

**POCOPSON TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**DAVID SHAWN KOBERG AND KATHLEEN HALLIGEN KOBERG
20 N. Wawaset Road
TPN: 63-1-16**

CONDITIONAL USE APPLICATION

Applicants are seeking conditional use approval in order to construct a single family home, garage and driveway: (1) a conditional use under §250-17.C(9) to permit the home to be located 62 feet and the garage to be located 19 feet from the N. Wawaset Road right-of-way; (2) a conditional use approval under §250-17.C(10) to permit the garage to be located within the front yard setback, and (3) a conditional use approval under §250-70.D to extend the time period to secure permits for construction to one (1) year.

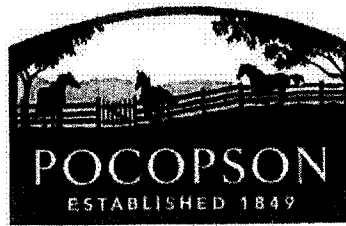
Hearing Date: Wednesday, January 20, 2021 at 6:30 p.m.

BOARD EXHIBITS:

- B-1: Conditional Use Application (with supporting documentation) dated December 17, 2020
- B-2: Proof of Publication (with Legal Notice appearing in the *Daily Local News* on January 4, 2021 and January 11, 2021)
- B-3: Affidavit of Property Posting (with accompanying photograph)
- B-4: List of neighboring property owners who received notice of hearing
- B-5: Memorandum dated December 31, 2020 from Craig A. Kologie, AICP, Township Engineer, to Planning Commission regarding review of conditional use application
- B-6: Township's Planning Commission Recommendation dated January 7, 2021

POCOPSON TOWNSHIP
RECEIVED

DEC 18 2020



P.O. Box 1, Pocopson PA 19366
Office: 610.793.2151 Fax: 610.793.1944
www.pocopson.org

**CONDITIONAL USE APPLICATION to the
POCOPSON TOWNSHIP BOARD OF SUPERVISORS
Conditional Use Application and Checklist**

Name of Applicant: David Shawn Koberg and Kathleen Halligan Koberg

Applicant Address: 825 Brintons Bridge Road, West Chester, PA 19382

Telephone Number: _____ Cell Phone: 610-246-2588

Email Address: skoberg@comcast.net

Property Address: 20 N. Wawaset Rd., Pocopson Twp., Chester, County, PA

Tax Parcel Number: 63- 1-16 Zoning District: RA Acreage: +/- 25.1

Present use of property:

The Property is currently vacant.

Relationship to property (owner of record, equitable owner, etc.):

Applicants are the Owners of Record.

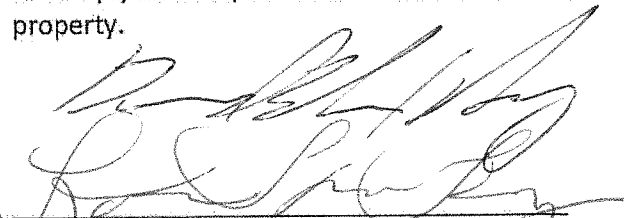
Description of proposed use (attach add'l sheet if needed):

Single Family Dwelling with detached Garage; See attached.

Conditional Use is provided in Zoning Ordinance Section(s):

250-17.C (9), 250-17.C (10), 250-70.D; see attached.

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the Pocopson Township Zoning Ordinance applicable to this project and property.


David Shawn Koberg & Kathleen
Halligan Koberg

12.17.2020

Date

**EXHIBIT
B-1**

Attachment to the Conditional Use Application of David Shawn Koberg and
Kathleen Halligan Koberg

20 N. Wawaset Road, Pocopson Township, Chester County, PA

UPI# 63-1-16

Applicant, David Shawn Koberg and Kathleen Halligan Koberg, are the owners of property located at 20 N. Wawaset Road, Pocopson Township, Chester County, Pennsylvania ("Property"). Applicant purchased the property on September 28, 2020.

Applicant is represented by:

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

The Property consists of approximately 25.1 acres of land (gross), and is Chester County, PA UPI# 63-1-16. The Property is currently vacant, with no structures thereon. The Property is split by the West Branch of the Brandywine Creek, at its southern end. The Property also borders the Creek along its Western boundary. Accordingly, the Property has significant areas of wetlands and riparian buffer areas, that severely limit development. Two (2) arial images of the Property, as secured from Chester County, are attached.

Applicant intends to construct one (1) Single Family Dwelling, with A detached garage, on the Property. ("House"). Applicant intends to use the House as his primary residence. It is currently anticipated that the House will have _____ feet of interior living space, with _____ bedrooms and _____ baths. The House will also have an onsite driveway to/from N. Wawaset Road. The House will be two (2)

stories. Images of the currently intended design for the House are attached. Applicant intends to build the House in a manner like these images.

Due to the existing physical limitations and restrictions on the Property, the House and detached garage each must be located closer than 100 ft from the edge of the N. Wawaset Road right of way. **Specifically, the House is proposed to be located only 62' from the edge of right of way, and the garage will located only 19 ft from the edge of right of way.** Applicant is restrained from location the House any further from the said road right of way because of riparian buffers, and the restrictions associated therewith. Without Conditional use approval for these proposed locations, Applicant will not be able to construct the House at the Property. Copies of a partial site plan for the Property, that shows the proposed location of the House, is attached.

The House will be served with onsite water and septic service, as permitted by applicable law. Applicant has already performed perc tests on the Property, and understands that these tests were successful. Applicant agrees to install the new well and septic field as required by applicable law.

Applicant does not anticipate requiring any additional zoning relief for construction of the House, but will comply with all applicable Ordinances.

