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October 24, 2022

Neil E. Land, Esquire
Brutscher Foley Milliner Land & Kelly LLP
213 East State Street
Kennett Square, PA 19348

POCOPSON TOWNSHIP
RECEIVED

OCT 26 2022

Mr. Saurabh Sarker
552 Clearview Road
West Chester, PA 19382

**Re: Pocopson Township Zoning Hearing Board
Application of Saurabh Sarker
552 Cleaview Road, UPI No. 63-3-65**

Dear Mr. Land and Mr. Sarker:

Enclosed herewith please find the formal Decision and Order of the Pocopson Township Zoning Hearing Board for its decision rendered on September 27, 2022.

Very truly yours,

Robert C. Jefferson

Robert C. Jefferson, IV,
Alternate Solicitor for Pocopson Township ZHB

RCJ/ams
Enclosure
cc w/ enc:

Sue Simone, Township Secretary
Amanda J. Sundquist, Esquire
Kristin S. Camp, Esquire
Craig Kologie, AICP
Robert L. Johnston, P.E.

**BEFORE THE ZONING HEARING BOARD OF POCOPSON TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

In re: Application of Saurabh Kumar Sarker seeking a variance from §250-19.C(5)(a)(Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition that will encroach approximately 17.5 feet into the minimum required 40-foot front yard setback; a special exception pursuant to §250-19.C(4) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition that will increase building coverage on the lot from 8.8% to 11.2%, where the maximum permitted building coverage is otherwise 10%; a special exception pursuant to §250-19.C(3)(Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition and driveway that will increase impervious coverage on the lot from 14.8% to 16.1%, where the maximum permitted impervious coverage is otherwise 15%; and a variance from §250-80 (Expiration of approval for special exception or variance) of the Zoning Ordinance to extend the expiration of any granted zoning relief to one or two years,¹ where the granted zoning relief otherwise expires in six months.

Decision and Order

I. PROCEDURAL HISTORY

On or about May 6, 2022, Saurabh Kumar Sarker (“Applicant”) filed an application with the Pocopson Township Zoning Hearing Board (“Board”) seeking a variance from §250-19.C(5)(a)(Area and bulk regulations for residential uses on preexisting parcels) of the Pocopson Township Zoning Ordinance (“Zoning Ordinance”) to permit the construction of a garage addition that will encroach approximately 17.5 feet into the minimum required 40-foot front yard setback; a special exception pursuant to §250-19.C(4) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition that will increase building coverage on the lot from 8.8% to 11.2%, where the maximum permitted building coverage is otherwise 10%; a special exception pursuant to §250-19.C(3)(Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the

¹ The Applicant originally requested a one-year expiration period. During the course of the hearing, the Applicant orally modified his application to request a two-year expiration period.

construction of a garage addition and driveway that will increase impervious coverage on the lot from 14.8% to 16.1%, where the maximum permitted impervious coverage is otherwise 15%; and a variance from §250-80 (Expiration of approval for special exception or variance) of the Zoning Ordinance to extend the expiration of any granted zoning relief to one or two years, where the granted zoning relief otherwise expires in six months, for the property located at 552 Clearview Road, Pocopson Township, Chester County, Pennsylvania (UPI No. 63-3-65), in the RA – Residential and Agricultural District of Pocopson Township (“Property”).

On September 7, 2022, the Pocopson Township Planning Commission voted to recommend that the Board approve the application and all requested relief. *See* Exhibit B-7. On September 26, 2022, the Pocopson Township Board of Supervisors voted to recommend that the Board grant the requested relief, subject to the following conditions:

1. The Applicant shall comply with all requirements of the Township Engineer’s review letter of September 2, 2022.
2. The Applicant shall comply with all federal, state, county and Township statutes, regulations and ordinances.
3. The Applicant shall obtain all required permits and approvals.

See Exhibit B-8. After public notice in accordance with the Pennsylvania Municipalities Planning Code (the “MPC”), the hearing on the subject application was convened on Tuesday, September 27, 2022, at 7:00 p.m. Members Nathan Wilson, David H. Ziegler, Sr., and Georgia Brutscher heard the application for the Board. A stenographic record of the hearing was kept. The Board was represented by Robert C. Jefferson, Esquire. The Applicant was represented by Mr. Neil E. Land, Esquire. No other parties appeared of record.

