

*Zoning Hearing Board of Franklin Township
Chester County, Pennsylvania*

*Application for Special Exception
or Variance Under Zoning Ordinance
or Appeal*

Zoning Hearing Board of
Franklin Township
P.O. Box 118
Kemblesville, Pennsylvania 19347

Gentlemen:

I (We), the undersigned, hereby make application for a Special Exception or Variance from the terms of the Franklin Township Zoning Ordinance or make appeal as set forth herein. I (We) understand that this application or appeal will not be accepted or considered unless all the requested information is completed, or an explanation given for the lack of completion.

1. Applicant or Appellant:

Name See attached Addendum and _____
Address _____

Phone Number _____ Relationship to Owner _____

2. Owner:

Name Same as Applicant and _____
Address _____

Phone Number _____

3. Attorney for Applicant or Appellant:

Name Neil E. Land, Esq. Phone Number 610-444-4848
Address 213 E. State Street
Kennett Square, PA 19348; nel@bfmlk.com

4. Attorney for Owner:

Name Same as above Phone Number _____
Address _____

5. Agent for Applicant or Appellant:

Name Thomas Schreier Phone Number 610-274-8613
Address Hillcrest Associates, Inc.
1760 Flint Hill Road, Landenberg, PA 19350

6. Agent for Owner:

Name N/A Phone Number _____
Address _____

7. Location of Property: 552 Chesterville Road
Landenberg, P A 19350

8. Tax Parcel No. Chester County #72-5532.1G

9. Zone or Classification: LDR - Low Density Residential

10. Date Acquired: 10/30/2018

11. Present Use: Undeveloped Land

12. Proposed Use: Single Family Dwelling (Personal Residence)

13. Square Feet of Lot: ±3.0 Acres

14. Dimensions o Lot: See: attached site plan and aerial image

15. Dimensions of Proposed Construction:

Height TBD
Width TBD
Depth TBD

Square Feet - First Floor _____
Second Floor _____
Additional _____

16. Percentage of Open Area Remaining on the Lot on Completion of Construction.

17. Ratio of Lot Coverage to Open Area:

Before Construction 0% Property is currently undeveloped
After Construction 7.4% - after construction of proposed single family dwelling

18. Distance to each Boundary:

Before Construction: North N/A, South N/A,
East N/A, West N/A

After Construction: North < .5 FT, South < 15 FT (C.40 IT aggregate),
East < 75 FT, West < 30FT

19. Distance to Boundary and Rights - of - Way:

Before Construction: No improvements or development currently exist on the property

Front Yard: Boundary _____, Right - of - Way: _____
Rear Yard: Boundary _____, Right - of - Way: _____
Side Yards: Boundary _____, Right - of - Way: _____
Boundary _____, Right - of - Way: _____

After Construction

Front Yard: Boundary < 75 FT, Right - of - Way: _____
Rear Yard: Boundary < 30 FT, Right - of - Way: _____
Side Yards: Boundary < 15 FT, Right - of - Way: _____
Boundary < 15 FT, Right - of - Way: _____

20. Type of Construction Single Family Dwelling - Conventional

21. Estimated Cost TBD

22. Contractor:

Name TBD Phone Number _____
Address _____

23. Architect:

Name TBD Phone Number _____
Address _____

24. Adjoining or Abutting Neighbors and Use of Properties: **See attached Addendum**

North _____
Use _____
South _____
Use _____
East _____
Use _____
West _____
Use _____

25. Order or Decision Appealed From N/A

26. Date of Order (or Decision) Appealed From N/A

27. Date Application Made _____

28. This Proceeding is based on the Franklin Township Zoning Ordinance:
No. See attached Addendum
Section(s) _____
Subsection(s) _____

29. Interest of Applicant or Appellant in Property Applicant is the owner of the property

30. Statement of Relief Sought (Reason for Application or Appeal):

See attached Addendum

31. Statement of Grounds for Application or Appeal See attached Addendum

32. Statement of Objections to Findings or Conclusions of Order of Decision Appealed From: N/A

33. Place Your Initials Before the Following Applicable Averment:

1 **Special Exemption:** Applicant or Appellant avers that a Special Exception is provided for by the Ordinance Section(s) listed in paragraph 28, above, and that the Special Exception applied for is in harmony with the general purpose and intent of the Zoning Ordinance of Franklin Township, and unless granted, Applicant or Appellant will be deprived of the full lawful use of the herein described property.

