



Application # Z-6-16
Date Received June 8th 2016
Fee \$ \$1,500⁰⁰
V3293

ZONING HEARING BOARD APPLICATION

*Willistown Township
688 Sugartown Road
Malvern, PA 19355*

Phone 610.647.5300 Fax 610.647.8156

Property Address/Site Location:

Property Owner Willistown Conservation Trust Telephone Number 610-353-2562
Address 925 Providence Road City Newtown Square State PA Zip 19073
E-Mail wrh@wctrust.org
Zoning District RU Tax Parcel(s) # 54-6-81 Parcel Address: 921 Delchester Rd.

Applicant (if different) _____ Telephone Number _____
E-Mail _____
Address _____ City _____ State _____ Zip _____

Attorney Information:

Attorney for Applicant Timothy B. Barnard, Esquire Telephone Number 610-565-4055
Address 218 W. Front St., P.O. Box 289 City Media State PA Zip 19063
E-Mail tbarnard@bmplaw.net

Relief Requested:

Variance _____ Special Exception X Appeal Decision of the Zoning Officer X
Validity Challenge of Ordinance or Map _____

Articles and Sections of the Zoning Ordinance pertaining to the relief requested:

Article V Section 139-12(B), 139-12(D), 139-12(F)(1) and (4)

Required Submittal Items

- 1. Attach narrative explaining your request in detail.
- 2. Submit six (6) sets of plans, one (1) electronic (PDF).
- 3. Check made out to "Willistown Township": \$1,000 (Residential) / \$1,500 (Non-Residential).

Property Owner's Signature *Jeanne B. Van Alen* Date June 8, 2016
Print Property Owner's Name Jeanne B. Van Alen

PLANNING COMMISSION REVIEW IS REQUIRED – YOUR ATTENDANCE IS NECESSARY

Contact the Planning Director at 610.647.5300x243 to schedule your appearance.

No application will be considered or referred to the Zoning Hearing Board until the application fee has been paid and reviewed for completeness by the Zoning Officer.

RECEIVED

JUN 08 2016

WILLISTOWN TOWNSHIP

Revised: October 2015

**WILLISTOWN TOWNSHIP ZONING HEARING BOARD
ZONING APPEAL AND APPLICATION FOR RELIEF**

Applicant: Willistown Conservation Trust
925 Delchester Road
Willistown, PA
UPI No. 54-6-81 and related parcels

Date of Submission: June 8, 2016

NARRATIVE

The Applicant has filed a land development plan for its lands located on the southwest corner of the Delchester Road (S.R. 2013) intersection with Goshen Road (S.R. 2010) situated within the RU Rural Zoning District. The tract is comprised of five parcels UPI #54-06-79.7 (29.21 acres), UPI #54-06-79.7B (12.51 acres), UPI #54-06-79.7C) (14.01 acres), UPI #54-06-79.11 (22.09 acres) and UPI #54-06-81 (4.74 acres) all of which total 82.56 acres. The application envisions all five lots to be consolidated into a single lot and used for the conservation purpose of its owner, Willistown Conservation Trust. The conservation mission of the Trust incorporates Rushton Farm and all its related agricultural, educational and environmental activities. The Farm has operated there for a number of years serving as a nature preserve, a model for agriculturally based land use, an organic farm and a widely renown bird program. In order to better provide for the operation of some of its functions during winter months, on days of poor weather and to showcase the farm-to-table nature of its organic farm, the Trust proposes to construct upon a portion of this property now incorporated in tax parcel UPI #54-6-81 a Conservation Center.

The construction of this building, its related access, parking and stormwater management is the heart of the pending land development application. During the review of the land development a question was raised by the Township Engineer as to the nature of the proposed use of the property and Conservation Center. The Trust explained that its use was a collaboration of (i) the existing farm agricultural use, (ii) a single family detached dwelling used in conjunction with the farm and (iii) the conservation purpose of the Trust which includes not only land conservation, but innovative agricultural and bird programs for the general benefit of the community. In response to a request by the Township Zoning Officer for greater detail, it was further explained that the Trust events would include: (i) lectures, (ii) social events relating to the Trust and conservation activities, (iii) various programming events (e.g. bird banding, small school groups), (iv) Trust and community group meetings, (v) farm to table dinners, (vi) farm related cooking demonstrations and (vii) private dinners and events consistent with the Trust's mission and conservation purpose.