During the course of the hearing, the Board marked and admitted the following exhibits into evidence:

- Exhibit B-1: Notice of hearing scheduled for September 27, 2022;

- Exhibit B-2: Proof of publication of the notice in the Daily Local News on September 6, 2022 and September 13, 2022;
- Exhibit B-3: Proof of posting of notice of hearing on the Property;
- Exhibit B-4: Proof of mailing of notice and a list of individuals to whom notice was mailed; Letter, dated September 1, 2022, from Robert C. Jefferson, Esquire, to Mr. Neil E. Land, Esquire, and certified mail receipt;
- Exhibit B-5: Tax parcel map depicting the location of the Property;
- Exhibit B-6: The Pocopson Township Zoning Ordinance, by reference;
- Exhibit B-7: Letter, dated September 12, 2022, from Kristin S. Camp, Esquire, containing the recommendation of the Pocopson Township Planning Commission; and
- Exhibit B-8: Letter, dated September 27, 2022, from Amanda J. Sundquist, Esquire, containing the recommendation of the Pocopson Township Board of Supervisors.

The hearing was duly convened, and the Applicant presented evidence in support of the subject application. During the course of the hearing, the Applicant offered the following exhibits, which were admitted into evidence:

- Exhibit A-1: Deed to the Property, dated October 21, 2016;
- Exhibit A-2: ChescoViews image depicting the location of the Property:
 - Zoomed out;
 - Zoomed medium;
 - Zoomed in;
- Exhibit A-3: Photographs depicting the following:
 - The front of the dwelling on the Property viewed from Clearview Drive;
 - The corner of the dwelling on the Property viewed from the intersection of Clearview Drive and Lenni Drive;
 - The front of the dwelling on the Property viewed from Lenni Drive;
- Exhibit A-4: Renderings consisting of the following:
 - The entire first floor of the dwelling on the Property with dimensions and the proposed garage (half sheet of paper);

- A three-dimensional model of the dwelling on the Property showing the proposed extension, setbacks, driveway dimensions, and different parts of the existing dwelling;

Exhibit A-5: Letters of support from the following individuals:

- Kevin and Beverly O’Sullivan (1659 Lenni Drive);
- William L. Dailey (1651 Lenni Drive);
- Frank D. and Lois A. Didomenico (1650 Lenni Drive);
- Frances Nather (575 Clearview Drive);

Exhibit A-6: Curriculum vitae of Mark Padula, P.E.;

Exhibit A-7: Zoning Exhibit prepared by Padula Engineering, dated August 12, 2022 (Sheet No. 1 of 1); and

Exhibit A-8: Existing Features Plan prepared by Padula Engineering, dated August 1, 2022 (Sheet No. 1 of 1).

At the conclusion of the hearing on September 27, 2022, the Board deliberated, reconvened in public, and unanimously voted to grant the Applicant’s requests for a variance from §250-19.C(5)(a)(Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance; a special exception pursuant to §250-19.C(4) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance; and a special exception pursuant to §250-19.C(3)(Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance. Furthermore, the Board unanimously voted to deny the Applicant’s request for a variance from §250-80 (Expiration of approval for special exception or variance) of the Zoning Ordinance.

II. FINDINGS OF FACT

1. The Applicant purchased the Property on October 21, 2016. *See* Exhibit A-1.
2. The subject property is located at 552 Clearview Drive, Pocopson Township, Pennsylvania, being UPI No. 63-3-65, and is located in the RA – Residential and Agricultural District of the Township. *See* Exhibits A-2, A-4, A-7, A-8, B-1, and B-5.

3. The Property measures approximately 23,452 square feet (0.538 acres) in gross area. *See Exhibits A-7 and A-8.*

4. Section 250-19.C(5)(a) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance provides, in relevant part, that the minimum front yard setback for property located in the RA – Residential Agricultural District of the Township shall be 40 feet. *See Exhibit B-6.*

5. Section 250-19.C(4) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance provides that:

Maximum building coverage per lot: 10% except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum building coverage on a lot of less than one acre may be increased to 20%, so long as any increase in total impervious coverage beyond 15% meets the criteria set forth in Subsection C(3) above.