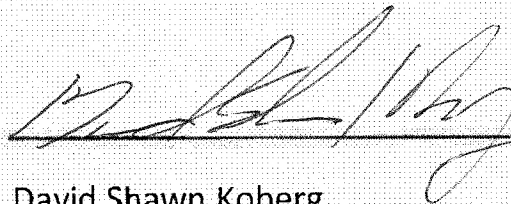
In support of this application, Applicant offers the following:

1. The House is a permitted use by right in the Pocopson Township RA Zoning District;
2. With the exception of the approvals sought under this application, Applicant believes that no other zoning relief is needed to permit the legal construction of the House at the Property;

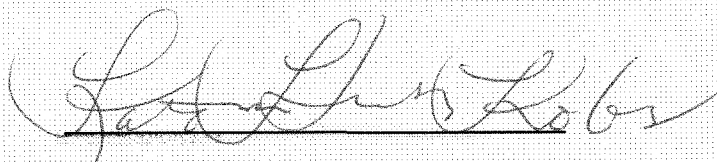
3. Onsite septic and water will serve the House; and
4. There will be no adverse impact to the surrounding area, its property owners, or to the Township at large.

Accordingly, Applicant seeks the following conditional use approval in this application:

1. Approval under Zoning Ordinance section 250-17.C (9), to permit the House to be located only 62 ft from the edge of the North Wawaset Road ROW;
2. Approval under Zoning Ordinance section 250-17.C (9) to permit the Garage (associated with the House) to be located only 19 ft from the edge of the North Wawaset Road ROW;
3. Approval under Zoning Ordinance section 250-17.C (10), to permit the garage, an accessory building, within the front yard setback area; and
4. Relief from Zoning Ordinance section 250-70.D, to extend the time for Applicant to secure permits for the construction of the House to one (1) year, from the date of unappealable conditional approval.



David Shawn Koberg



Kathleen Halligan Koberg

BUILDING AND IMPERVIOUS COVERAGES	
	PROPOSED
LOT AREA (NET) AC./SF.	4.3/187,308
BUILDING	2,520
GARAGE	1,100
DRIVEWAY (ASPHALT)	200
DRIVEWAY (POROUS)	4,350
TOTAL IMPERVIOUS	8,170
BUILDING COVERAGE	1.3%
IMPERVIOUS COVERAGE	4.4%

	BEARING	LENGTH		RADIUS	ARC	CHORD BEARING	LENGTH
L1	N48°41'13"W	12.15'	C1	1016.5'	88.85'	S46°10'59"E	88.82'
L2	N43°40'45"W	72.24'	C2	416.5'	176.93'	N31d30'34"W	175.61'
L3	N19°20'23"W	195.65'	C3	1016.5'	124.76'	N15d49'24"W	124.68'
L4	N12°18'25"W	160.76'	C4	183.5'	76.93'	N24d19'06"W	76.37'
L5	N36°19'47"W	124.55'	C5	516.5'	100.07'	N30d45'00"W	99.92'
L6	N62°15'40"E	347.95'					
L7	S28°24'17"E	816.00'					
L8	S23°38'41"W	473.09'					
L9	S64°W	58 P (957')					
L10	S4°W	1.5 P (24.75')					
L11	S14°W	28 P (462')					
L12	S24°E	20 P (330')					
L13	S55°E	10 P (165')					
L14	N88.5°E	7 P (115.5')					
L15	N57°E	8 P (132')					
L16	N6°W	5 P (82.5')					
L17	N82°E	14.4 P (237.6')					
L18	S52°E	23 P (379.5')					
L19	S47°E	13.6 P (224.4')					
L20	S24.5°W	14.5 P (239.25')					
L21	N63.5°W	34 P (561')					
L22	N73.25°W	25 P (412.5')					
L23	N7.25°E	10 P (165')					
L24	S63°15'W	142'					
L25	EASTERN BANK	1547.7'					
L26	S62°W	33'					
L27	S4°W	432'					
L28	N64°7'E	550'					
L29	N16°58'E	343.3'					
L30	N19°10'E	231.5'					
L31	N17°15'E	66.4'					
L32	N7°53'W	234'					
L33	N35°18'W	222'					
L34	N29°47'W	168'					
L35	N25°55'W	455'					

ZONING REGULATIONS:

§ 250-6 MINIMUM CONTIGUOUS LOT AREA.

EACH RESIDENTIAL, RESIDENTIAL-INSTITUTIONAL, OR MULTIPLE LOT SERVED BY AN INDIVIDUAL ON-SITE SEWAGE SYSTEM SHALL CONTAIN A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA SUITABLE FOR ON-SITE SANITARY SEWAGE DISPOSAL. GROUNDWATER RECHARGE FACILITIES EXCLUSIVE OF SLOPES OF 20% OR GREATER, FLOODPLAINS, SEASONAL HIGH WATER TABLE SOILS, AS DELINEATED ON USGS MAPS, WITH APPROPRIATE SOIL SURVEY OVERLAYS (I.E., SOIL SURVEY OF CHESTER AND DELAWARE COUNTIES), OR, IF REQUESTED BY THE SUPERVISORS, A COMPETENT AERIAL TOPOGRAPHIC SURVEY, WITH APPROPRIATE SOILS INFORMATION, AND AREAS OF THE LOT SUBJECT TO INFILTRATION COVER.

§ 250-67 CONSERVATION OF NATURAL FEATURES.

B. GENERAL APPLICABILITY OF CONSERVATION STANDARDS

(A) REGULATIONS AND DISTURBANCE LIMITS FOR EACH SPECIFIC RESOURCE AREA SET FORTH BELOW SHALL BE COMPLIED WITH AS APPLICABLE.

FLOODPLAIN	0%
VERY STEEP SLOPES	10%
MODERATELY STEEP SLOPES	25%
STEEP SLOPE MARGINS	25%
WETLAND BUFFER'S INNER 50 FEET:	0%
WETLAND BUFFER'S OUTER 50 FEET:	15%

D. STEEP SLOPE CONSERVATION.

(1) STEEP SLOPE AREAS SHALL BE PRESERVED IN THEIR NATURAL STATE WHENEVER POSSIBLE. WHERE CONSTRUCTION OF ROADS, BUILDINGS, DRIVEWAYS, OR INFRASTRUCTURE CANNOT BE AVOIDED, DISTURBANCE SHALL BE KEPT TO THE MINIMUM NECESSARY AND IN NO CASE SHALL IT EXCEED THE FOLLOWING PERMITTED DISTURBANCE LIMITS:

(A) MODERATELY STEEP SLOPES. NO MORE THAN 25% OF MODERATELY STEEP SLOPES SHALL BE REGRADED, CLEARED, BUILT UPON, OR OTHERWISE ALTERED OR DISTURBED.

