

Lloyd & Thacher Brown
435 Beaumont Road
Devon, PA 19333

Matt Lubitz
Easttown Township
Planning & Zoning Officer
566 Beaumont Road
Devon, PA 19333

ZHB626
August 30, 2021

Dear Matt,

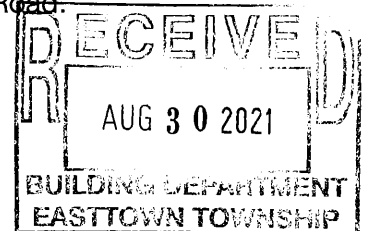
We are pleased to submit the enclosed application, check and plot plans for the October Zoning Hearing Board. We would appreciate your review for completeness.

While we had hoped to update the 2016 plan, our surveyor is of the opinion that the 2016 plan remains relevant and sufficient to serve as the basis for our site plan. Further, he is not able to provide any updates in a timely fashion.

While the 2016 plan focuses on the subdivision of our lot into Lot 1 (435/437 & 439 Beaumont Road where we live) and Lot 2 (350 Church Road where our eldest daughter and her family live), which is not pertinent to this application, the plan also includes the impervious surface calculations and provides all the requisite details specific to 439 Beaumont Road.

The Lot 1 plans show:

- Gross area of 1,086,913sf or 24.95 acres
- Net area of 1,053,051sf
- Maximum impervious surface of 13.5% or 142,160sf
- Existing impervious surface of 3.8% or 40,894sf



Our plans for 439 Beaumont Road do not change the above. The requested 50sf addition is on a terrace which is already included in the impervious surface square footage count.

We hope that you will agree that these plans are sufficient for our application. If not, please let us know and we will chase our surveyor for an update.

Thank you kindly,

A handwritten signature in black ink that reads "Thacher Brown".

Thacher Brown

A handwritten signature in black ink that reads "Lloyd Brown".

Lloyd Brown



EASTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

566 Beaumont Road
Devon, PA 19333
610-687-3000
610-687-9666 (Fax)

APPLICATION FOR
ZONING HEARING BOARD

ZHB 626

PART 1 – INSTRUCTIONS

- Review Chapter 274 Natural Resource Protection and Chapter 455 Zoning of the Code of the Township of Easttown, available online at www.easttown.org, for purchase at the Township Building or review at the Township Building.
- Submit twelve (12) sets of Plot Plans, prepared by a Professional Engineer or Registered Land Surveyor, including but not limited to, site location, required setbacks, and tables for the Net Lot Area calculation, Maximum Impervious Surface calculation, and existing vs. proposed conditions for the dimensional requirements of the applicable Zoning District.
- Submit the Application Fee in accordance with the Easttown Township Fee Schedule, as approved and as may be amended by the Board of Supervisors.

PART 2 – APPLICANT INFORMATION (person or entity responsible for all costs)

| | |
|---|---|
| Applicant Name: Lloyd Brown and Thacher Brown | Relationship to Property Owner: Owners |
| Applicant Street Address (if P.O. Box, include street address also): 435 Beaumont Road | |
| City, State, and Zip Code: Devon, PA. 19333 | |
| Telephone Number: [REDACTED] | Email Address: [REDACTED] |
| Fax Number: | [REDACTED] |

PART 3 – PROPERTY OWNER INFORMATION

| |
|--|
| Property Owner Name (person or entity that will own the Improved Property upon completion of work): Lloyd Brown and Thacher Brown |
| Property Owner Street Address (if P.O. Box, include street address also): 435 Beaumont Road |
| City, State, and Zip Code: Devon, PA. 19333 |

PART 4 – PROPERTY INFORMATION

| | | |
|---|--|---------------------------------|
| Street Address of Property for which Zoning Permit is being sought (if P.O. Box, include street address also): 439 Beaumont Road | | |
| City, State, and Zip Code: Devon, PA. 19333 | | |
| Tax Map ID#: 55-5-25 | Subdivision Name (if applicable): McCoy - Brown Subdivision | Lot # (if applicable): Lot 1 |