3 **Variance:** Applicant or Appellant avers that unless the Variance herein applied for is granted irreparable hardship will result to Applicant or Appellant, resulting in great loss in preventing the full use of disposal of the herein described property.

1 **Other (Including Appeal)** Any other zoning relief necessary to permit the proposed SFD residential use on the Property

34. Township Approvals _____ Date _____
_____ Date _____

35. County Approvals _____ Date _____
_____ Date _____

36. State Approvals _____ Date _____
_____ Date _____

37. Other Conditions _____

38. Additional Comments _____

39. The current applicable fee to cover cost accompanies this Applicant or Appeal (make check payable to Franklin Township).

40. As needed, the following items are attached hereto for the Zoning Hearing Board of Franklin Township:

- a) A copy of the Deed to premises described herein.
- b) A copy of the legal description of the premises described herein if different from the Deed description in any way.
- c) A copy of a Site Plan, Plot Plan or Survey, drawn to scale, and depicting:
 - > the entire property affected by the Application
 - > the existing buildings
 - > improvements and structures located on such property
 - > any proposed changes or additions to the existing buildings, improvements or structures located on such property, and
 - > any list separately any new buildings, improvements or structures proposed to be constructed or erected on such property. The Site Plan or Survey must be drawn to scale and must contain accurate distance, area, length, height, width, location, ratio and other applicable and appropriate measurements of the affected property, building, improvements and structures as existing and as proposed, and depict the relationship of the adjoining or abutting properties, including distances to neighboring structures or uses.
- d) A copy of the original Application (if any) made to the Zoning Hearing Officer.

e) A copy of the Order or Decision appealed from.

The Revocable Trust of Jonathan Ruwane Stahl and Dawn Michele Stahl Dated October 30, 2018 (Seal)

Applicant or Appellant

By: [Signature] (Seal)
Title Trustee

Commonwealth of Pennsylvania

ss:

County of Chester

Affidavit

The Revocable Trust of Jonathan Ruwane Stahl and Dawn Michele Stahl dated October 30, 2018 being duly sworn according to law, deposes and says that he is the Applicant or Appellant herein (or that he is one of the Applicants or Appellants herein and is authorized to make this Affidavit on behalf of all of the Applicants or Appellants here), (or that he is an officer, employee or agent of the Corporate Applicant or Appellant herein and such officer, employee or agent of such Corporate Applicant or Appellant he is authorized to make this Affidavit on its behalf), and that the facts set forth herein are true and correct to the best of his knowledge, information and belief.

The Revocable Trust of Jonathan Ruwane Stahl and Dawn Michele Stahl dated October 30, 2018

By: [Signature] (Seal)
Applicant or Appellant

Sworn to and subscribed before me this 27th day of April, 19 2022

Kerry Rebecca Beck
Notary Public

Commonwealth of Pennsylvania - Notary Seal
KERRY REBECCA BECK - Notary Public
Chester County
My Commission Expires February 4, 2026
Commission Number 1008899

**ADDENDUM TO ZONING HEARING BOARD APPLICATION
OF THE REVOCABLE TRUST OF JONATHAN RUWANE STAHL
AND DAWN MICHELE STAHL DATED OCTOBER 30, 2018
ZONING HEARING BOARD OF FRANKLIN TOWNSHIP
CHESTER COUNTY, PA
552 CHESTERVILLE ROAD, FRANKLIN TOWNSHIP, CHESTER COUNTY, PA
CHESTER COUNTY UPI NO. 72-5-32.1G**

Applicant, The Revocable Trust of Jonathan Ruwane Stahl and Dawn Michele Stahl Dated October 30, 2018, offers this Addendum to its pending Zoning Hearing Board application, intending that this Addendum be incorporated therein, and further, sets forth the following:

1. Applicant.

The Applicant is The Revocable Trust of Jonathan Ruwane Stahl and Dawn Michele Stahl Dated October 30, 2018. Applicant's address is 552 Chesterville Road, Landenberg, PA 19350. Notwithstanding, all contacts to the Applicant should be sent to Applicant's attorney, as set forth in No. 3, below.

