

**BOARD OF SUPERVISORS
OF THE TOWNSHIP OF HONEY BROOK
CHESTER COUNTY, PENNSYLVANIA**

IN RE: PUBLIC HEARING FOR A	:	BEFORE THE TOWNSHIP OF
CONDITIONAL USE; ZONING	:	HONEY BROOK BOARD OF
APPLICATION OF VERNON	:	SUPERVISORS
STOLTZFUS WITH CONSENT FROM	:	
SELDOMRIDGE LIMITED	:	CONDITIONAL USE HEARING
PARTNERSHIP	:	
	:	
88 VILLAGE SQUARE, HONEY	:	WRITTEN DECISION OF THE BOARD
BROOK TOWNSHIP, CHESTER	:	
COUNTY, PENNSYLVANIA	:	NO. 2016-7

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF VERNON STOLTZFUS, WITH CONSENT
OF SELDOMRIDGE LIMITED PARTNERSHIP, FOR CONDITIONAL USE TO
OPERATE A CHURCH UNDER SECTION 27-1604.1.G OF THE HONEY BROOK
TOWNSHIP ZONING ORDINANCE OF 2003**

FINDINGS OF FACT

1. The property which is the subject of this land use application is located at 88 Village Square, Honey Brook Township, Chester County, Pennsylvania, in the Commercial ("C") Zoning District of Honey Brook Township, Chester County, Pennsylvania, and contains a seven (7) unit commercial building and 35 space parking lot on approximately 2.3 acres of land (hereafter "Property").
2. Applicant is Vernon Stoltzfus, with a mailing address of 1880 Beaver Dam Road, Honey Brook, Pennsylvania 19344 (hereafter "Applicant").
3. The Property is owned by Seldomridge Limited Partnership ("Seldomridge"). By letter to Honey Brook Township dated September 26, 2016, Seldomridge expressly consented to the application for a conditional use for a church and the testimony of Applicant. (See Exhibit B-2).
4. Applicant submitted an Application for Public Conditional Use Hearing dated August 29, 2016, to operate a church in four (4) of the seven (7) units of the Property (hereinafter "Application"). (See Exhibit B-1).
5. Section 27-902.3.C of the Honey Brook Township Zoning Ordinance of 2003, Chapter 27 of the Code of Ordinances of Honey Brook Township (hereinafter "Zoning

Ordinance”), establishes that within the Commercial zoning district, a church is permitted as a conditional use, when in accordance with the standards set forth in Section 27-1604.1.G of the Zoning Ordinance.

6. Section 27-202 of the Zoning Ordinance defines a “church” as follows:

A building or group of buildings, including customary accessory buildings, designed or intended for public worship by 12 or more persons at a time. Places used for worship by fewer than 12 persons at a time are not regulated by this chapter. For the purpose of this chapter, "place of worship" includes churches, chapels, cathedrals, synagogues, temples, and similar designations as well as a maximum of one dwelling unit to house full-time religious leaders and their relatives.

7. In response to Applicant’s Application, Jennifer L. McConnell, P.E., of Technicon Enterprises Inc., II, which company serves as Honey Brook Township Engineer, Zoning Officer, and Code Enforcement Officer, prepared a review letter dated September 20, 2016, in which she offered comments regarding the Application’s satisfaction of the zoning requirements for a church and identified necessary waivers. (See Exhibit B-7).

8. The Honey Brook Township Planning Commission reviewed the Application at its meeting on September 22, 2016, and recommended approval of the Application, with certain restrictions and additional information to be provided by the Applicant. (See Exhibit B-8).

9. On September 30, 2016, the Applicant provided the Township with a written statement from the Pennsylvania Department of Transportation that the existing entrance/exit on to Route 322 is acceptable for the proposed church use. The correspondence also contained the hours of operation of the existing salon and office businesses in Village Square. The salon operates Monday through Saturday, and the office operates Monday through Friday. (See Exhibit B-9).

10. The Honey Brook Township Board of Supervisors conducted a public hearing on the Application at the beginning of its public meeting on October 12, 2016.