PART 5 – DATE PROPERTY ACQUIRED BY OWNER

| |
|---|
| Month, Day, and Year: April 30, 1999 |
|---|

PART 6 – EXISTING LAND USE (check all that apply)

- Residential Dwelling
 - Single-Family
 - Townhouse
 - Two-Family
 - Multi-Family

- Non-Residential
 - Commercial
 - Educational
 - Industrial
 - Institutional
 - Other _____

PART 7 – ZONING DISTRICT/OVERLAY (check all that apply)

Zoning District:

- AA
- R-1
- R-2
- R-3
- R-4
- R-5
- PBO
- VB
- VT
- VR

Zoning Overlay District:

- DC
- MF-A
- MF-B
- PA
- DC

PART 8 – REQUESTED RELIEF (check all that apply)

- Variance per Section(s) see attached letter
- Special Exception per Sections(s) _____
- Appeal of Zoning Officer's Permit Decision Dated: _____
- Appeal of Zoning Officer's Preliminary Opinion Dated: _____
- Appeal of Zoning Officer's Determination Dated: _____
- Appeal of Zoning Officer's or Township Engineer's Floodplain or Flood Hazard Area Determination Dated: _____
- Substantive Challenge to the Validity of Zoning Ordinance
- Validity Challenge to the Zoning Ordinance regarding Procedural Questions or Alleged Defects in Process

Statement of Requested Relief by Section:

PART 9 – SPECIAL EXCEPTION OR SPECIAL RELIEF STANDARDS AND CRITERIA (complete if applicable)

The Applicant shall have the burden to prove compliance with the following standards and criteria, as may be applicable:

1. That the use of the property adjacent to the area included in the special exception is adequately safeguarded. This provision shall require noise abatement, landscaping, buffering, additional setbacks, if necessary, and similar restrictions in order to protect adjacent property.

N/A

2. That vehicular trip generation resulting from the proposed use will not result in such increased traffic or turning movements as will significantly affect existing congestion on streets and roads within the immediate vicinity of the proposed development or adversely impact the reserve capacity of the public roads and road intersections providing access to and in the area of the proposed use.

N/A

3. Improvements to the streets contiguous to the applicant's property, such as road widening, acceleration and deceleration lanes, traffic control devices and similar features, shall be sufficient to obviate any adverse traffic impacts caused by the use and to protect the traveling public, and the location and design of the proposed facilities for ingress or egress shall be so located as to provide safe access to adjoining streets and roads and to avoid unnecessary traffic through existing neighborhoods.

N/A

4. The proposed use shall make adequate provision for access for firefighting and other emergency service equipment. Such access must include, but is not necessarily limited to, turning radii sufficient to accommodate fire equipment, adequacy of roadway and right-of-way widths to accommodate the free flow of such equipment, paved emergency access roads/ways, provision for adequate access in front of, between and behind buildings and structures, including paved or compacted surfaces sufficient to support the weight of fire equipment, and permanently and publicly marked as such.

N/A

5. Require submission of a certificate of adequacy of sewage and water facilities from the Chester County Health Department, the Pennsylvania Department of Environmental Protection, the Easttown Municipal Authority or other regulatory agency having jurisdiction, or evidence of compliance with such requirements determined sufficient by the Zoning Hearing Board.

N/A

PART 9 – SPECIAL EXCEPTION OR SPECIAL RELIEF STANDARDS AND CRITERIA (continued)

6. Except where otherwise required by Chapter 455, Zoning, or Chapter 400, Subdivision and Land Development, or the safety of the public otherwise dictates, the total number of access points on major streets and highways shall be limited. The Zoning Hearing Board shall have the power to require the frontage of buildings on parallel marginal roads or on roads perpendicular to existing public streets and highways.

N/a

7. The proposed use shall specifically comply with all area and bulk regulations, design standards or other general regulations applicable to the proposed use.

N/a

8. The proposed use shall not be contrary or harmful to the health, safety, morals, and general welfare.

N/a

9. Any recommendations of the Planning Commission shall be provided to the applicant, and the applicant shall produce evidence to ameliorate any negative concerns raised by the Planning Commission. The Zoning Hearing Board shall not be bound by such recommendations.