See Exhibit B-6. The referenced Subsection C(3) is §250-19.C(3). See Exhibit B-6.

6. Section 250-19.C(3) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance provides that:

Preexisting parcels less than two net acres in area. Parcels or lots existing prior to the adoption of these provisions and comprising less than two net acres in area may not be further subdivided. Where such lots resulted from development under previously applicable PRD or cluster development provisions, such provisions as recorded in applicable subdivision/land development plans shall apply. In all other cases, the following shall apply:

- 3) Maximum impervious coverage per lot: 15% of net acreage except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum impervious coverage may be increased to no more than 30% of the net acreage, subject to the following:
 - (a) The sewage system shall be certified adequate for the size of the dwelling by the Chester County Health Department.
 - (b) The Township Engineer shall certify that adequate stormwater recharge or storage facilities exist or shall be installed to handle all roof drainage and resolve any existing problems and any increase in runoff.

- (c) No such increase in impervious coverage shall be permitted where any building requiring such increase shall require the installation of a sand-mound or other nonconventional sewage system on a substandard lot of less than one acre.

See Exhibit B-6.

7. Section 250-80 (Expiration of approval for special exception or variance) of the Zoning Ordinance provides that “[a]ny approval of a special exception or variance request shall be deemed null and void six months from the date of such approval if, within that period, no application is made for a building permit, a certificate of occupancy, or subdivision or land development approval, as appropriate, unless the Board shall grant an extension.” *See Exhibit B-6.*

8. The Applicant and Mark Padula, who was admitted as an expert in the field of civil engineering, testified on behalf of the subject application. *See Exhibit A-6.*

9. The Property has a generally rectangular shape and contains frontage along both Lenni Drive and Clearview Drive. Thus, the Property is a corner lot. *See Exhibits A-2, A-3, A-7, A-8, and B-5.*

10. The Property is bordered on its side and to the rear by single-family detached dwellings. *See Exhibits A-2 and B-5.*

11. The Property is currently improved with a single-family detached dwelling with a one-car attached garage, decks, a paved driveway, flagstone walkways, water well, septic system, and other attendant improvements. *See Exhibits A-2, A-3, A-7, A-8, B-1, and B-5.*

12. The Lenni Drive front yard setback for the Property currently measures approximately 40.6 feet. *See Exhibits A-7 and A-8.*

13. The Property currently contains approximately 8.8% (2,060 square feet) building coverage and 14.8% (3,472 square feet) impervious coverage. *See Exhibits A-7 and A-8.*

14. The Applicant proposes to construct a new garage addition onto the existing attached garage of the dwelling located on the Property. *See Exhibits A-4, A-7, B-1, B-2, and B-7.*

15. The garage addition will have a rectangular shape, a depth measuring approximately 20 feet, and width measuring approximately 29 feet (580 square feet). The height of the garage addition will match the height of the existing garage. *See Exhibits A-4 and A-7.*

16. The garage addition will have two garage bays that will be utilized to store the Applicant's personal vehicles. *See Exhibit A-4.*

17. The Applicant will remove a portion of the existing driveway from the Property and add a new portion of driveway in order access both garage bays. *See Exhibit A-7.*

18. During the course of the hearing, the Applicant testified that the old garage will be utilized for storage and will not be converted into living space with heat.

19. After the construction of the garage addition, the Lenni Drive front yard setback for the Property will be reduced from 40.6 feet to 22.5 feet. *See Exhibit A-7.*

20. After the construction of the garage addition, the Property will contain approximately 11.2% (2,632 square feet) of building coverage and approximately 16.1% (3,768 square feet) of impervious coverage. *See Exhibit A-7.*

21. On the record, the Applicant agreed with comply with the requirements contained within the Township Engineer's review letter, dated September 2, 2022.

22. The following neighbors wrote letters of support on behalf of the Applicant's proposed garage addition: Kevin and Beverly O'Sullivan (1659 Lenni Drive); William L. Dailey (1651 Lenni Drive); Frank D. and Lois A. Didomenico (1650 Lenni Drive); and Frances Nather (575 Clearview Drive). *See Exhibit A-5.*

23. The Pocopson Township Board of Supervisors and Planning Commission expressed support for the subject application. *See* Exhibits B-7 and B-8.