(B) STEEP SLOPE MARGINS. NO MORE THAN 25% OF STEEP SLOPE MARGINS SHALL BE REGRADED, CLEARED, BUILT UPON, OR OTHERWISE ALTERED OR DISTURBED.

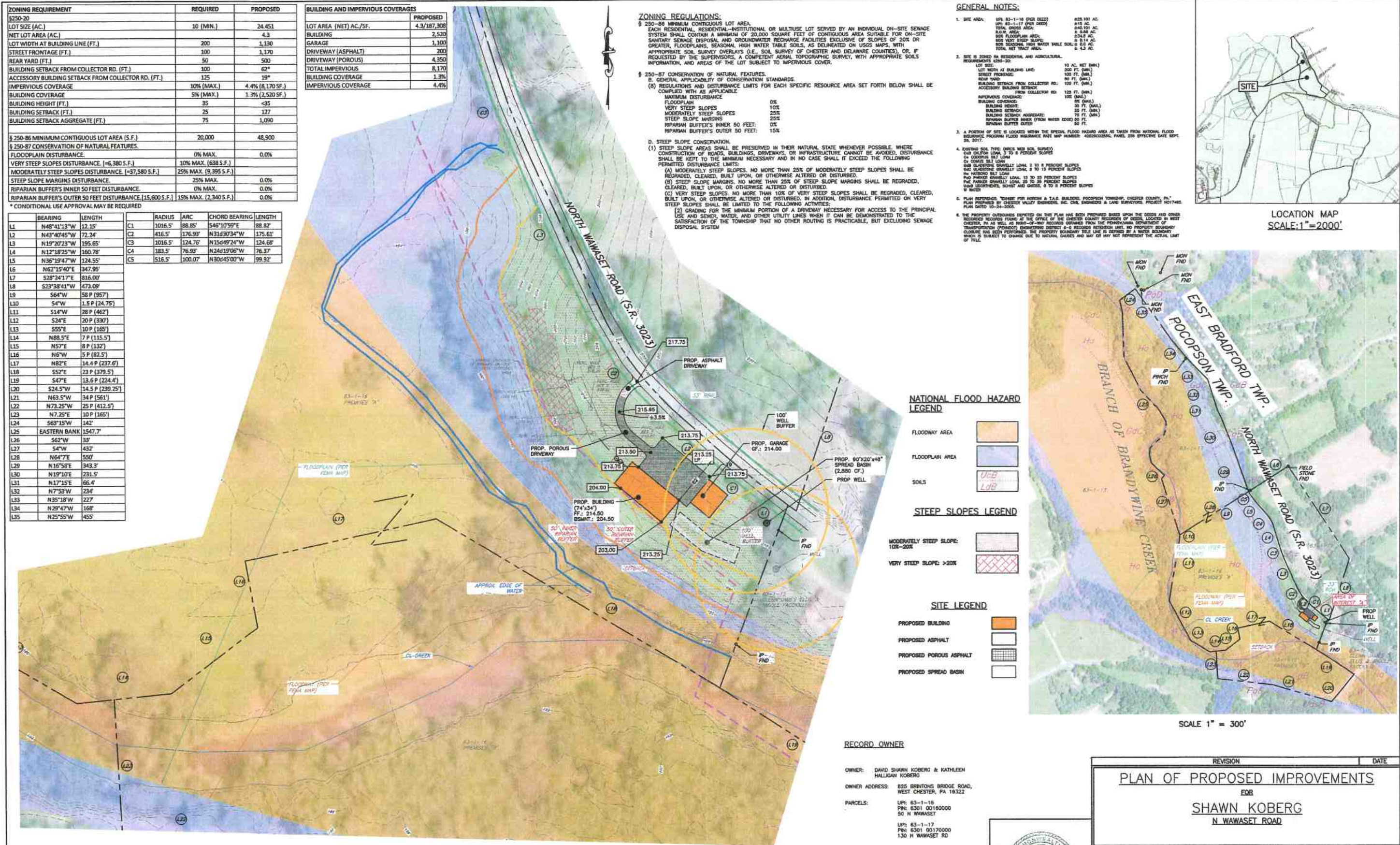
(C) VERY STEEP SLOPES. NO MORE THAN 10% OF VERY STEEP SLOPES SHALL BE REGRADED, CLEARED, BUILT UPON, OR OTHERWISE ALTERED OR DISTURBED. IN ADDITION, DISTURBANCE PERMITTED ON VERY STEEP SLOPES SHALL BE LIMITED TO THE FOLLOWING ACTIVITIES:

(1) GRADING FOR THE MINIMUM PORTION OF A DRIVEWAY NECESSARY FOR ACCESS TO THE PRINCIPAL USE AND SEWER, WATER, AND OTHER UTILITY LINES WHEN IT CAN BE DEMONSTRATED TO THE SATISFACTION OF THE TOWNSHIP THAT NO OTHER ROUTING IS PRACTICABLE, BUT EXCLUDING SEWAGE DISPOSAL SYSTEMS.

GENERAL NOTES:

- [illegible]

LOCATION MAP
SCALE: 1"=2000'



NOTE:
THIS PLAN SHALL BE A BLACKLINE PRINT WITH A RED OR GREEN
REGISTRATION SEAL TO BE CONSIDERED A VALID PLAN.
REPRODUCTION OF THIS PLAN FOR ANY PURPOSE WITHOUT THE
APPROVAL OF HERBERT E. MacCOMBIE, JR. P.E. CONSULTING
ENGINEERS AND SURVEYORS, INC. IS STRICTLY PROHIBITED.