N/a

10. Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of storm waste, the provision of water or sewer service, and any other alterations to the site's predevelopment condition shall be consistent with the Township goals, practices, and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

N/a

11. Impose such conditions, in addition to those required, as are necessary to assure that the intent of Chapter 455, Zoning, is complied with, and which are reasonably necessary to safeguard the health, safety, morals and general welfare of the residents of the Township at large and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

N/a

PART 10 – VARIANCE STANDARDS AND CRITERIA (complete if applicable)

In addition to the standards and criteria listed in Part VIII of this Application, the Applicant shall have the burden to prove compliance with the following standards and criteria, as may be applicable:

1. There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

see attached letter

2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of Chapter 455, Zoning, and the authorization of a variance is therefore necessary to enable the reasonable use of the property.

see attached letter

3. Such unnecessary hardship has not been created by the applicant.

see attached letter

4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

see attached letter

5. That, in the case where the property is located in part or totally within the regulatory floodway, the granting of a variance will not increase the base flood elevation.

see attached letter

6. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

see attached letter

PART 11 – SUBSTANTIVE CHALLENGES STANDARDS AND CRITERIA (complete if applicable)

The Applicant shall have the burden to prove compliance with the following standards and criteria, as may be applicable:

1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

N/A

2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.

N/A

3. The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features.

N/A

4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

N/A

5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

N/A

PART 12 – CERTIFICATION

- I am the Property Owner, or
- am an officer or official of the Property Owner, or
- have the authority to make this application (attach delegation of signatory authority),

acknowledge that the information provided in this Application, including any plans and specifications, is true and correct to the best of my knowledge and belief.

W. Thatcher Brown / Lloyd H. Brown
Name (type or print legibly) Official Title

435 Beaumont Rd Devon PA 19333
Street Address City, State Zip

[Redacted] [Redacted]
Phone Number

W. Thatcher Brown / Lloyd H. Brown 8/30/21
Signature Date

PART 13 – TOWNSHIP ACTION

Permit Application Fee:

\$ 800⁰⁰
100

Paid

Cash

Check No. 111

Received by: Shawn Normo

Date: 8-30-2021

Not Paid

ZAB 626

Lloyd & Thacher Brown
435 Beaumont Road
Devon, PA 19333

Zoning Hearing Board
Easttown Township
566 Beaumont Road
Devon, PA 19333

September 8, 2021

Dear Zoning Hearing Board Members,

We are pleased to submit the enclosed application, check and plot plans to request a variance to exceed the Zoning Ordinance's height and footprint limitations for Accessory Dwelling Units. We would like to convert this dated tenant house into a home for our youngest daughter's small family.

- By increasing the maximum height from the allowed 20 feet to 25 feet, we are able to convert an uninhabitable attic into second floor bedrooms.
- By incorporating 50 square feet of already impervious area to the footprint, we are able to create a vestibule.

Location and Context:

The survey (page 1) shows a 2016 subdivision plan of our lot into Lot 1 (435, 437 & 439 Beaumont Road) and Lot 2 (350 Church Road where our eldest daughter and her family live). While the 2016 subdivision is not pertinent to this application, we are submitting this plan as there has been no material change to the site plan since 2016. The Lot 1 plan includes the impervious surface calculations and provides all the requisite details specific to 439 Beaumont Road.

The Lot 1 plans show:

- Gross area of 1,086,913sf or 24.95 acres
- Net area of 1,053,051sf
- Maximum impervious surface of 13.5% or 142,160sf
- Existing impervious surface of 3.8% or 40,894sf

For context, the tenant house is one of two that are on our property. A number of years ago, the township requested that we add postal addresses to the two additional homes on our property, both of which pre-date our home. While the entire property is technically 435 Beaumont Road, 437 and 439 were added for separate postal delivery and emergency services.

