

Date: 6/2/2022

East Marlborough Township Zoning Hearing Board Application

Application must be accompanied by:

- Narrative answering every question on page 2 of this application
- Site plan (with zoning table) on 11"x17" paper
- Building elevations or architectural renderings (as appropriate)
- Other related materials (as appropriate)

Type of Application:

Check one: Commercial Institutional Residential
 Check all: Variance Special Exception _____ (Other)

I (we), the undersigned, hereby make application for a Special Exception or Variance from the terms of the Zoning Ordinance, Section 503, Paragraph C.

Location of Property: 2061 Lenape Unionville Road, Kennett Square (East Marlborough)

Zoning Classification: R-B Residential Tax Parcel # 61-2-134.1

Property Owner/Applicant(s): Steven & Brooke Royer

Address (if different from location): _____

Phone Number: Cell:

Email:

Dimensions and area of parcel: 5.47 acres / 238,338.23 sq. ft.

Dimensions of proposed construction: 3,061.21 sq. ft.

Distance to each boundary:

Before construction North _____ South _____ East _____ West _____

After construction North _____ South _____ East _____ West _____

Type of construction: inground swimming pool, patio, and associated shed

I (we) have attached a sketch or a plot plan of the parcel to be affected, indicating the size of the lot and location of improvements now erected and proposed to be erected.

RECEIVED

JUN 7 2022 (191)

Date: 6/2/2022

Owner (s) Brooke M Royer
AMU

Date: 6/2/2021

Zoning Relief Requested
Please address all of the following items:

1. Briefly describe the property (e.g. size of lot, dimensions, etc.) and the location (e.g. nearby intersections, landmarks, etc.) involved in application.

Property is situated in the R-B Residential District. Improved with a single-family residence including attached garage. The Property is situated along Lenape Unionville Road between Wyndham Hill Dr. and Honeysuckle Lane. The area is primarily residential and agricultural in nature.

2. Describe the present use of the property (e.g. residential, retail, office, etc.), including existing improvements (e.g. house, garage, and shed; or office and parking lot)

Property is improved with a single-family, detached home with an attached garage.

3. Describe the proposed improvements, additions, or change(s) of use. For physical changes to the lot or structures, indicate the size of proposed improvements, materials to be used, and general construction to be carried out. Attach a plan or sketch for illustration.

See attached addendum and exhibits.

4. State the specific variance, special exception, or other relief requested and cite the appropriate sections(s) of the Zoning Ordinance.

Dimensional variance for impervious coverage for installation of inground pool and patio from the lot coverage requirement of no more than 10% in Sec. 503(C) of the zoning ordinance.

See attached addendum and exhibits for full explanation of requested relief.

5. Will the proposed change impact traffic or parking in the surrounding area? Explain.

No. Proposed change is simply for Property owners' use and enjoyment. There will be no impact on traffic or parking from this requested variance.

Date: 6/2/2021

Fee: Payable to East Marlborough Township (non-refundable)

Residential: \$750, initial hearing
\$125/ hour, continuation

Non-residential: \$1,000, initial hearing
\$125/ hour, continuation

Zoning Hearing of Validity Challenges:
\$3,000, initial hearing
\$ 300, continuance fee, per hour, after first hearing

Submit application to: East Marlborough Township
721 Unionville Road
Kennett Square, PA 19348

**ADDENDUM TO APPLICATION FOR VARIANCE
TO THE ZONING HEARING BOARD OF
EAST MARLBOROUGH TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA**

Applicants: Steven & Brooke Royer

Property: 2061 Lenape Unionville Road, Kennett Square, PA 19348
UPI: 61-2-134.1
Lot size: 5.47 Acres
Present Use: Residential
Zoned: R - B Residential
Improvements on land since Zoning initiated: Improved with single-family home

I. Background Information:

Steven & Brooke Royer (the "Royers" and/or the "Applicants") own 2061 Lenape Unionville Road in East Marlborough Township (the "Property"). See **Exhibit A-1**, Deed. The Property is zoned R-B Residential and consists of 5.47 acres situated between Honeysuckle Lane and Wyndham Hill Drive on Lenape Unionville Road. See **Exhibit A-2**, ChescoViews printout of Property. The Property is improved with a single-family dwelling with attached garage and rectangular patio to the rear of the dwelling.