The Township Zoning Officer subsequently issued an opinion by letter of May 18, 2016, a copy of which is here attached, ruling that while the Township regulations permitted the farm use at the property by right, that a special exception would have to be granted by the Zoning Hearing Board for the "educational" and "private recreational uses" envisioned by the Trust. The Trust here appeals that ruling, or alternatively requests the

issuance of a special exception under Sections 139-12(F)(1) and 139-12(F)(4). In support of its appeal of the ruling, the Trust maintains that the provisions of the Township zoning ordinance (Section 139-12(B)) expressly allow "woodlands, game preserve or other conservation purpose". The entire program of the Trust serves such a conservation purpose and is evidenced by the many programs it has held on site for years and proposes to continue into the future. The term "conservation purpose" is not expressly defined in the Township zoning ordinance and accordingly is subject to the broadest of reasonable interpretation. The very mission of the Willistown Conservation Trust reads as follows:

"...to preserve and manage the open land, rural character, scenic, recreational, historic, agricultural and natural resources of the Willistown area and nearby communities, and to share these unique resources of all ages and backgrounds to inspire, educate and develop a lifelong commitment to the land and the natural world."

By this reasoning, the proposed use of the Conservation Center is wholly consistent with the current ordinance and requires no zoning relief. The educational programs and recreational opportunities offered by the Trust are merely an element of its normal operations. The Zoning Hearing Board is asked to so affirm this right.

Alternatively, consistent with the recommendation of the Township Zoning Officer, application is made for special exception under Sections 139-12(F)(1) and 139-12(F)(4).



Board of Supervisors of Willistown Township
Chester County

688 Sugartown Road Malvern, PA 19355
Phone 610.647.5300 Fax 610.647.8156
www.willistown.pa.us

May 18th, 2016

Mr. Timothy Barnard
218 West Front Street
Media, PA 19063

RE: Ruston Woods Zoning Use

Mr. Barnard,

In review of the information provided for the proposed use(s) of the Ruston Conservation Center located on Delchester Road, the regulations of the Willistown Township Zoning Ordinance must be adhered to. §139-12(D) permits farm use at the property by right; the building would be permitted to support this use. §139-12(F)(1) and 139-12(F)(4) allows educational and private recreational uses by special exception respectively; if any educational or private programs are to be completed at the property then a special exception would have to be granted by the Zoning Hearing Board.

Please feel free to contact me with any additional questions or concerns.

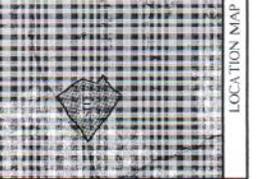
Respectfully,

Neil D. Vaughn
Zoning Officer
610.647.5300 x 252
nvaughn@willistown.pa.us

REGIONAL TOWNSHIP UTILITIES
 CONTACT: 401 W. 10TH ST., SUITE 100
 CHESTER, PA 19380
 PHONE: 610-336-1000
 FAX: 610-336-1001
 WWW: www.rtuutilities.com

CONTRACTOR
 CONTACT: 1000 W. 10TH ST., SUITE 100
 CHESTER, PA 19380
 PHONE: 610-336-1000
 FAX: 610-336-1001
 WWW: www.rtuutilities.com

DESIGNER
 CONTACT: 1000 W. 10TH ST., SUITE 100
 CHESTER, PA 19380
 PHONE: 610-336-1000
 FAX: 610-336-1001
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EXISTING SITE IMPROVEMENTS

EXISTING IMPROVEMENTS	1,154.23 SF
EXISTING DRIVEWAY	1,154.23 SF
EXISTING SIDEWALK	1,154.23 SF
EXISTING CURB	1,154.23 SF
EXISTING UTILITY	1,154.23 SF
EXISTING TOTAL	1,154.23 SF

EXISTING BUILDING COVERAGE

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EXISTING NON-BUILDING COVERAGE

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EXISTING DRIVEWAY	1,154.23 SF
EXISTING SIDEWALK	1,154.23 SF
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PROPOSED SITE IMPROVEMENTS