On the site plan (page 3), the 2 1/2 story residence refers to the main residence which is our home, 435 Beaumont Road. In addition to agricultural accessory buildings, there are two other residences listed. The one at the bottom of the page, in the most southernly position, is 439 Beaumont Road. This is the structure for which we are requesting a variance. There is an additional accessory dwelling unit, 437 Beaumont Road, located on our lot directly east of the main residence. We are not proposing to change this structure.

As these structures have always been separate, rented accommodations, we wonder if they truly fit the definition or spirit of an Accessory Dwelling Unit. For example, they have their own trash pickups. As they were not constructed to accessorize our home, we submit that the Accessory Dwelling Unit Code is an imperfect guide for development.

The cottage is not adapted for modern living. We believe the structure provided rooms for farm laborers and later was provisioned for guests. While the kitchen and bathrooms have been updated, the cottage's interior configuration has not been altered from its original (part late 1800s and part 1950s) layout. Consequently, it is not conducive for a modern family, as proven by the turnover rate of short term rentals we have had over the past 20 years.

Variance Request:

As an older structure, the cottage does not conform to current building regulations in the areas outlined below. However, the changes we intend to make will not further exacerbate the non-conforming considerations and provide a needed upgrade with minimal impact on the site. Raising the roof will have zero impact on the site and the small proposed extension covers an already impervious walkway.

We are very sensitive to the location and history of the cottage and are seeking to update it for modern living, restore its aesthetic and protect its natural setting.

Our project adheres to or seeks a variance from the following pertinent sections excerpted from the Zoning Code:

1. Section 455-31, Natural Resources Protection

C. Section 274-19 of Article V, Riparian Buffer Zone (RBZ), Resource Protection Standards

A. Nonconforming uses or structures are subject to the following:

- (1) *Where existing nonconforming structures are located within the RBZ on which less than 2,000 square feet of additional impervious surface area or less than 5,000 square feet of total land disturbance is proposed, a one-time encroachment into the RBZ of up to 25 feet for such improvements is permitted, without seeking a variance or conditional use approval.*

We adhere to Natural Resources Protection as the dwelling is an existing nonconforming structure located within the RBZ and the proposed small 50sf addition is located on an already impervious terrace.

D. Sections 274-24 of Article VI, Steep Slopes, Resource Protection Standards

A. Steep slope areas shall be preserved in their natural state. Disturbance shall be kept to a minimum and in no case shall exceed the following permitted disturbance allowances:

- (1) *Moderately steep slopes. No more than 50% of moderately steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed. The maximum impervious surface coverage shall be 15%.*
- (2) *Very steep slopes. No more than 15% of very steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed. The maximum impervious surface coverage shall be 5%. Permitted activities within the 15% disturbance on very steep slopes shall be limited as follows.*

We adhere to Natural Resources Protection as the dwelling is an existing nonconforming structure located on steep slopes and the proposed 50sf addition will not alter the site's slope as it is located on an existing terrace.

2. Section 455-72 Accessory Dwelling Units

- D. Accessory dwelling units shall comply with all applicable setbacks for the district in which the dwelling unit is located.**

The code on Accessory Dwelling Units Setbacks is not clear about changes to non-conforming structures. The dwelling is an existing non-conforming structure as it is partially located in the 75 feet Front Yard Setback, with its nearest corner only 40 feet from property line. We are seeking to construct a 50sf addition to the building, a portion of which will violate the Front Yard Setback. Because the building is already located closer to the road than the Zoning Code allows, the small addition at the back of the building will have no perceptible impact on the Front Yard as the addition will not encroach further into the Front Yard Setback than the existing structure already does.

- E. *Accessory dwelling units shall have a footprint not to exceed 25% of the principal dwelling unit footprint on the lot.*

We are seeking a variance to the code on Accessory Dwelling Units Building Footprint. As the principal building has a footprint of 3,396 square feet, the code limits an accessory dwelling unit's footprint to 849 square feet. The existing building already has a footprint of 1,161sf and we are proposing to add 50sf creating a new total footprint of 1,211sf. We believe that this increase is de minimis and has no negative impacts on the site.