The Royers plan to install an inground private swimming pool, expanded patio, fire pit, and equipment shed in the rear yard of the Property as an accessory use pursuant to Section 502.D.2 of the East Marlborough Zoning Ordinance ("Zoning Ordinance"). See **Exhibit A-3**, Plot plan showing proposed swimming pool and other improvements. Pursuant to Section 503.C of the Zoning Ordinance, Lot Coverage within the R-B District shall not exceed ten percent (10%) of the Lot Area. The proposed pool and accompanying patio and other improvements bring the Lot Coverage of the Property to approximately 12.1%, hence this Variance Application (the "Application").

II. Provisions of Zoning Ordinance at Issue:

§202 Definitions:

ADJUSTED ACREAGE, ADJUSTED ACRE OR ADJUSTED LOT AREA

An area equal to the total area within the lot lines of a Lot, less (i) any portion of a Lot encumbered by an existing Road Right-of-Way, utility easement, or stormwater easement...

GREEN AREA

Land shown on a development plan, comprehensive plan, or official map or conservation, preservation, recreation, landscaping, or a park in vegetative cover. For purposes of calculations, Green Area shall also include a body of water or watercourse.

IMPERVIOUS COVER

Materials which are impenetrable and thus unable to absorb liquid, such as buildings, Structures or paved areas.

LOT AREA

The total area within the lot lines of a Lot, excluding any portion fo the Lot encumbered by an existing Road Right-of-Way.

LOT COVERAGE

The percentage of the Lot Area or Adjusted Acreage of a Lot, as applicable, which is not Green Area and is occupied by Structures (including Mobile Home units), sidewalks, paved portions of parking areas, driveways, internal roads, and any other Impervious Cover. To the extent that any portion of a Lot encumbered by an existing Road Right-of-Way is excluded from the total Lot Area or Adjusted Acreage of a Lot, such portion of the Lot shall not be included in the area of the Lot for purposes of calculating of Lot Coverage.

STRUCTURE

Except as provided below, an assembly of material having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including among other things, Buildings, Signs, fences, walls over four (4) feet in height, ariels and antennae, porches, platforms, piers, pipelines, tennis courts, paddle tennis courts, shelters, Swimming Pools, tents, towers, trestles, tanks and utility poles. Driveways, walkways, and sidewalks are excluded from this definition for regulatory purposes, except for purposes of Impervious Coverage.

WATER BODY or BODY OF WATER

Any natural or manmade Wetland, Watercourse, pond, lake, or impoundment. A Water Body shall not include (1) a swimming pool or (2) any pond or facility designed, permitted and constructed solely for temporary storage in connection with a stormwater management or sanitary sewage treatment system.

§503.C Residential District – B (R-B) – Area and Bulk Regulations

- ...
- C. Lot Coverage
The maximum Lot Coverage of any Lot shall be ten percent (10%) of the Lot Area. The remaining area shall be Green Area.

III. Specific Variance Being Sought:

The Royers are seeking a dimensional variance from the Lot Coverage requirement of Section 503 of the Zoning Ordinance. The Royers plan to install a private swimming pool and expanded patio and other amenities in the rear yard of the Property, a permitted accessory use within the R-B District. See Section 502.D.

The Property is 5.47 acres. The Lot Area, as defined in the Zoning Ordinance (total lot size less the right of way area), is 221,028.28 square feet. The existing impervious coverage, or "Lot Coverage" as defined in the Zoning Ordinance, is 23,726.84 square feet and the proposed additional Lot Coverage is 3,061.20 square feet, which would make the total Lot Coverage 26,788.04 square feet, or 12.1% of the Lot Area. See Exhibit A-3.

Lot Area: 221,028.28 sq ft

Calculations:

Existing Impervious Coverage: 23,726.84 sq ft
Proposed Add'l Imp Coverage: + 3,061.20 sq ft
Total Lot Coverage: = 26,788.04 sq ft (12.1% of 221,028.28 sq ft)

Therefore, the Royers are seeking a dimensional variance from the requirement that the maximum Lot Coverage of any Lot shall be ten percent (10%) of the Lot Area (Sec. 503.C).

IV. Variance Criteria:

The Royers are seeking the proposed variance in order to enjoy a permitted use on the Property (a swimming pool and patio) that many of their neighbors within the Township are able to install and enjoy. The variance being sought is essentially de

minimus, as the Property is approximately 5.47 acres in size, and the total amount of the variance being sought is just over 2% of the Lot Area.