2. Owner.

The owner of the property is the Applicant, The Revocable Trust of Jonathan Ruwane Stahl and Dawn Michele Stahl Dated October 30, 2018.

3. Attorney for Applicant.

Applicant's attorney is Neil E. Land, Esq., of the law firm Brutscher, Foley, Milliner, Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348. The firm telephone number is 610-444-4848. Mr. Land's email address is nel@bfmlk.com.

24. Adjoining or Abutting Neighbors and Use of Properties.

The following properties adjoin, or otherwise abut, Applicant's property at 552 Chesterville Road, Franklin Township, Chester County, PA:

- a. UPI No. 72-4-8.9. Owner: Dennis and Merle Meloro; 557 Chesterville Road. Property appears to have a single family dwelling, and accessory structures;
- b. UPI No. 72-4-8.8. Owner: Edward Bennett; 553 Chesterville Road. Property appears to have a single family dwelling, and accessory structures;
- c. UPI No. 72-4-8.2. Owner: Edward Bennett; 553 Chesterville Road. Property appears to be vacant, undeveloped ground;
- d. UPI No. 72-5.32.1.A. Owner: John and Elizabeth Gontarz; 546 Chesterville Road. Property appears to have a single family dwelling, and accessory structures;

- e. UPI No. 72-5-32.1.E. Owner: Zachary Elwyn; 617 Gypsy Hill Road. Property appears to have a single family dwelling, and accessory structures;
- f. UPI No. 72-5-32.1.B. Owner: Paul and Linda Geist; 554 Chesterville Road. Property appears to have a single family dwelling, and accessory structures; and
- g. UPI No. 72-5-32.1.B. Owner: Fred and Patricia Dunn; 613 Gypsy Hill Road. Property appears to have a single family dwelling, and accessory structures.

28. Franklin Township Zoning Ordinance Sections.

Applicant seeks the following zoning relief:

- a. A VARIANCE from Zoning Ordinance Section 27-1408 to permit a driveway with a slope gradient of 12.5% (in excess of the 10% slope permitted under Zoning Ordinance Section 27-1408.1.F);
- b. A VARIANCE from Zoning Ordinance Section 27-1407.1.A to permit more than 30% of a moderately steep sloped area to be built upon as a private residential driveway. Zoning Ordinance limits disturbances of moderately steep slopes of up to 25%;
- c. A VARIANCE from Zoning Ordinance Section 1407.2.A to permit more than 15% of a severely steep sloped area to be built upon as a private residential driveway; Applicant proposes to disturb severely steep sloped areas on the property and by 48%; and
- d. A SPECIAL EXCEPTION, pursuant to Zoning Ordinance Section 1407.2.C.7 to permit accessory residential uses and structures, namely a private residential driveway and parking area, within a severely steep sloped area at Applicant's property.

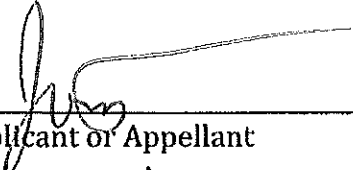
30. Statement of Relief Sought.

Applicant incorporates its answer to paragraph No. 28, above, as if fully set forth at length.

Applicant requests the zoning relief it currently seeks due to existing physical conditions of Applicant's property, including significant steep slope areas on the property, that cannot be avoided in the proposed development of Applicant's new home. Applicant can satisfy all of the criteria for the requested variances and special exception, and will do so at the ZHB hearing.

31. Statement of Grounds for Application or Appeal.

Applicant incorporates its answers to Nos. 28 and 30, above, as if fully set forth at length.