- F. *A maximum of one accessory dwelling unit shall be permitted per lot.*

Note that the dwelling is an existing non conforming structure as there are two Accessory Dwelling Units on our property.

3. **Section 455-72.1 Floodplains:** *It shall be unlawful to undertake, or cause to be undertaken, any construction or development within an identified floodplain area, except in accordance with Chapter 220, Floodplains.*

We adhere to the code on Floodplains as we are not proposing any changes that will impact the floodplain. While, we are seeking to construct a 50sf addition to a building located within the floodplain, the requested addition is located on an existing terrace to avoid adding impervious surface and creating change within the floodplain.

4. **Section 455 Attachment 2 Fig. 3-2 Dimensional Requirements Table:** AA Zoning District's Maximum Height for Accessory building: 20 feet

We are seeking a variance to the code on Accessory Building Height. The proposed renovation would exceed the 20 foot maximum height for an accessory building, measured to the mean level of a sloped roof. We are seeking to raise a section of the roof to 25 feet in height, measured to the mean level of a sloped roof, to provide suitable second floor bedrooms for a family.

5. **Section 455-123 Nonconforming structures**

- A. *Alteration, renovation of enlargement.*

- (1) *Nonconforming structures may be altered, renovated, or enlarged, provided that such alteration, renovation or enlargement does not increase the floor area of the structure as it existed on the date when the structure became nonconforming, and such alteration, renovation, or enlargement shall not increase any existing nonconformity, except as provided in Subsection A(3) below.*
- (2) *Any structural alteration of or addition to existing structures shall conform with all area and bulk regulations, including minimum area, height, width, yard and coverage requirements for the district in which it is located, as well as Building Code regulations currently in effect, except insofar as is permitted by law to assure the structural safety of the building.*

- (3) *The Zoning Hearing Board may, by special exception, authorize the alteration, renovation, or expansion of a nonconforming structure to increase the structure's size by not more than 25% of the footprint of the existing structure, provided that it is clear that such expansion is not materially detrimental to the character of the surrounding area or to the interest of the Township. Any incremental expansions granted to permit for expansion of the nonconforming structure shall be cumulative, so in no event shall the original nonconforming structure be increased by more than 25% of the original footprint of the structure.*

We are seeking a special exception to the code on nonconforming structures. The proposed renovation would exceed the 20 foot maximum height for an accessory building by 5 feet and add 50sf to the existing non-conforming footprint. Rather than detrimental to the character of the surrounding area and interest of the Township, we believe that our project provides additional benefits to the Township. We plan to remove the plastic siding and asphalt shingles and replace them with the original style of siding and cedar shingles. Where possible, we also plan to remove the stucco to expose the original Pennsylvania field stonework. Additionally, by renovating the cottage to make it appropriate for a small family, we will be adding a housing type that is needed within the township.

Application for Zoning Hearing Board: Please see below our responses to Part 10 - Variance Standards of the application.

1. *There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and the unnecessary hardship is due to the such conditions and not the circumstances of conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.*

As the house was built in the floodplain, riparian setback, front yard setback, and on steep slopes, it cannot be developed in accord with the current Zoning Ordinance. A variance is required to enable reasonable use of the structure.

2. *Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of Chapter 455, Zoning, and the authorization of a variance is therefore necessary to enable the reasonable use of the property.*

Due to its location, there is no alternative for development.

3. *Such unnecessary hardship had not been created by the applicant.*

We did not construct the house in this location.

4. *The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use of development of adjacent property nor be detrimental to public welfare.*

The proposed improvements are in keeping with the historic and bucolic nature of the neighborhood.

5. *That, in the case where the property is located in part of totally within the regulatory floodway, the granting of a variance will not increase the base flood elevation.*

The proposed improvements will not impact the base flood elevation.

6. *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.*

Our initial hope was to extend the cottage onto the deck where the views of Darby Creek are most impressive. However, we decided to pursue raising the roof rather than expanding the footprint in order to minimize site impacts. This proposal represents the minimum deviation from the Zoning Code that achieves reasonable use of the property.

We appreciate your review and consideration.

Best regards,

Thacher Brown

Lloyd Brown