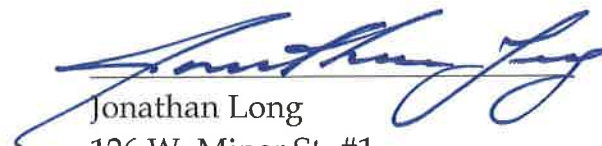
The requested variance is necessary to enable the Royers the reasonable use of their Property, a use that is permitted within the zoning district. Granting the Royers the requested relief will not alter the character of the neighborhood or zoning district, as the installation of a private swimming pool is already a permitted use within the District and is a common use within residential neighborhoods. Nor will the granting of the requested relief be detrimental to surrounding properties, as again, a pool is a permitted use and the Royers are able to meet the setback requirements for the pool from the neighboring property lines. Additionally, the Royers plan to install the required fence around the pool in conformance with the Zoning Ordinance.

The variances requested will be the minimum variances necessary to afford the Royers relief. The Royers are also amenable to working with the Township and Zoning Hearing Board ("ZHB") regarding this proposal.

Wherefore, based upon the foregoing, the Applicants respectfully request that the East Marlborough Township Zoning Hearing Board grant this application for a variance from the Lot Coverage requirement under the Zoning Ordinance and such other zoning relief as may be needed and allow the Royers the ability to install the proposed pool and accompanying patio and other improvements.

Respectfully submitted,

BELLWOAR KELLY, LLP



Jonathan Long
126 W. Miner St. #1
West Chester, PA 19382
601-314-7066
jlong@bellwoarkelly.com

*Attorneys for Applicants
Steven and Brooke Royer*

EXHIBIT A - 1

DEED

11891832 B: 10760 P: 1430 DEE
12/13/2021 09:53:20 AM Page 1 of 4
Rec Fees: \$89.75 Local: \$25,950.00 State: \$25,950.00
Chris Pielli Recorder of Deeds, Chester County, PA

Prepared By: Chesco Settlement Services, LLC
ATTN: Sue Tapper
300 Willowbrook Ln, Suite 310
West Chester, PA 19382
Phone: 484-266-7638



Return To: Chesco Settlement Services, LLC
ATTN: Sue Tapper
300 Willowbrook Ln, Suite 310
West Chester, PA 19382
Phone: 484-266-7638

2061 Lenape Unionville Rd, Kennett
Square, PA 19348
File No. 143-003421

UPI No. : 61-2-134.1
Consideration: \$2,595,000.00
Municipal Tax: \$25,950.00
State Tax: \$25,950.00

Fee Simple Deed

This Deed, made on November 24, 2021, between,

Duane L Miller and Anne S Miller

hereinafter called the Grantors of the one part, and

Steven Royer and Brooke Royer

hereinafter called the Grantees of the other part,

Witnesseth, that in consideration of **Two Million Five Hundred Ninety Five Thousand and 00/100 Dollars, (\$2,595,000.00)** in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees, his/her/their heirs and assigns, tenants by the entirety

TRACT NO. 1:

ALL THAT CERTAIN tract of ground, situate in East Marlborough Township, Chester County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin set in line of lands of George M. Cloud said iron pin marking the Southwesterly corner of this and the Northwesterly corner of lands of John M. Ash, IV, said iron pin of beginning being North 04 degrees 57 minutes 20 seconds East, 569.81 feet from an iron pin set in the title line in the bed of a public road, being Legislative Route No. 15084, said road leading in a Westerly direction to Unionville and Kennett Square and in a Northeasterly direction to Lenape and West Chester; thence leaving said point of beginning and by lands of the said George M. Cloud, North 04 degrees 57 minutes 20 seconds East, 508.2 feet to an iron pin marking a corner of this and other lands of William B. Cloud, et al, of which this was a part; thence by other lands of the said William B. Cloud, et al, of which this was a part and being Tract No. 2 on plan of a part of property owned by the said William B. Cloud, et al, South 85 degrees 02 minutes 40 seconds East, 300 feet to an iron pin; thence still by lands of the said William B. Cloud, et al, of which this was a part, South 04 degrees 57 minutes 20 seconds West, 508.2 feet to an iron pin set in line of lands of the first mentioned John M. Ash, IV; thence by lands of said Ash, North 85 degrees 02 minutes 40 seconds West, 300 feet to the first mentioned point and place of beginning.