REVISION _____ DATE _____

PLAN OF PROPOSED IMPROVEMENTS

FOR

SHAWN KOBERG

N WAWASET ROAD

COPOSON TOWNSHIP CHESTER COUNTY, PA

SCALE: AS NOTED DECEMBER 16, 2020

HERBERT E. MacCOMBIE, JR., P.E.
CONSULTING ENGINEERS AND SURVEYORS, INC.
P.O. BOX 118
BROOMALL, PA. 19008

CADD FILE X-Base-Koberg, Shawn - 20 N.Wawaset Road.dwg SHEET 1 OF 1
MISC. FILE #1336



Architect: John Milner Architects

[PREVIOUS PROJECT \(HTTPS://PINEMAR.NET/HOMES/HAVERFORD-WHOLE-HOUSE-RENOVATION/\)](https://pinemar.net/homes/haverford-whole-house-renovation/) |

[CONTACT \(HTTPS://PINEMAR.NET/CONTACT/\)](https://pinemar.net/contact/)



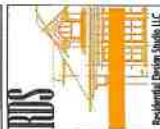


1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

HEREBY EXPRESSLY RESERVES HIS COMMON LAW COPYRIGHT & ALL OTHER PROPERTY RIGHTS IN THESE PLANS & DRAWINGS. THESE PLANS & DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION & CONSENT OF RESIDENTIAL DESIGN STUDIO LLC NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING SAID WRITTEN PERMISSION.



Koberg Residence :
20 North Wawaset Road
West Chester, Pa 19382

Residential Design Studio LLC
Additions, Renovations, & Custom Homes
P.O. Box 1216 Malvern, PA 19355
610-680-7972

REVISIONS	DATE
Schematic	10/27/2020
Rev. Schematic	11/11/2020

DATE	11/11/2020
SCALE	As Noted
DRAWN BY	JMD

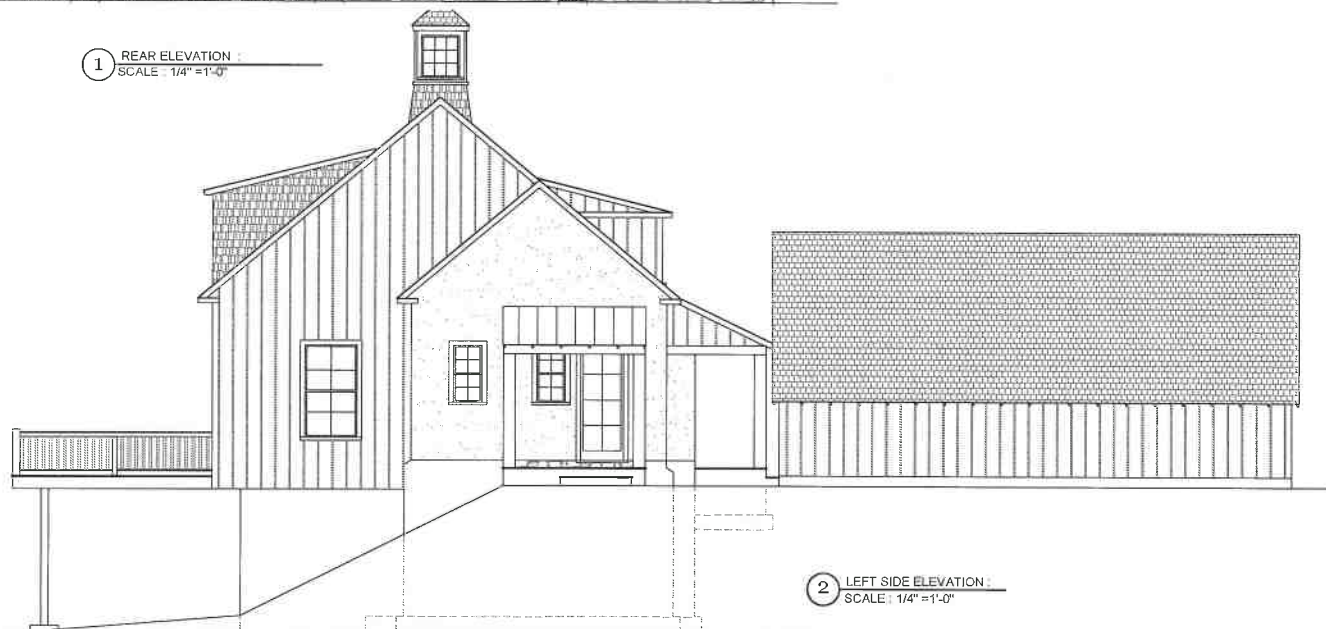
DRAWING TITLE:

ELEVATIONS

A-4



1 REAR ELEVATION
SCALE: 1/4" = 1'-0"



2 LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

HIS/HERY EXPRESSLY RESERVES HIS COMMON LAW COPYRIGHT & ALL OTHER PROPERTY RIGHTS IN THESE PLANS & DRAWINGS. THESE PLANS & DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION & CONSENT OF RESIDENTIAL DESIGN STUDIO LLC NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING SAID WRITTEN PERMISSION.



Koberg Residence :
20 North Wawaset Road
West Chester, Pa. 19382

Residential Design Studio LLC
Additions, Renovations, & Custom Homes
P.O. Box 1216 Malvern, PA 19355
610-690-7972

PROJECT LOCATION:

REVISIONS	DATE
Schematic	10/27/2020
Rev Schematic	11/11/2020

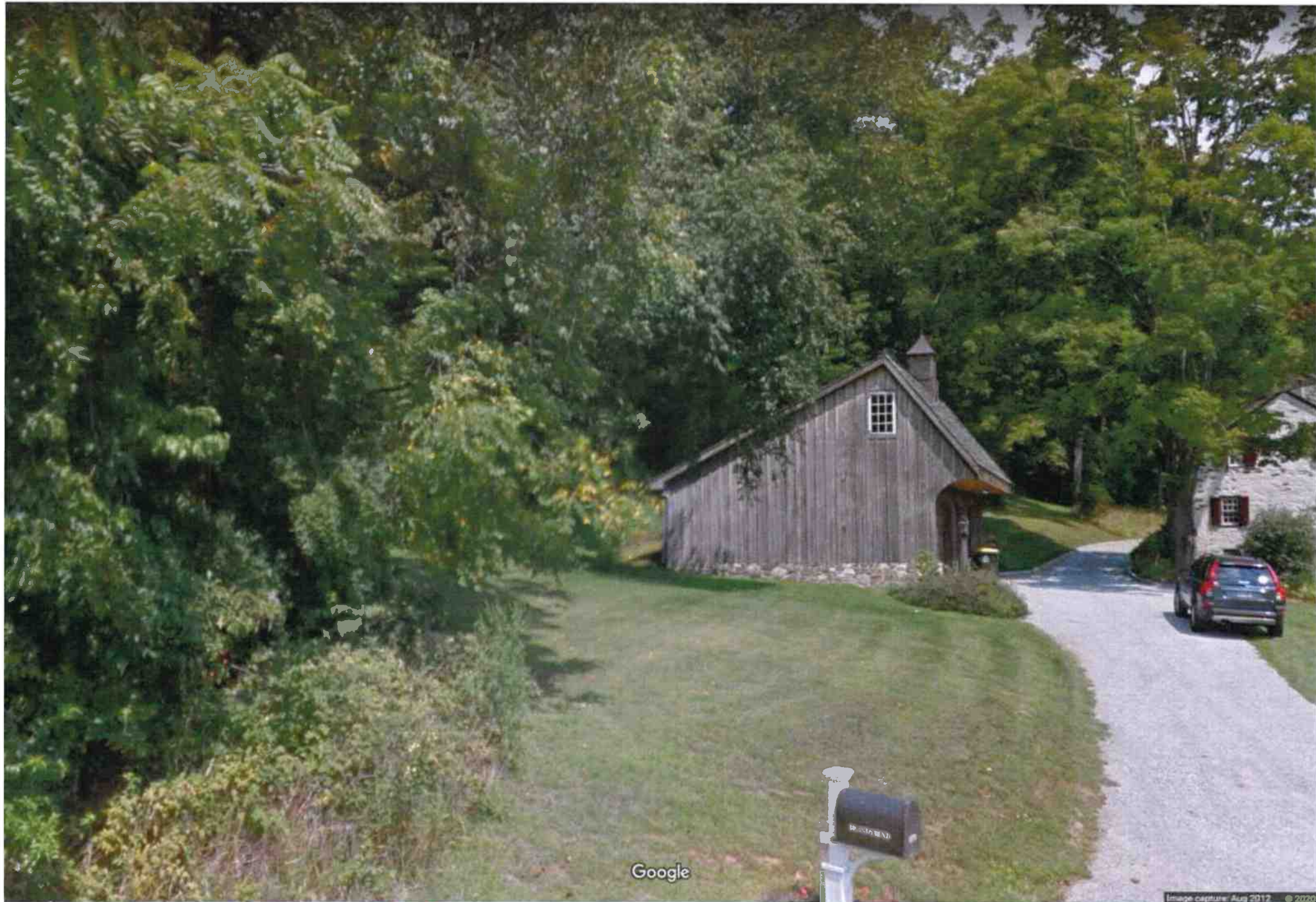
DATE	11/11/2020
SCALE	As Noted
DRAWN BY	JMD

DRAWING TITLE

ELEVATIONS

A-5

/@39.9344534,-75.6811343,3a,44.1y,39.41h,94.25t/data=!3m6!1e1!3m4!1sx__pIZNwUFMGf5x0Z1fVgwl2e0!7t1331218!6656



PHILADELPHIA GROUP

AFFIDAVIT OF PUBLICATION
390 Eagleview Boulevard • Exton, PA 19341

POCOPSON TOWNSHIP
PO BOX 1
POCOPSON, PA 19366
Attention:

STATE OF PENNSYLVANIA,
COUNTY OF CHESTER

The undersigned _____, being duly sworn the he/she is the principal clerk of Daily Local News, Daily Local News Digital, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

POCOPSON TOWNSHIP

Published in the following edition(s):

Daily Local News	01/04/21
Daily Local News	01/11/21
Daily Local News Digital	01/04/21
Daily Local News Digital	01/11/21

Sworn to the subscribed before me this _____.

Notary Public, State of Pennsylvania
Acting in County of Chester

NOTICE The Pocopson Township Board of Supervisors will consider the following application and all other matters that properly come before it at 6:30 p.m. on Wednesday, January 20, 2021: Applicant/Owner: David Shawn Koberg & Kathleen Halligan Koberg; Property: UPI No. 63-1-16, 20 N. Wawaset Road, Pocopson Township. In order to construct a single family home, garage and driveway, the applicants are seeking: (1) a conditional use under §250-17.C(9) to permit the home to be located 62 feet and the garage to be located 19 feet from the N. Wawaset Road right-of-way; (2) a conditional use approval under §250-17.C(10) to permit the garage to be located within the front yard setback, and (3) a conditional use approval under §250-70.D to extend the time period to secure permits for construction to one (1) year. Due to the COVID-19 pandemic, the hearing will be conducted via the virtual on-line platform Go-to-Meeting. Information on how to appear and participate remotely is available at www.pocopson.org. If any person who wishes to attend the hearings has a disability and/or requires an auxiliary aid, service or other accommodation to observe or participate in the proceeding, s/he should contact the Township at (610) 793-2151 to discuss how these needs may be accommodated.

Unruh, Turner, Burke & Frees,
Solicitor
DLN 1/4, 1/11; 1a

Advertisement Information

Client Id: 884436

Ad Id: 2110236

PO:

Sales Person: 018303

AFFIDAVIT OF POSTING

**DAVID S. AND KATHLEEN H. KOBERG
CONDITIONAL USE APPLICATION
POCOPSON TOWNSHIP**

I, Mark Knightly, hereby certify that I did post notice of a hearing of the Pocopson Township Board of Supervisors to consider the conditional use application of David S. and Kathleen H. Koberg. The property, located at 20 N. Wawaset Road, West Chester, Pennsylvania, more particularly described as Chester County Tax Parcel No. 63-1-16, was posted on 1-5-21. Photograph(s) of the posting(s) on the property are/is attached hereto and made a part hereof as Exhibit "A". A copy of said posted notice is attached hereto and made a part hereof as Exhibit "B".