III. DISCUSSION

In reviewing requests for special exceptions, the Board is guided by the general criteria for special exceptions set forth in §250-79.C (Special exceptions) of the Zoning Ordinance, which provides as follows:

- C. The Board shall hear and decide all requests for special exceptions, as identified within this chapter, and shall review all applications for specific compliance with the following objective standards and criteria and with all other applicable requirements of this chapter. In seeking approval for a special exception, the applicant shall demonstrate that, if granted, the requested use or activity will not result in unduly or unusually negative impacts beyond those normally associated with such a use or activity.
 - 1) Suitability of the tract. Demonstration by the applicant of the suitability of the proposed tract, including, as applicable, environmental conditions, highway access, means of sewage disposal, and water supply, and demonstration by the applicant of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
 - 2) Impact on existing neighborhood character. Demonstration by the applicant of the extent to which the proposed special exception:
 - (a) Will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures;
 - (b) Will, in terms of the character and type of development in the area surrounding the location of the proposed special exception, constitute an appropriate use in the area.
 - 3) Impact on circulation. Demonstration by the applicant that the proposed special exception will have no undesirable impacts on traffic patterns and volumes, access and parking.
 - 4) Economic impact evaluation by the applicant of the character and type of development proposed in terms of generating

revenue for the Township and imposing demands on municipal services. In addition, the Board shall give general consideration to the size, scope, extent, and character of the proposed special exception and to its consistency with the purposes and objectives of the Pocopson Township Comprehensive Plan, including protection and promotion of the public health, safety and welfare.

See Exhibit B-6. In consideration of the general special exception standards, and based on a careful review of the evidence presented to the Board, the Board determines that the Applicant has met the requirements of the Zoning Ordinance for the requested special exceptions pursuant to §250-19.C(5)(a) and §250-19.C(4) of the Zoning Ordinance. The Board concludes that the Property is suitable for the proposed garage addition and that the proposed garage addition will not unduly alter the character of the existing neighborhood because the Property already contains an attached garage. The proposed garage addition will not have an undesirable impact on traffic patterns and volumes, access and parking because the Applicant will utilize the garage addition for his personal vehicles. Thus, the Applicant has satisfied the general special exception requirements.

In addition to the general criteria, the Board is guided by the more specific special exception criteria contained in §250-19.C(3) (area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance, which provides as follows:

3. Maximum impervious coverage per lot: 15% of net acreage except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum impervious coverage may be increased to no more than 30% of the net acreage, subject to the following:
 - (a) The sewage system shall be certified adequate for the size of the dwelling by the Chester County Health Department.
 - (b) The Township Engineer shall certify that adequate stormwater recharge or storage facilities exist or shall be installed to handle all roof drainage and resolve any existing problems and any increase in runoff.

- (c) No such increase in impervious coverage shall be permitted where any building requiring such increase shall require the installation of a sand-mound or other nonconventional sewage system on a substandard lot of less than one acre.

See Exhibit B-6.

In consideration of the specific special exception standards, and based on a careful review of the evidence presented, the Board determines that the Applicant has satisfied the specific special exception criteria. The Applicant presented credible evidence that he will certify with the Chester County Health Department that the sewage system will be adequate. The Applicant agreed to certify with the Township Engineer that the stormwater recharge or storage facilities shall be adequate to handle any increased runoff. Finally, a sand-mound or other nonconventional sewage system was not proposed as a part of the construction of the garage addition. Thus, the Applicant has satisfied the more specific special exception requirements.

In reviewing a request for a variance, the Board is guided by the general criteria for a variance set forth in §250-78.A(5), which provides as follows:

- 5) Upon completion of the public hearing, the Board may grant a variance, provided the procedures specified above are met and the following findings are made where relevant in a given case:
 - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located;
 - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

- (c) That such unnecessary hardship has not been created by the applicant;
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

See Exhibit B-6. In addition to the above-referenced criteria, the courts of the Commonwealth of Pennsylvania have interpreted dimensional variance requests. When seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations. *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43, 47 (Pa. 1998). Thus, the grant of a dimensional variance is of lesser moment. *Id.* To justify the grant of a dimensional variance, courts may consider multiple factors. *Id.* at 48.