TRACT NO. 2

ALL THAT CERTAIN tract of land, with the improvements thereon erected, situate in the Township of East Marlborough, Chester County, Pennsylvania, which according to a survey made 7/14/1950 by Thomas G. Colesworthy, is bounded and described as follows:

BEGINNING at an iron pin set in a line of land belonging to now or late Pusey Cloud, in the middle of the public road leading from Unionville to Lenape; thence extending along land of Pusey Cloud, North 05 degrees 31 minutes East, 569.81 feet to an iron pin, passing over a stone set 295.8 feet from the point of beginning; thence extending along other land of William B. Cloud, the following 2 courses and distances, to wit: (1) South 84 degrees 29 minutes East, 429.85 feet to an iron pin; thence (2) South 05 degrees 31 minutes West, 443.57 feet to an iron pin set in the middle of the public road, aforesaid; thence extending along the middle of said road, South 79 degrees 09 minutes West, 448 feet to the first mentioned point and place of beginning.

Less and excepting all that certain tract, piece or parcel of land conveyed in Deed Book S49, Page 318.

UPI NO. 61-2-134.1

BEING the same premises which Karen D. Halstead, by Deed dated 07/24/2014 and recorded 08/08/2014 in the Office of the Recorder of Deeds in and for the County of Chester in Record Book 8967, Page 595, granted and conveyed unto Duane L. Miller and Anne S. Miller, husband and wife, as tenants by the entirety.

Unofficial Copy

And the said Grantors do hereby covenant to and with the said Grantees that he/she/they, the said Grantors, his/her/their heirs and assigns, SHALL and WILL, warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantees, his/her/their heirs and assigns, against the said Grantors and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under him/her/they or any of them.

In witness whereof, the said Grantors has caused these presents to be duly executed the day and year first above written.

Sealed and delivered in the presence of:

Witness _____

[Signature]
Duane L Miller

Print Witness Name:

Witness _____

[Signature]
Anne S Miller

Print: _____

State/Commonwealth of Pa

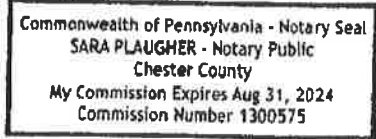
County of Chester

On this Nov. 24 2021, before me, the undersigned officer, personally appeared **Duane L Miller and Anne S Miller**, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

[Signature]

Notary Public



Unofficial Copy

DEED

File No. 143-003421

Grantor: Duane L Miller and Anne S Miller

Grantee: Steven Royer and Brooke Royer

I certify the address of the Grantee to be, and mail tax bill to:

2061 Lenape Unionville Rd, Kennett Square, PA 19348

Certified by: STAN

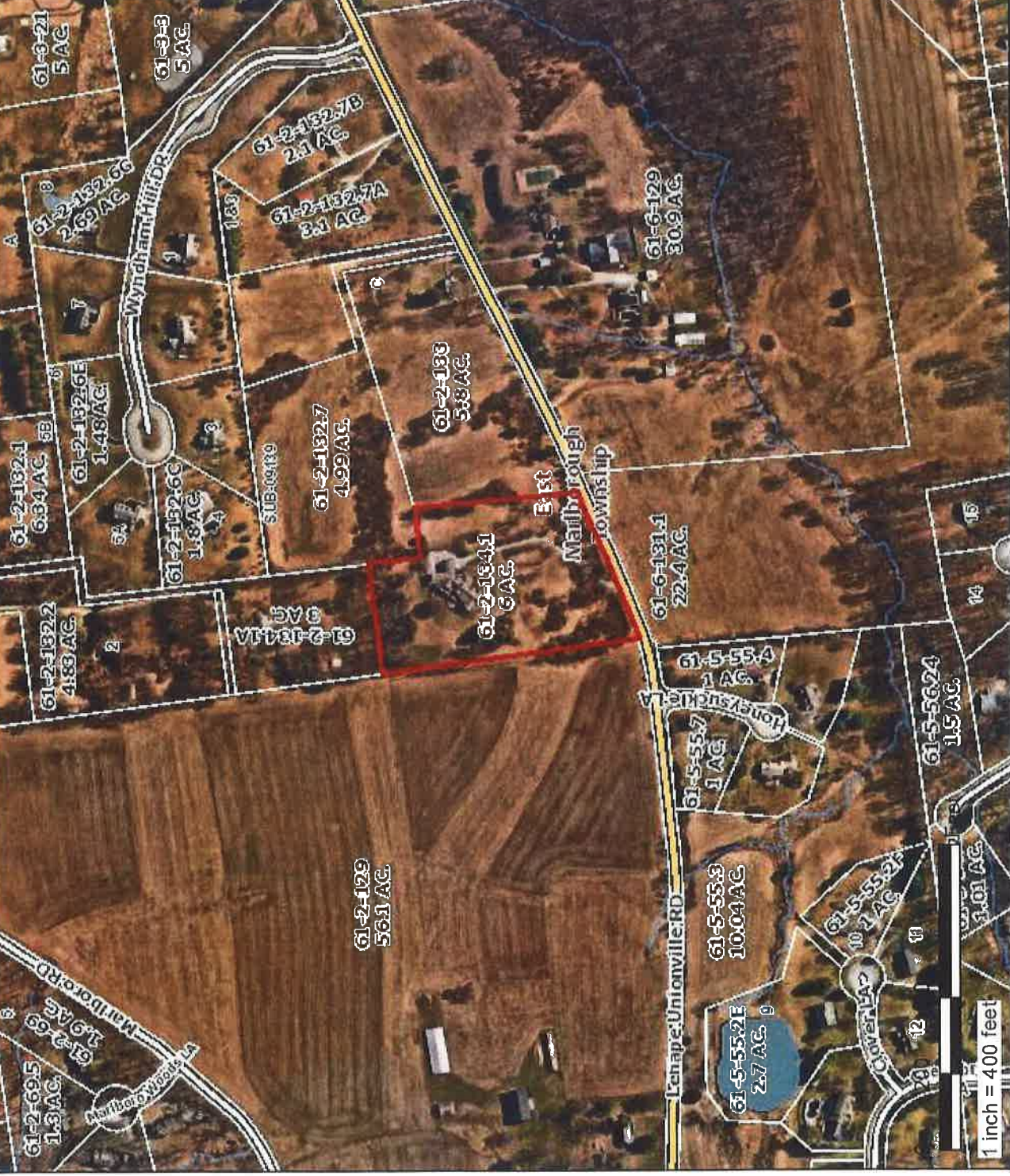
Premises: 2061 Lenape Unionville Rd, Kennett Square, East Marlborough Township, Chester County,
Commonwealth of Pennsylvania

Unofficial Copy

EXHIBIT A - 2
CHESCOVIEWS OF PROPERTY

2061 Lenape

COUNTY OF CHESTER
PENNSYLVANIA



Find UPI Information

PARID : 6102 013 401 00
 UPI: 61-2-134-1
 Owner: ROYER STEVEN
 Owner: ROYER BROOKE
 Mail Address 1: 2061 LENAPE
 UNIONVILLE RD
 Mail Address 2: KENNETT SQUARE PA
 Mail Address 3:
 ZIP Code: 19348
 Deed Book: 10760
 Deed Page: 1430
 Deed Recorded Date: 12/13/2021 12:00:00
 AM
 Legal Desc 1: NS OF LENAPE
 UNIONVILLE RD
 Legal Desc 2: 6 AC & DWG
 Acres: 6
 LUC: R-10
 Lot Assessment: 87970
 Property Assessment: 602020
 Total Assessment: 689990
 Assessment Date: 12/15/2021 7:48:09 AM
 Property Address: 2061 LENAPE
 UNIONVILLE RD
 Municipality: EAST MARLBOROUGH
 School District: Unionville-Chadds Ford