This statement is made subject to the Penalties of 18 Pa C.S.A. Section 4904, relating to unsworn falsification to authorities.

Name: Mark Knightly

Title: Public Works Director

Sworn to and subscribed
before me this 5th
day of January, 2021.

Susan E. Simone
NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Susan E. Simone, Notary Public
Chester County
My commission expires March 18, 2024
Commission number 1152948
Member, Pennsylvania Association of Notaries

EXHIBIT "A"

Photograph(s) of Posting(s)

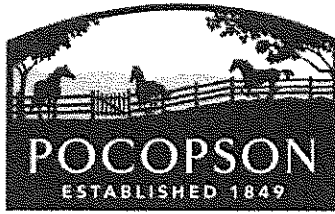


EXHIBIT "B"

NOTICE The Pocopson Township Board of Supervisors will consider the following application and all other matters that properly come before it at 6:30 p.m. on Wednesday, January 20, 2021: Applicant/Owner: David Shawn Koberg & Kathleen Halligan Koberg; Property: UPI No. 63-1-16, 20 N. Wawaset Road, Pocopson Township. In order to construct a single family home, garage and driveway, the applicants are seeking: (1) a conditional use under §250-17.C(9) to permit the home to be located 62 feet and the garage to be located 19 feet from the N. Wawaset Road right-of-way; (2) a conditional use approval under §250-17.C(10) to permit the garage to be located within the front yard setback, and (3) a conditional use approval under §250-70.D to extend the time period to secure permits for construction to one (1) year. Due to the COVID-19 pandemic, the hearing will be conducted via the virtual online platform Go-to-Meeting. Information on how to appear and participate remotely is available at www.pocopson.org. If any person who wishes to attend the hearings has a disability and/or requires an auxiliary aid, service or other accommodation to observe or participate in the proceeding, s/he should contact the Township at (610) 793-2151 to discuss how these needs may be accommodated.

Unruh, Turner, Burke & Frees
Township Solicitor

UPI	Owner 1	Owner 2	Local Address	Municipalit	Zip Code	Mailing Address 1	Mailing Address 2	Mailing Address 3
63-1-13	CCP UNIONVILLE-WAWASET TRU	JWP UNIONVILLE-WAWASE	1445 UNIONVILLE WAWASET	POCOPSON	19382	1511 UNIONVILLE-WAWASET RD	WEST CHESTER PA	
63-1-15	ELLIS GLENN JAMES &	NICOLE FACCIOLLI	10 N WAWASET RD	POCOPSON	19382	10 N WAWASET RD	WEST CHESTER PA	
63-1-16	KOBERG DAVID SHAWN	KOBERG KATHLEEN HALLIG	50 N WAWASET RD	POCOPSON	19382	825 BRINTONS BRIDGE RD	WEST CHESTER PA	
63-1-17	KOBERG DAVID SHAWN	KOBERG KATHLEEN HALLIG	130 N WAWASET RD	POCOPSON	19382	825 BRINTONS BRIDGE RD	WEST CHESTER PA	
63-1-18.4	BROWN ANDREW C	BROWN JANE C	129 N WAWASET RD	POCOPSON	19382	129 N WAWASET RD	WEST CHESTER PA	
63-1-19	SCHELLER ANNA A		65 N WAWASET RD	POCOPSON	19382	65 N WAWASET RD	WEST CHESTER PA	
63-1-20.1	HOFFMAN KIRK &	NANCI SHARON	15 N WAWASET RD	POCOPSON	19382	15 N WAWASET RD	WEST CHESTER PA	
63-1-23	BRAUTIGAM JOHN J &	MARVA L	1378 BRIDGE RD	POCOPSON	19380	1245 TELEGRAPH RD	WEST CHESTER PA	
63-1-26	GAROFALO JOHN A &	TERESA	5 S WAWASET RD	POCOPSON	19382	100 HICKORY HILL RD	WEST CHESTER PA	
63-1-50	BONNE CHANCE VACHE LLC		15 DAVIDSON RD	POCOPSON	19382	438 GROUNDHOG COLLEGE RD	WEST CHESTER PA	
63-1-51	MATTHEWS NANCY S		1436 UNIONVILLE WAWASET	POCOPSON	19382	1436 UNIONVILLE WAWASET RD	WEST CHESTER PA	
63-1-51.1	MATTHEWS NANCY S		1426 UNIONVILLE WAWASET	POCOPSON	19382	1436 UNIONVILLE WAWASET RD	WEST CHESTER PA	
63-1-18	COYNE MATTHEW D & LISA M					139 N. WAWASET RD	WEST CHESTER PA	19382
63-1-18.3	KANASKIE GREGORY A & ELISA M					133 N WAWAST RD	WEST CHESTER PA	19382
63-1-24	MCCLOSKEY KEVIN					1376 BRIDGE ROAD	WEST CHESTER PA	19382
63-1-25.1	WOODWARD LARRY A					1370 BRIDGE ROAD	WEST CHESTER PA	19382
63-1-25	1371 BRIDGE RD ASSOCIATES LLC					600 BRANDYWINE AVE. STE. 100	DOWNINGTOWN PA	19335
51-6-17.7	WOODWARD LARRY A	WOODWARD MARILYN M				1370 BRIDGE ROAD	WEST CHESTER PA	19382
51-6-17.11	MATT FRED C					1360 BRIDGE ROAD	WEST CHESTER PA	19382
63-1-21	ACCIAVATTI OLIVIA J					1377 BRIDGE ROAD	WEST CHESTER PA	19382
51-6-7.5	YOUNG KEVIN	KHAYAT NADIA				513 FRAZER LA	ASTON PA	19014
63-1-22	DOUGHERTY	HOLLY L				1373 BRIDGE RD	WEST CHESTER PA	19382
51-6-81	WOODWARD LARRY A					1371 BRIDGE RD	WEST CHESTER PA	19382
51-6-9	HILLENBRAND BARBARA JEANNE					1369 BRIDGE RD	WEST CHESTER PA	19382
51-6-7.7A	NASTASE ORAZIO A & KELLY A					1357 BRIDGE RD	WEST CHESTER PA	19382
63-1-20	YOUNG KEVIN	KHAYAT NADIA				513 FRAZER LA	ASTON PA	19014



