Zoning Hearing Board's Affidavit of Publication for the Board's March 5, 2025 hearing which was published in the *Daily Local News* (Board Exhibits B-1 & B-3).
15. The Subject Property was duly posted and the adjoining land owners were mailed by regular U.S. mail, postage prepaid, on February 11, 2025 a copy of the Affidavit of Publication. (Board Exhibit B-2).
16. At the last paragraph of Scott Deisher's letter, dated March 5, 2025, to the Zoning Hearing Board, Mr. Deischer requested two front yard setbacks and one side yard setback to construct a single family detached dwelling. Applicant requested relief from two front yard setbacks and one side yard setback in order to construct a single family dwelling.
17. Approximately, 15 neighbors appeared at the Zoning Hearing Board's March 5th hearing none of whom objected on the record to Applicant's request.

CONCLUSIONS OF LAW

1. At the conclusion of the Zoning Hearing Board's hearing of March 5, 2025, the Zoning Board unanimously granted Applicant two front yard setback variances from §27-405.5 of the Charlestown Twp. Zoning Ordinance, one with a minimum depth of 25.0' and one with a minimum depth 50.0', and one side yard setback variance from §27-406.5 of the Ordinance with a minimum depth of 50', which grant was conditioned upon Applicant, at Applicant's expense, to plant shrubs to screen the pool and adjoining land of the owners of UPI 35-7-39.8.

2. Applicant's proposed construction will not alter the essential character of the FR District in which it is located nor will it substantially impair the appropriate use of the adjacent property or be detrimental to public.
3. The forgoing facts and conclusions of law are made in support of the Zoning Hearing Board's unanimous Decision made at the conclusion of public hearing held March 5, 2025 and confirming letter of March 7, 2025.

**BY THE ZONING HEARING BOARD OF
CHARLESTOWN TOWNSHIP:**

<u>3-25-2025</u>	<u></u>
Date	Andrew Greg Nessor, Chairman
<u>3/25/25</u>	<u></u>
Date	Michael Powell, Vice Chairman
<u>3-25-2025</u>	<u></u>
Date	Jean Bomm, Member
<u>3-26-2025</u>	<u></u>
Date	George Powers, Alt. Member

*** Applicant shall obtain a Building Permit from Charlestown Twp. and construct proposed improvements as depicted on site plan for 2109 Valley Hill Rd., dated January 17, 2025, and complete construction within 8 months.