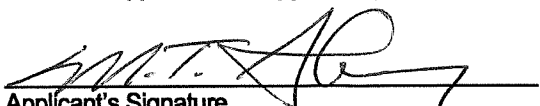


APPEAL or APPLICATION
to the **ZONING HEARING BOARD** of **EAST BRADFORD TOWNSHIP**
CHESTER COUNTY, PENNSYLVANIA

Applicant must provide all of the information requested on this form. Incomplete applications will not be accepted. All plans required to be filed with the Board must accompany this application, together with the filing fee payable to **East Bradford Township**. Refer to the current fee schedule for application fees. Please review the Rules of Procedure of the Zoning Hearing Board which sets forth necessary information to enable you to complete the application. Please submit five (5) copies of the application and any attached plans and explanatory material in addition to a digital copy of all documents. Direct any questions to **Andrea Campisi, Zoning Officer** at 610-436-5108 or acampisi@eastbradford.org. **A complete application must be submitted to Andrea Campisi, Zoning Officer, 666 Copeland School Road, West Chester, PA 19380, phone: 610-436-5108 x110, fax: 610-436-8652.**

1. **Name, address, phone number and email address of applicant.**
John and Kelly Finnerty
919 Lenape Road
West Chester, PA 19382
c/o Michael T. Shiring, Esquire, 610-458-4400 - mikes@rrhc.com
2. **Specific address of the affected real estate and county tax parcel number identification (do not use P.O. Box).**
919 Lenape Road, West Chester, PA 19382 - 51-7-112.7
3. **Relationship of the applicant to the property in question.**
Applicant is the owner of the property. Michael T. Shiring, Esquire, attorney for Applicant/Owner.
4. **Owner of the property in question.**
John and Kelly Finnerty
5. **Specific description of the property in question (size of lot/tract and all improvements.)**
3.2 acre residential lot, dwelling, and driveway
6. **Present zoning classification of the property in question. If non-conforming use, so indicate.**
R-3 residential
7. **Present use of the property.**
Residential - home of Applicants/Owners and their children
8. **A brief description of the specific use proposed for the property and the citation(s) to the East Bradford Zoning Ordinance which authorizes such use.** Existing residential use. Subject of this request/application is the pedestrian foot bridge which Applicant built to replace older deteriorating bridge and for the purpose of his young children to access front yard.
9. **A concise statement describing the relief sought, including the specific sections of the Zoning Code that relief is being sought from, and the reason(s) why such relief is necessary.**
See attached Exhibit "A" Requested Relief and Justification
10. **Architectural renderings/elevations of any buildings proposed shall be submitted with the application.**
See attached Exhibit "B" Photos of Pedestrian Bridge and Aerial Photographs.
11. **The application shall be accompanied by a site plan of the property required by Zoning Hearing Board Rule 1.10 and 1.12, and if applicable, a copy of the publication required by Rule 1.11.**


Applicant's Signature
Michael T. Shiring, Attorney for Applicants/Owners



Date

EXHIBIT A

Requested Relief and Justification

Applicant, John Finnerty, constructed a pedestrian bridge across Plum Run for the purpose of gaining safe access to the Finnerty's front yard (which is a mowed level field) for use by their young children and pet. A much more rudimentary bridge without railings and foundations already existed up stream on the Finnerty property, but did not provide safe access to the front yard. The intent is a safe and more permanent structure with railings.

The dimensions of the pedestrian bridge are 7 feet 3 inches wide by 14 feet 8 inches long. Photos of the bridge are included as a part of Exhibit B.

On August 15, 2019, East Bradford Township issued a lengthy Notice of Violation (N.O.V.) to the Finnertys which included issues about relevant permitting and violation of the East Bradford Township Flood Plain Ordinance. A copy of the N.O.V. is attached as Exhibit C. Mr. Finnerty was unaware of the various requirements of the Flood Plain Ordinances.

Upon receipt of the N.O.V., Mr. Finnerty immediately retained an engineering professional, and set out to obtain all proper permits, permissions and approvals. The following approvals and permits were received:

- Pa. DEP GP07 Permit November 21, 2019
- Approval of the Brandywine Red Clay
- Alliance Clauser Environmental – the professional consultant who completed the stream restoration project for this section of Plum Road. These permit(s) and approvals are attached as Exhibit D.

Mr. Finnerty also hired Site Engineering Concepts, LLC, who has offered the engineering opinions to address the remaining items listed in the N.O.V.

This Application to the Z.H.B. is an appeal of the remaining open items of the N.O.V., which as we understand are Items 8, 9, and 14-23 inclusive (the "Open Items"). Applicant believes that its engineers' review and memorandum(s) have satisfied these items and will offer testimony and exhibits in that regard.

In the alternative, Applicant requests zoning variance relief from the Open Items which are generally listed in Section 115-42 of the East Bradford Township Zoning Ordinance.