P.O. Box 1, Pocopson PA 19366
Office: 610.793.2151 Fax: 610.793.1944
www.pocopson.org

MEMORANDUM

TO: Pocopson Township Planning Commission
FROM: Craig A. Kologie, AICP
DATE: December 31, 2020
RE: Koberg Conditional Use Application

PROJECT DATA

Owner/Applicant: David Shawn Koberg and Kathleen Halligan Koberg
Engineer: Herbert E. MacCombie, Consulting Engineers and Surveyors, Inc.
Application Date: December 17, 2020
Address: 20 North Wawaset Road / Tax ID 63-1-16

MATERIAL REVIEWED

1. Conditional Use Application for David Shawn Koberg and Kathleen Halligan Koberg, dated December 17, 2020.

PROJECT DESCRIPTION

The applicant proposes the construction of a single-family dwelling and detached garage on a 25.1-acre property located at 20 North Wawaset Road. A proposed driveway onto North Wawaset Road will provide access to the property. Water and sewer will be provided by on site systems.

The property contains areas of floodplain, wetlands and riparian areas that significantly reduce the area suitable for development. Subtracting these areas from the gross acreage as required by the code, results in a net lot area of 4.3 acres. This suitable development area is located in a narrow strip of land along the North Wawaset Road frontage.

Due to the location and configuration of the suitable development area, the applicant is seeking Conditional Use approval to allow for a reduction in setback requirements for the dwelling and the detached garage (accessory structure).

CONDITIONAL USE REQUEST

Section 250-17.C., containing general development siting criteria, allows that where approved by the Board of Supervisors as a conditional use, the Board may modify the applicability of one or more of the design objectives when satisfied that the applicable development plans considered shall result in the greatest practicable degree of conformance to the purposes of this article.

The applicant seeks the modification of the following three sections of Section 250-17.C. related to front yard setback requirements for the dwelling and accessory building.

1. Modification of Section 250-17.C.(9) to permit the dwelling to be located 62 feet from the edge of ROW of North Wawaset Road.
2. Modification of Section 250-17.C.(9) to permit the accessory building to be located 19 feet from the edge of ROW of North Wawaset Road.
3. Modification of Section 250-17.C.(10) to permit the accessory building to be located within the required front yard setback.

ZONING REQUIREMENT	REQUIRED	PROPOSED
§250-20		
LOT SIZE (AC.)	10 (MIN.)	24.451
NET LOT AREA (AC.)		4.3
LOT WIDTH AT BUILDING LINE (FT.)	200	1,130
STREET FRONTAGE (FT.)	100	1,170
REAR YARD (FT.)	50	500
BUILDING SETBACK FROM COLLECTOR RD. (FT.)	100	62*
ACCESSORY BUILDING SETBACK FROM COLLECTOR RD. (FT.)	125	19*
IMPERVIOUS COVERAGE	10% (MAX.)	4.4% (8,170 SF.)
BUILDING COVERAGE	5% (MAX.)	1.3% (2,520 SF.)
BUILDING HEIGHT (FT.)	35	<35
BUILDING SETBACK (FT.)	25	127
BUILDING SETBACK AGGREGATE (FT.)	75	1,090
§ 250-86 MINIMUM CONTIGUOUS LOT AREA (S.F.)	20,000	48,900
§ 250-87 CONSERVATION OF NATURAL FEATURES.		
FLOODPLAIN DISTURBANCE.	0% MAX.	0.0%
VERY STEEP SLOPES DISTURBANCE. [≈6,380 S.F.]	10% MAX. (638 S.F.)	
MODERATELY STEEP SLOPES DISTURBANCE. [≈37,580 S.F.]	25% MAX. (9,395 S.F.)	
STEEP SLOPE MARGINS DISTURBANCE.	25% MAX.	0.0%
RIPARIAN BUFFER'S INNER 50 FEET DISTURBANCE.	0% MAX.	0.0%
RIPARIAN BUFFER'S OUTER 50 FEET DISTURBANCE. [15,600 S.F.]	15% MAX. (2,340 S.F.)	0.0%

* CONDITIONAL USE APPROVAL MAY BE REQUIRED

Figure 1 - Zoning Requirement Table from Plan of Proposed Improvements

Additionally, the applicant is seeking an extended time frame in which to secure permits for the construction of the dwelling to one (1) year from the date of approval as opposed to the allotted six (6) months. The application references Section 250-70.D., but it appears the correct section reference is Section 250-70.C.(10).

CONDITIONAL USE REVIEW CRITERIA

In reviewing and acting upon an application for conditional use, the Board of Supervisors shall, in addition to applying the express standards and criteria of the chapter, evaluate the degree of compliance with the following standards:

- (a) The uses proposed shall be limited to those authorized as conditional uses within the district in which the lot or parcel is situated.

The conditional use approval sought is specifically authorized under sections 250-17 and 250-70.C.

- (b) The proposal shall be consistent with the Township Comprehensive Plan and Policy Plan and with the purpose of this chapter to promote the public health, safety, and general welfare.

The proposed residential use is consistent with the Township Comprehensive Plan and does not conflict with the promotion of public health, safety and general welfare.

- (c) The appropriate use, and the value, of the adjacent property will be safeguarded.

The proposed residential use is consistent with surrounding the surrounding land use.

- (d) The development, if more than one building, will consist of a harmonious grouping of buildings or other structures.

The architectural renderings and photographs of the proposed dwelling and detached garage represent a harmonious grouping of buildings.

- (e) If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this chapter shall be fully complied with at the completion of any stage.

Not applicable.

- (f) The demand created by the proposed use upon public services and facilities such as water supply, sewage disposal, police and fire protection, emergency services, open space and recreation facilities, and the public school system has been considered and, where necessary, adequate arrangements for expansion or improvement are assured.

The proposed single-family dwelling will not create additional demand on public services and facilities. However, given the limited suitable development area on the property, it is recommended that a replacement sewage disposal area be tested and protected from future disturbance.

- (g) The design and use of any new construction and the proposed change of design (if any) and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.