11. Applicant was not represented at the hearing by legal counsel.

12. The Honey Brook Township Board of Supervisors was represented at the hearing by its Solicitor, Christopher J. Hartman, Esquire.

13. Vernon Stoltzfus, Applicant, testified in support of the Application.

14. Applicant testified that the congregation has grown to approximately fifty (50) individuals, and presently has a Tuesday evening bible study and a Sunday morning service.

15. Applicant identified on an aerial image the location on the Property of the 4 units in Village Square for the proposed church use, and also identified the salon and office uses

occupying the remaining 3 units in the retail building. In close proximity there is also a carwash and pharmacy on the Property. (See Exhibit B-1).

16. Applicant testified that the retail building housing the church is set back from the nearest side lot line twenty-five feet (25') and the 4 specific church units are set back more than 50 feet from the side lot lines and the rear lot lines. Applicant acknowledged that side and rear yard setbacks for churches in the Commercial zoning district are at least 50 feet.

17. Applicant acknowledged that a minimum lot area of 2 acres is required for a church, and testified that the lot area of the Property is 2.394 acres.

18. Applicant testified as to the proposed times of church use in relation to the office and salon uses on the property.

19. Applicant testified as to the existing parking for the office and salon uses on the property and how the proposed church use would also utilize the parking. No screening is currently in place for the off-street parking.

20. The Zoning Ordinance requires 5 off street parking spaces for the office use, and 8 off street parking spaces for the salon use.

21. Applicant testified that there will be no church-related educational (school) or day care facilities connected with the conditional use application.

22. The Board heard public comments from the audience.

23. After closing the testimony at the October 12, 2016 hearing, the Honey Brook Township Board of Supervisors announced its decision on the Application.

24. The church use shall be allowed as a conditional use, pursuant to Section 27-903.3 and subject to the requirements of 1604.1.G of the Zoning Ordinance (See Exhibit B-7) and conditions as follows:

- a. Setbacks. The Board hereby grants a setback waiver for Section 1604.1.G.3, because a portion of the building in which the church use will be located is only 25 feet from the nearest side lot line.
- b. Off street parking shall be permitted and assigned as follows:
 - i. Mondays through Fridays the church may utilize up to 22 of the 35 spaces.
 - ii. Saturdays the church may utilize up to 27 of the 35 spaces.
 - iii. Sundays the church may utilize all of the 35 spaces.

- iv. Parking designations shall be made for eight (8) spaces for the salon use Monday through Saturday and five (5) spaces for the office use Monday through Friday.
- c. Occupancy of the church use shall be limited to 55 people Mondays through Fridays, 67.5 people on Saturdays, and 87 people on Sundays, in order to avoid exceeding the off street parking requirement of the Zoning Ordinance based on 2 off street parking spaces per 5 seats in the church.
- d. Signage. The church may use the existing sign in front of the building in which the church use will be located, along with the other occupants of the building.
- e. Traffic Study. The Board hereby grants a waiver from the traffic study requirement under Section 1604.1.G.7.
- f. Screening. No screening is required.

25. The Applicant was present for the announcement of the Board's decision and agreed to the conditions of approval as outlined above.

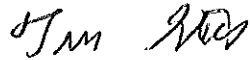
26. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on September 26, 2016 and October 3, 2016; adjacent property owners were notified of the hearing by mail on September 29, 2016; and the Property was posted with notice of the hearing on October 4, 2016. (See Exhibits B-3 through B-6).

CONCLUSIONS OF LAW

1. The Board of Supervisors has jurisdiction to decide this land use application pursuant to Section 27-902.3.C of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.*
2. The Property is located in the Commercial (C) Zoning District.
3. Section 27-902.3.C of the Zoning Ordinance permits church use within the Commercial (C) Zoning District by conditional use, in accordance with the standards of Section 27-1604.1.G of the Zoning Ordinance.
4. The Board of Supervisors has determined that the Applicant, through the Application, testimony at the Conditional Use Hearing, and supplemental information provided, has established compliance with the relevant subsections of Section 27-1604.1.G of the Zoning Ordinance for the operation of a church.