In consideration of the standards and case law set forth, and based on a careful review of the evidence presented to the Board, the Board determines that the Applicant has met the requirements of the Zoning Ordinance for the requested §250-19(C)(5)(a) of the Zoning Ordinance. The proposed garage addition will not alter the essential character of the neighborhood in which the Property is located. The Property is located in a residential district of the Township and shall remain a residential use after the construction of the garage addition. Further, the Property is already improved with an attached garage. The Applicant agreed to comply with the Township Engineer's letter, dated September 2, 2022, which states that the Applicant must certify that adequate stormwater recharge or storage facilities exist or shall be installed to handle any increased runoff. Thus, stormwater management will be addressed. The Pocopson Township Board of

Supervisors, Pocopson Township Planning Commission, and the Applicant's neighbors all expressed support for the Applicant's proposed improvements and requests. Based on the totality of the circumstances, the Board is satisfied that the variance request from §250-19(C)(5)(a) of the Zoning Ordinance represents the minimum that will afford relief.

Accordingly, the Applicant's request for a variance from §250-19.C(5)(a) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition that will encroach approximately 17.5 feet into the minimum required 40-foot front yard setback; a special exception pursuant to §250-19.C(4) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition that will increase the building coverage on the lot from 8.8% to 11.2%, where the maximum permitted building coverage is otherwise 10%; and a special exception pursuant to §250-19.C(3) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition and driveway that will increase the impervious coverage on the lot from 14.8% to 16.1%, where the maximum permitted impervious coverage is otherwise 15%, for the property located at 552 Clearview Drive, Pocopson Township, Chester County, Pennsylvania (UPI No. 63-3-65), in the RA – Residential and Agricultural District of the Township shall be GRANTED, subject to the conditions contained in the following Order.

Finally, the Applicant sought a variance from §250-80 (Expiration of approval for special exception or variance) of the Zoning Ordinance. The Board concludes that the Applicant has not presented sufficient evidence justifying relief from the aforementioned section. Section 250-80 of the Zoning Ordinance provides that “[a]ny approval of a special exception or variance request shall be deemed null and void six months from the date of such approval if, within that period, no

application is made for a building permit, a certificate of occupancy, or subdivision or land development approval, as appropriate, unless the Board shall grant an extension.” The plain language of the aforementioned ordinance states a special exception or variance will expire if no application is made for a building permit within six months. The plain language of the ordinance does not state that construction must commence nor be completed within six months. The Board was not presented with evidence that the Applicant could not at least apply for a building permit within six months. Accordingly, the Applicant’s request for a variance from §250-80 of the Zoning Ordinance to extend the expiration of any granted zoning relief to one or two years for the property located at 552 Clearview Drive, Pocopson Township, Chester County, Pennsylvania (UPI No. 63-3-65), in the RA – Residential and Agricultural District of the Township shall be DENIED.

IV. CONCLUSIONS OF LAW

1. The hearing was duly advertised, all required notices were given, and the hearing was duly convened.

2. The Board has jurisdiction over this matter.

3. The Applicant has demonstrated that he is entitled to a variance from §250-19(C)(5)(a) of the Zoning Ordinance; a special exception pursuant to §250-19.C(3) of the Zoning Ordinance; and a special exception pursuant to §250-19(C)(4) of the Zoning Ordinance.

4. The Applicant has not demonstrated that he is entitled to a variance from §250-80 (Expiration of approval for special exception or variance) of the Zoning Ordinance.

5. The Applicant, and his successors and assigns, shall be, and remain bound by the agreed conditions of approval as set forth in the Board’s Order, below.

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

V. ORDER

AND NOW, this 27th day of September, 2022, upon consideration of the application of Saurabh Sarker, seeking a variance from §250-19.C(5)(a)(Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition that will encroach approximately 17.5 feet into the minimum required 40-foot front yard setback; a special exception pursuant to §250-19.C(4) (Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition that will increase building coverage on the lot from 8.8% to 11.2%, where the maximum permitted building coverage is otherwise 10%; and a special exception pursuant to §250-19.C(3)(Area and bulk regulations for residential uses on preexisting parcels) of the Zoning Ordinance to permit the construction of a garage addition and driveway that will increase impervious coverage on the lot from 14.8% to 16.1%, where the maximum permitted impervious coverage is otherwise 15%, for the property located at 552 Clearview Drive, Pocopson Township, Chester County, Pennsylvania (UPI No. 63-3-65), in the RA – Residential and Agricultural District of the Township, IT IS HEREBY ORDERED that the application shall be GRANTED, subject to the following conditions:

1. All representations made by the Applicant and his expert on the record at the hearing with respect to the Property, proposed development, and the application are binding as conditions to this approval.
2. The Applicant shall comply with all requirements of the Township Engineer's review letter, dated September 2, 2022.
3. The Applicant shall comply with all other federal, state, county and Township statutes, regulations and ordinances.
4. The Applicant shall obtain all required permits and approvals.

FURTHERMORE, upon consideration of the application of Saurabh Sarker requesting a variance from §250-80 (Expiration of approval for special exception or variance) of the Zoning Ordinance to extend the expiration of any granted zoning relief to one or two years, where the granted zoning relief otherwise expires in six months, for the property located at 552 Clearview Drive, Pocopson Township, Chester County, Pennsylvania (UPI No. 63-3-65), in the RA – Residential and Agricultural District of the Township, IT IS HEREBY ORDERED that the application shall be DENIED.

**POCOPSON TOWNSHIP
ZONING HEARING BOARD**

Nathan Wilson

Nathan Wilson, Member

David H. Ziegler, Sr.

David H. Ziegler, Sr., Member

Georgia Brutscher

Georgia Brutscher, Member

***[SIGNATURE PAGE TO THE ZONING HEARING BOARD DECISION, DATED
SEPTEMBER 27, 2022, ON THE APPLICATION OF SAURABH SARKER]***

**BEFORE THE ZONING HEARING BOARD OF POCOPSON TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

In re: Application of Saurabh Kumar Sarker seeking a variance from §250-19.C(5)(a)(Minimum front and rear yard setbacks) to permit the construction of a garage addition which will encroach approximately 17.5 feet into the required 40 feet front yard setback; Special exception pursuant to §250-19.C(4)(Maximum building coverage per lot) to permit the construction of a garage addition and driveway which will increase building coverage on the lot from 8.8% existing lot coverage to 11.2% lot coverage where the maximum permitted lot coverage is 10%; Special exception pursuant to §250-19.C(3)(Maximum impervious coverage per lot) to permit the construction of a garage addition and driveway which will increase impervious coverage on the lot from 14.8% existing impervious coverage to 16.1% impervious coverage where the maximum permitted impervious coverage is 15%; Variance from §250-80 (Expiration of approval for special exception or variance) to extend the expiration any granted zoning relief to one or two years, where the granted zoning relief otherwise expires in six months; and any other relief that may be necessary.

CERTIFICATE OF MAILING

The undersigned hereby certified that a true and correct copy of the foregoing Decision and Order has been served upon the following individuals in the manner indicated below this 24th day of October, 2022.

Service by First Class Mail, address as follows:

Mr. Saurabh Sarker
552 Clearview Road
West Chester, PA 19382

Neil E. Land, Esquire
213 East State Street
Kennett Square, PA 19348

Pocopson Township Board of Supervisors
Attn: Susan Simone, Township Secretary
P.O. Box 1
Pocopson, PA 19366

Kristin S. Camp, Esquire
Buckley, Brion, McGuire & Mooris, LLP
118 West Market Street, Suite 300
West Chester, PA 19382

Amanda J. Sundquist, Esquire
Unruh, Turner, Burke & Frees, PC
17 West Gay Street, Suite 200
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West Chester, PA 19380

Craig Kologie, AICP
Code Enforcement Officer
Castle Valley Consultants
1011 Daisy Point Road
Pottstown, PA 19465
Email only: craig@casval.com

Gilmore & Associates, Inc.
Attn: Mr. Robert L. Johnston, P.E.
119 East Linden Street
Kennett Square, PA 19348

GAWTHROP GREENWOOD, PC

By: Robert C. Jefferson, IV
Robert C. Jefferson IV.
Alternate Solicitor for the
Pocopson Township Zoning Hearing Board

*[SIGNATURE PAGE TO THE CERTIFICATE OF MAILING FOR THE APPLICATION OF
SAURABH SARKER]*