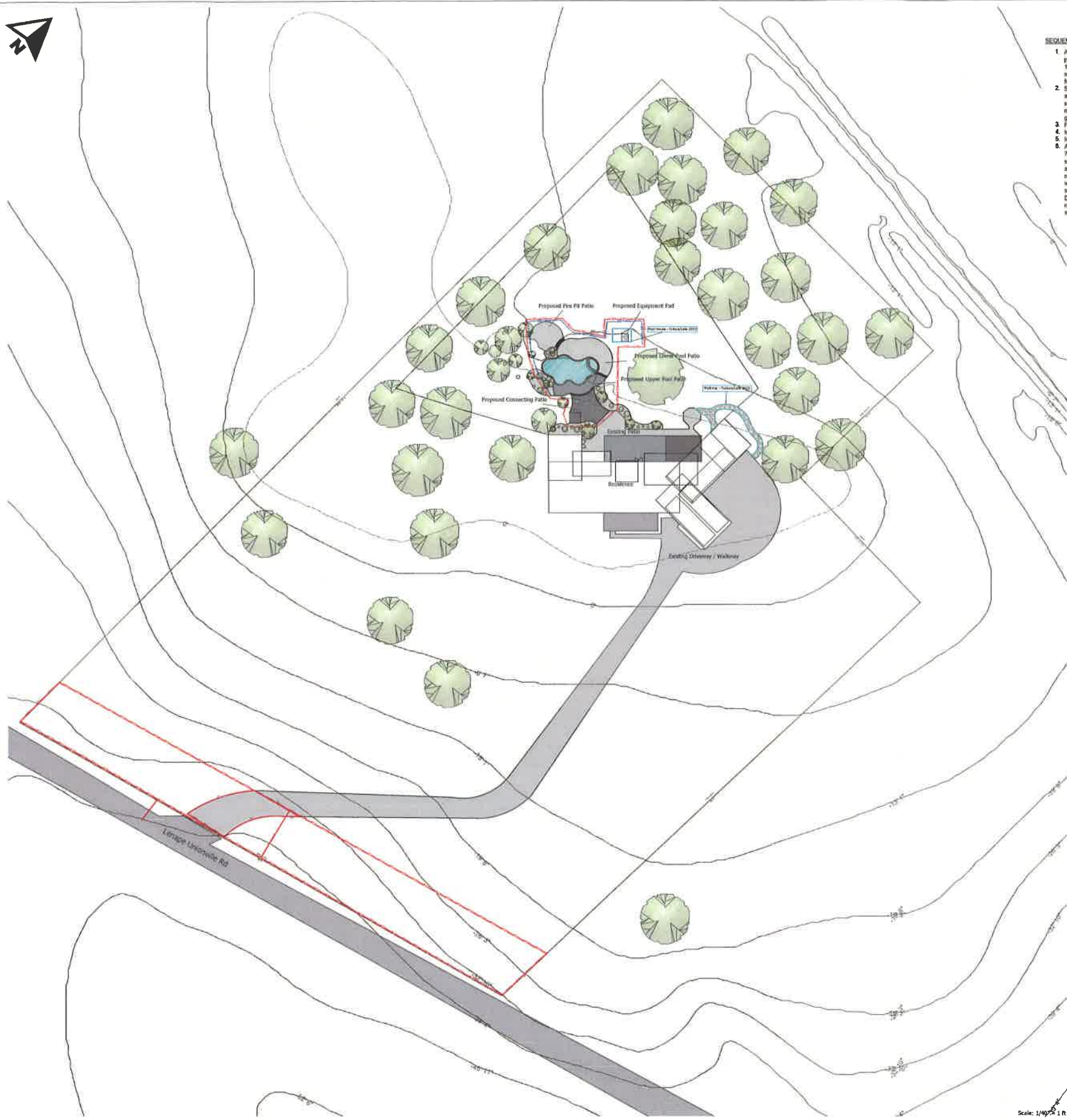
Map Created:
Monday, May 23, 2022



County of Chester

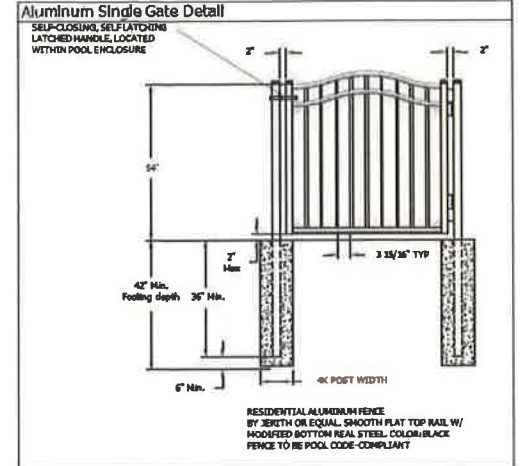
Limitations of Liability and Use:
 County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.