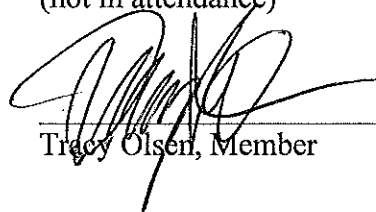
DECISION

AND NOW, this ___ day of October, 2016, the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, upon review and consideration of the evidence as presented at the conditional use hearing, and in light of existing laws and regulations, hereby APPROVES and GRANTS the application of Vernon Stoltzfus, for a conditional use under Sections 27-902.3.C and 27-1604.1.G of the Honey Brook Township Zoning Ordinance of 2003, to operate a church on the Property, subject to the off street parking and occupancy limits set forth in the Findings of Fact paragraphs 24.b and 24.c of this decision.



Travis Stacey, Chairperson

John McHugh, Vice Chairperson
(not in attendance)



Tracy Olsen, Member

Date of Issuance of Written Decision: ~~October~~ ^{Nov} 3, 2016.

ANY AGGRIEVED PERSON MAY APPEAL THIS DECISION TO THE COURT OF COMMON PLEAS OF CHESTER COUNTY WITHIN THIRTY (30) DAYS FROM THE DATE OF ISSUANCE OF THE WRITTEN DECISION.

1 BEFORE THE BOARD OF SUPERVISORS
2 HONEY BROOK TOWNSHIP
3 CHESTER COUNTY, PENNSYLVANIA

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5 Public hearing held by the Honey Brook Township
6 Board of Supervisors to consider the application for
7 conditional use submitted by Seldomridge Limited
8 Partnership by its agent, Vernon Stoltzfus.

9 Said hearing held at the township building
10 located at 500 Suplee Road, Honey Brook, PA 19344, on
11 Wednesday, October 12, 2016, beginning at 8:00 p.m.

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13
14 BEFORE: Travis Stacey, Chairperson
15 Tracey Olsen

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17 APPEARANCES:

18 Christopher J. Hartman, Esquire
19 Solicitor for the Board

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21
22 Nancy M. Sage
23 Official Court Reporter
24 201 West Market Street, Suite 5425
25 P.O. Box 2746
 West Chester, Pennsylvania 19380
 610-344-4762

EXCERPTED PROCEEDINGS

1
2 MR. HARTMAN: Okay. So, is there if there's no
3 additional testament and no additional questions for the
4 Board, I think we can close the record.

5 And I would make a recommendation to the Board
6 to approve the conditional use application provided upon
7 the occupancy limits that we have discussed of 55 Monday
8 through Friday, 67 and a half on Saturday, and 87 on
9 Sunday, with 22 spaces being associated with the Monday
10 to Friday use, 27 with the Saturday use, and 35 with the
11 Sunday use.

12 Now, were we going to require signage to
13 designate the nonchurch parking spaces? Do you want to?

14 MS. OLSEN: I thought that was part of the
15 spaces reserved.

16 MR. HARTMAN: Okay. In order to reserve those
17 spaces they have to be marked, so I would include as part
18 of my recommendation that the salon and office spaces
19 that we've indicted -- eight for the salon, five for the
20 office -- be marked.

21 And that the Board would approve the use of the
22 shared sign that is existing in front of the building by
23 the church.

24 And that the -- that no screening be required,
25 that the setback be waived, and that the traffic study be

1 waived, and I think that covers everything.

2 MR. STACEY: I'll make the motion.

3 MS. OLSEN: I'll second.

4 MR. STACEY: All in favor, aye.

5 MS. OLSEN: Aye.

6 MR. STACEY: Aye.

7 MR. HARTMAN: Very good. Do you have any
8 questions?

9 THE WITNESS: No. Thank you very much.

10 MR. HARTMAN: Okay.

11 (Proceedings concluded at 8:30 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on Wednesday, October 12, 2016, and that this is a true and correct transcript of same.

Nancy M. Sage
Official Court Reporter

The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.