_____(SEAL)
Applicant or Appellant

Print Name: JONATHAN R STARK
Date: 4/27/22

4/1
Prepared by and Return to:
Paul A. O'Brien, Esq.
Greenville Center
Building C, Suite 204
3801 Kennett Pike
Greenville, Delaware 19807



gmc UPI # 72-5-32.1G ↓

TAX EXEMPT TRANSFER TO A TRUST

THIS INDENTURE, made this 30th day of October, 2018

BETWEEN

JONATHAN R. STAHL (also known as JONATHAN RUWANE STAHL) and DAWN M. STAHL (also known as DAWN MICHELE STAHL), husband and wife,

(hereinafter called the Grantor(s)), of the one part, and

JONATHAN RUWANE STAHL and DAWN MICHELE STAHL, as co-trustees of the REVOCABLE TRUST OF JONATHAN RUWANE STAHL AND DAWN MICHELE STAHL, under revocable trust agreement dated October 30, 2018,

(hereinafter called the Grantee(s)), of the other part,

WITNESSETH, That the party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00), lawful money of the United States of America, the receipt of which is hereby acknowledged, hereby grant and convey unto the said parties of the second part,

ALL THAT CERTAIN tract or parcel of ground situate in Franklin Township, Chester County, Pennsylvania, bounded and described according to a Property Survey for Frances E. and Carol M. Izzo, made by Manley N. White, Surveyor dated December 5, 1966 revised April 3 1972 and recorded in Plan Book 42, Page 39, as follows to wit:

BEGINNING at a point on the title line in the bet of Rt. No 841 (Lewisville-Chesterville Road) at a corner of Lot I on the Said plan, which beginning point is measured along the said title line in the bed of the said Rt. No. 841. North 25 degrees, 37 minutes East 150.0 feet from a point a corner of land of William H. Lynch; thence from the said beginning point along the said title line in the bed of the said Rt. No. 841, the three following courses and distances: (1) North 25 degrees 37 minutes East 97.18 feet to a point; (2) North 20 degrees 37 minutes East 197.37 feet to a point, and (3) North 12 degrees 06 minutes East 11.30 feet to a point a corner of Lot III on the said plan; thence leaving the said title line in the bed of the said Rt. No. 841, and crossing the Easterly side thereof along the said Lot III North 89 degrees 37 minutes 48 seconds East 350.86 feet to a point in line of Lot IV on the said plan; thence along the said Lot IV and Lot V on the said plan,



South 04 degrees 10 minutes 06 seconds West 320.84 feet to a point a corner of Lot VI on the said plan; thence along the said Lot VI South 01 degree 28 minutes 44 seconds East 51.71 feet a point a corner of the said Lot I; thence along the said Lot I, North 79 degrees 00 minutes 08 seconds West crossing the said Easterly side of the said Rt. No. 841, 451.02 feet to the first mentioned point and place of beginning.

BEING Lot No. II on the said Plan.

BEING the same premises which JACLYN M. CHERRY and LEE W. CHERRY, by Deed dated February 9, 2018 and recorded in Book 9696 at Page 1074 in Chester County, conveyed unto JONATHAN R. STAHL and DAWN M. STAHL, husband and wife, as tenants by the entirety.

SUBJECT TO AND TOGETHER with all singular the improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments, and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining and the reversions and remainders, rents, issues and profits thereof; and all the estates, right, title, interest, property, claim and demand whatsoever of the said grantors, as well at law as in equity, of, in and to the same.

TO HAVE AND TO HOLD, the said lot or piece or ground described above, with the buildings and improvements thereon erected, hereditaments, and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Grantee, hers heirs and assigns, to and for the only proper use and behoof of the said Grantee, her heirs and assigns, forever.

AND the said Grantors, their heirs, executors and administrators, do hereby covenant to and with the said Grantee, heirs and assigns, that they, the said Grantors, SHALL AND WILL, by these presents, Warranty and forever, Defend the herein above described premises with the hereditaments and appurtenances unto the said Grantee, their heirs and assigns, against the said Grantors and heirs, and against all and every person whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her or any of them.

BY THESE PRESENTS WARRANT and forever DEFEND