EXHIBIT A - 3
PLOT PLAN

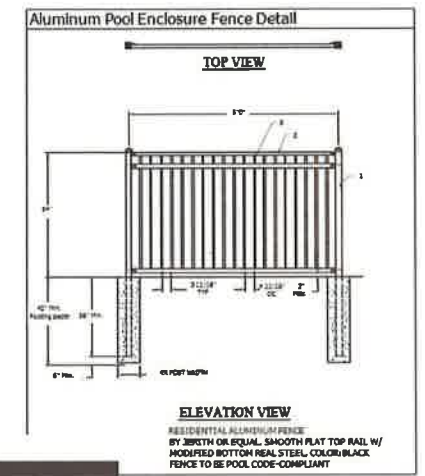


Scale: 1/4" = 1' 0"

- SEQUENCE OF CONSTRUCTION**
1. At least 3 days prior to starting any earth disturbance activities, or expanding into an area previously unmarked, the Pennsylvania One Call system shall be notified at 1-800-342-1778 for the location of the existing underground utilities. All earth disturbance activities shall proceed in accordance with the sequence provided on the plan drawings. Deviation from that sequence must be approved by the Township.
 2. Stabilization Note: upon completion or temporary cessation of the earth disturbance activity that will exceed 4 days, or any state thereof, the project site shall be immediately stabilized with the appropriate temporary or permanent stabilization. Hay or straw mulch must be applied at 3.0 tons per acre. Hydroseed is not considered stabilization until it germinates.
 3. Place Silt Fence as shown on the plan.
 4. Install signs and utility bracing.
 5. Install subsurface infiltration bed, see subsurface infiltration bed construction notes.
 6. An area shall be considered to achieve final stabilization when it has a minimum uniform 70% potential vegetative cover or other permanent non-vegetative cover with a density sufficient to resist sliding and other movements. Immediately after earth disturbance activities cease, the operator shall stabilize any areas disturbed by the activities during non-germinating periods, mulch must be applied at the specified rates, disturbed areas which are not yet at finished grade and which will be re-disturbed within 1 year must be stabilized in accordance with the temporary vegetative stabilization specifications. Disturbed areas which are at finished grade or which will not be re-disturbed within 1 year must be stabilized in accordance with the permanent vegetative stabilization specifications.



RESIDENTIAL ALUMINUM FENCE BY 3/8" THICK OR EQUAL, SMOOTH FLAT TOP RAIL W/ MODIFIED BOTTOM REAL STEEL, COLOR: BLACK FENCE TO BE POOL CODE-COMPLIANT



Existing Impervious Coverage

Residence	Area: 10400 ft ²
Existing Driveway / Walkway	Area: 12484.76 ft ²
	Area: 1333.26 ft ² to be subtracted from total area of Driveway
	Total Area: 11151.50 ft ²
Existing Patio	Area: 2175.34 ft ²
	Total Area: 23726.84 ft ²

Proposed Impervious Coverage

Proposed Connecting Patio	Area: 496.26 ft ²
Proposed Upper Pool Patio	Area: 309.14 ft ²
Proposed Lower Pool Patio	Area: 654.07 ft ²
Proposed Fire Pit Patio	Area: 387.11 ft ²
Proposed Pool	Area: 610.93 ft ²
Coping Area	Area: 110.64 ft ²
Proposed Walkway	Total Area: 353.04 ft ²
Proposed Pool House	Area: 140 ft ²
	Total Proposed Impervious Coverage: 3061.2ft ²

Other

Property Line	Area: 238338.23 ft ²
ROW	Area: 17309.95 ft ²
	Total Area: 221028.28 ft ²
LOD	Area: 4664.78 ft ²
Proposed Fence	Linear Ft: 581' 4"
Silt Fence	Linear Ft: 177' 4"
Proposed Equipment Pad	Area: 29.96 ft ²



287 Marias Corner Road, Coatesville, PA 19320
610.380.1119
TurpinLandscapeDesign.com

DATE	DESCRIPTION	REVISIONS

Construction Improvements Plan

2061 Lenape Unionville Rd.

East Marlborough Twp, Kennett Square, PA

2-17-2022

CALL BEFORE YOU DIG!
PENNSYLVANIA LAW REQUIRES
WORKING GAPS NOTICE FOR
CONTRACTOR PHASE AND WORKING
GAPS IN DESIGN. STAGE, STOP CALL
Pennsylvania One Call System, Inc.
1-800-342-1776