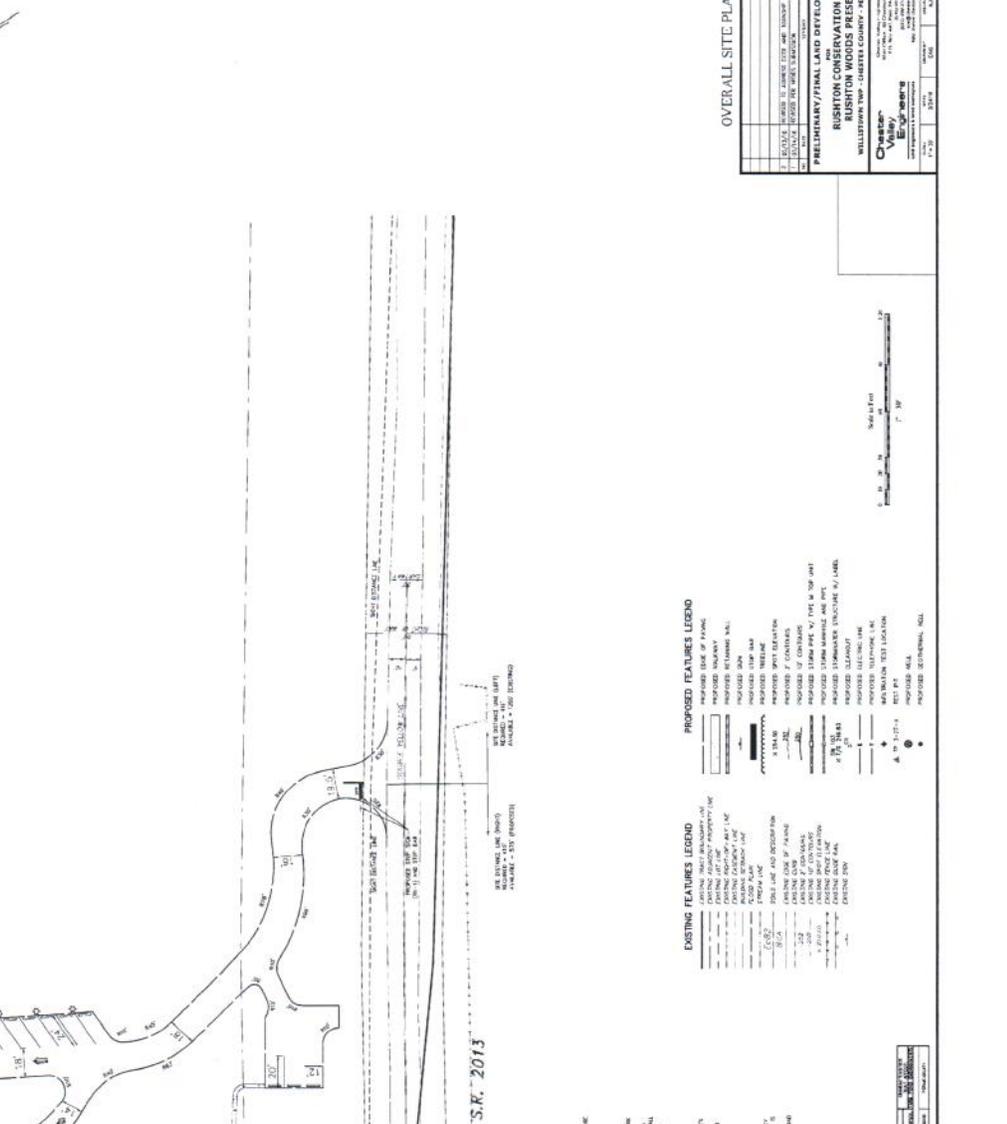
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GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
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OVERALL SITE PLAN

PROJECT NAME	RIGHTSON CONSERVATION CENTER
PROJECT ADDRESS	WILLETTSVILLE TWP., CHESTER COUNTY, PENNSYLVANIA
PROJECT DATE	1980/3000
PROJECT SCALE	1" = 100'
PROJECT DRAWN BY	...
PROJECT CHECKED BY	...
PROJECT APPROVED BY	...