The design of the proposed dwelling and detached garage as depicted on the exhibits included with the application are compatible with the existing designs and uses in the immediate vicinity and are compatible with the character of the neighborhood.

RECOMMENDATIONS AND SUGGESTED CONDITIONS

In addition to the sections cited in the application, it is recommended that the CU application/approval also reference setback relief from the following Sections:

Section 250-94.B. - Accessory buildings, storage/utility structures and fences and walls.

- B. Accessory buildings and structures in residential districts that exceed 300 square feet of floor area but are less than 2,500 square feet of floor area and are not designed or used for temporary or regular human or animal habitation, including freestanding garages, shall be set back from the side and rear property lines a minimum distance equal to the height of the building at its highest point or 30 feet, whichever is greater, and shall comply with minimum front yard setbacks and Subsection C below.

Sections 250-20.C.(6), (7) & (8) - Conventional development option area and bulk standards.

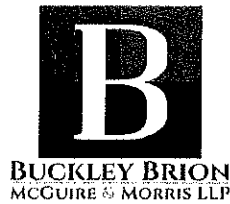
- (6) Minimum building setback from any residential street, including side yards where applicable: 50 feet.
- (7) Minimum building setback from any Township-designated arterial and collector roads, regardless of yard: 100 feet.
- (8) Minimum accessory building setbacks: 75 feet from all rights-of-way. No accessory buildings other than garages, springhouses, barns or animal sheds shall be located within 125 feet of any Township-designated arterial or collector road.

Section 250-70.C.(8)(a) provides for specific modifications to area and bulk requirements as might otherwise be applicable in the review and approval of a conditional use application.

The following conditions are offered for consideration by the Planning Commission to accompany a recommendation to the Board of Supervisors:

1. The architectural design of the dwelling and detached garage shall be consistent with the exhibits included with the conditional use application;
2. The placement of the dwelling and detached garage shall be consistent with the Plan of Proposed Improvements for Shawn Koberg, dated December 16, 2020;
3. The conditional use application should be revised to fill in the blanks with regard to details of the dwelling on page 1 of the application;
4. The application should be revised to include references to Sections 250-94.B. and 250-20.C.(6), (7) & (8) which specify setback requirements that will be impacted as part of the conditional use approval;
5. The reference to Section 250-70.D. on page 3 of the application referring to the time extension should be revised to reference Section 250-70.C.(10); and
6. Testing for a replacement sewage disposal must be completed and located on the site plan at the time of building permit application.

cc: Susan Simone, Township Secretary (via email only secretary@pocopson.org)
Amanda Sundquist, Esq., Township Solicitor (via email only asundquist@utbf.com)
Kristin Camp, Esq., PC Solicitor (via email only kcamp@buckleyllp.com)
Neil Land, Esq. (via email only nel@bfmlk.com)
Shawn Koberg, Applicant (via email only skoberg@comcast.net)



KRISTIN S. CAMP
p: 610.436.4400 Ext# 1050
f: 610.436.8305
e: kcamp@buckleyllp.com
118 W. Market Street, Suite 300
West Chester, PA 19382-2928

January 7, 2021

VIA ELECTRONIC MAIL

Board of Supervisors
Attn: Susan Simone, Administrative Secretary
Pocopson Township
Post Office Box 1
Pocopson, PA 19366

Re: 20 North Wawaset Road – Chester County Tax Parcel No. 63-1-16
Conditional Use Application for David and Kathleen Koberg

Dear Board Members:

The Planning Commission reviewed the above-referenced application at its meeting on January 6, 2021. Applicants seek to construct a single-family dwelling with four bedrooms and approximately 4,200 square feet and a detached garage on the above-referenced property located in the RA Residential Agricultural District to be used as their primary residence. The lot consists of approximately 25.1 acres but due to floodplain, wetlands, and riparian buffer areas, the area for the construction of the dwelling and garage are constrained. Applicants seek a conditional use pursuant to Section 250-17.C of the Zoning Ordinance which allows the Board to modify applicable design objectives and area and bulk requirements. Applicants seek the Board's approval to modify the following area and bulk requirements:

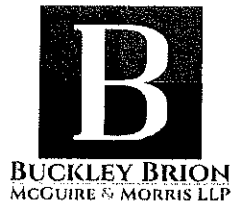
§250-17.C(9) which requires a 100-foot minimum front yard setback- Applicants propose to construct the dwelling 62 feet from the edge of the right of way of N. Wawaset Road;

§250-17.C(9) which requires a 100-foot minimum front yard setback- Applicants propose to construct the detached garage 19 feet from the edge of the right of way of N. Wawaset Road; and

§250-17.C(10) to allow the detached garage to be located within the required front yard setback.

Applicants also seek a period of one year (as opposed to six months permitted under 250-70.C(10)) to secure a use and occupancy permit for the dwelling and garage.

Craig Kologie noted that Applicants also need the Board's approval to modify the following area and bulk requirements:



Board of Supervisors
Attn: Susan Simone, Administrative Secretary
January 7, 2021
Page 2

§250-94.B which requires an accessory building in a residential district that exceeds 300 square feet of floor area but less than 2500 square feet of floor area to be set back from the side and rear property lines a minimum distance equal to the height of the building at its highest point or 30 feet whichever is greater;

§250-20.C(6) which establishes a minimum building setback from any residential street of 50 feet when using the conventional development option;

§250-20.C(7) which establishes a minimum building setback from any Township designated arterial and collector road of 100 feet when using the conventional development option; and

§250-20.C(8) which establishes a minimum accessory building set back of 75 feet from all rights of way when using the conventional development option.

The Planning Commission supported the conditional use and proposed modifications outlined above subject to Applicant complying with all conditions set forth in Craig Kologie's Memorandum dated December 31, 2020.

If you have any questions on the Planning Commission's recommendation, please contact me.

Very truly yours,


Kristin S. Camp

cc: via email
Amanda Sundquist, Esquire (asundquist@UTBF.com)
Craig Kologie, AICP (cakologie@casval.com)
Neil E. Land, Esquire (nel@bfmlk.com)