

# East Bradford Township Zoning Hearing Board Meeting Minutes January 23, 2023

The January 23, 2023 Zoning Hearing Board meeting was held in the McCardle Meeting Room in the Township Building, 676 Copeland School Road, West Chester. The meeting agenda was posted to the Township website and at the Township Building on January 17, 2023. Copies of the agenda were available for attendees.

Zoning Hearing Board members present:

Kamil Ali-Jackson, Vice Chair  
Andy Schaum  
Dan Bush

Staff/Professionals present:

Tom Oeste, Esquire, Zoning Hearing Board Solicitor  
Andrea Campisi, Director of Planning and Zoning/Zoning Officer

Others in attendance:

Bruce Laverty, Chair, Board of Supervisors  
Mark Hagerty, Court reporter  
Jean and John Renshaw  
Lydia Willits Bartholomew  
John Cornman  
Ian Kauffman, West Chester University student

**CALL TO ORDER:** The meeting was called to order at 7:00 p.m. by Zoning Hearing Board Solicitor Tom Oeste. Mr. Oeste introduced the members of the Zoning Hearing Board and informed the attendees that the board is a quasi-judicial body.

## **ORGANIZATION**

Mr. Oeste announced that the Board needs to select a new chairman and vice chairman since the prior chair is now an alternate member. Mr. Schaum nominated Ms. Ali-Jackson to the position of Chair. Mr. Bush seconded the motion. All members were in favor and the motion carried. Mr. Bush nominated Mr. Schaum to the position of Vice Chair. Ms. Ali-Jackson seconded the motion. All members were in favor and the motion carried.

**PUBLIC COMMENT:** None

## **MEETING MINUTES:**

November 3, 2022 minutes:

Mr. Schaum made a motion to approve the minutes. Mr. Bush seconded the motion. All members were in favor. The motion carried.

## **OLD BUSINESS:**

1. **919 Lenape Road, 51-7-112.7, Applicants: John and Kelly Finnerty**

Mr. Oeste announced that the applicants are appealing the remaining open items in the notice of violation issued by the Township on August 15, 2019 for a pedestrian foot bridge that was constructed in the floodplain without the proper permits. Items in the notice of violation include 8, 9 and 14-23. In the alternative, the applicant seeks variance relief from these open items from Sections 115-42 and 115-45B.7 of the Zoning Ordinance.

Mr. Oeste announced that the application has been pending for quite some time and explained that the applicant has been attempting to hire a structural engineer to prepare a structural report for the pedestrian bridge. Mr. Oeste noted that the applicant has finally hired an engineer but does not have the report completed yet. Therefore, Mr. Oeste recommended that the application be continued but noted that a new date has not yet been selected. He said once a date has been selected then the hearing will be advertised. Ms. Ali-Jackson made a motion to continue the hearing. Mr. Schaum seconded the motion. All members were in favor and the motion carried.

### **NEW BUSINESS:**

#### **2. 240 Lucky Hill Road, 51-6-16, Applicants: John C. and Jean D. Renshaw**

Mr. Oeste explained that the applicants seek the following variance from the Zoning Ordinance and any and all relief necessary to construct an addition onto the existing home: Section 115-96B, Nonconforming buildings, structures and uses, to allow the addition to be greater than 25% of the existing footprint of the dwelling. Mr. Oeste said the applicant also requests a special exception from Section 115-86.1, Temporary structures, to reside in a Recreational Vehicle on the property while the addition is under construction.

Mr. Oeste entered four exhibits into the record on behalf of the Board, entitled B-1 through B-4. The applicants, Jean and John Renshaw were present. Mrs. Renshaw said she will be making the presentation on behalf of her and her husband. Mrs. Renshaw was sworn in by Mr. Hagerty. Mr. Oeste asked if anyone present wished to become a party to the hearing. Mr. Renshaw asked for party status, but Mr. Oeste stated that he does not need to be as the applicant.

Mrs. Renshaw submitted exhibits A-I into the record which were also submitted with the application. She also entered Exhibit J which documents the notice sent to the adjoining property owners and the notice that was posted at the property as required by the Zoning Ordinance. Mrs. Renshaw explained that under the ordinance the maximum size of the addition given the existing nonconformity is 179 sq. ft. but that the proposed addition will total 1,993 sq. ft. She presented the breakdown of the total square footage with the various sizes of each proposed room in the addition and explained that due to her husband's health issues the addition must be on one floor. Mrs. Renshaw presented Exhibit K which showed a rendering of what she and her husband would like to build. She explained that they are not asking for a variance for what is shown in the rendering but rather a variance for the footprint shown in Exhibit D. She said we do not want to be locked into what is shown in the rendering. Mrs. Renshaw entered Exhibit L into the record which consisted of emails of support from adjoining neighbors.

Mrs. Renshaw indicated that since the home is a Class 1 historic resource any exterior changes will be reviewed by the Historical Commission. Mrs. Renshaw noted that she presented the proposal to the Historical Commission who supported it unanimously. She indicated that the Board of Supervisors were also in support of the application. With regard to the special exception to reside in an RV while the addition is under construction, Mrs. Renshaw stated that the RV will be parked within the building envelope adjacent to the barn, which has electricity. The ZHB members appreciated the comprehensive presentation. Mr. Schaum stated that the proposed addition was done very sympathetically.

Lydia Willits Bartholomew, a resident of 145 Lucky Hill Road, commented how well the Renshaw's have cared for their historic home. Mrs. Bartholomew felt the proposal was in keeping with the character of the homes on the road and expressed support for it. John Cornwell, was present representing his aunt, father and cousin, all of whom own and operate Allerton Farm, and who all are in full support of the application. Ms. Campisi noted that at their meeting on January 3, 2023 the Board of Supervisors voted unanimously to support the application.

The Board deliberated. After deliberating, Mr. Schaum made a motion to approve the variance and the special exception subject to the conditions noted below. Ms. Ali-Jackson seconded the motion. All members were in favor and the motion carried.

1. Except as may be modified in order to comply with building permit and building code requirements, the building addition shall be located and constructed in substantial compliance with the plans that were submitted as part of the application and presented at the hearing.
2. The relief granted is only for the variance and special exception as requested and approved by the Zoning Hearing Board.
3. Except as modified by the relief granted, Applicants and the owners of the Property shall comply with all requirements of the Township Code, including but not limited to all other area and bulk requirements of the R-1 Residential Zoning District and all other Township ordinances and regulations.
4. Applicants shall obtain and comply with any and all applicable federal, state, and local governmental approvals and permits, including obtaining a building permit and such other permits (e.g., permit for stormwater management) from the Township as may be required for the project.
5. Applicants and the construction of the building addition shall comply in all respects with the representations and commitments made in the testimony and exhibits presented at the hearing; provided the architectural elevations presented as Applicants' Exhibit K may be modified based on final design.

**NEXT MEETING:** The next Zoning Hearing Board meeting will be scheduled as needed.

**ADJOURNMENT / CONTINUANCE:** The meeting adjourned at 8:00 p.m.

Meeting minutes recorded by: Andrea Campisi, Zoning Officer