

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

IN RE: Application of Raymond P. Gamble and Terry J. Gamble, concerning property owned by Sheila Bowie, seeking: (i) a special exception pursuant to Zoning Ordinance Section 250-19.C.(4) to permit building coverage exceeding 10% but less than 20% on a pre-existing parcel that is less than 2 net acres in area so as to increase existing building coverage from 7.8% to 13%; (ii) a special exception pursuant to Ordinance Section 250-87.M.(3) to allow modification of the natural resources conservation standards outlined in Section 250-87.B.(8) and Section 250-87.D.(1)(b) to permit greater than 25% disturbance of steep slope margins on the property so as to disturb approximately 47.6% of the 3,336 square feet of steep slope margins; (iii) a variance from Ordinance Section 250-86 to permit an individual on-lot sewage system on a lot having less than the required 20,000 square feet of contiguous area; (iv) a variance from Ordinance Section 250-17.D.(5)(b) to permit an individual on-lot sewage system with only one drainage field; (v) a variance from Ordinance Section 250-85.D.(1) to permit expansion of the existing nonconforming building by approximately 90%, where 50% is the maximum permitted, so as to allow an addition of 930 square feet of habitable floor area for a total of 1,973 square feet of habitable floor area; (vi) a variance from Ordinance Section 250-85.D.(2) to permit expansion of the existing nonconforming building without complying with the requirements of Zoning Ordinance Section 250-86; (vii) a special exception to allow the enlargement of a lawful nonconforming building on a lawful nonconforming lot, pursuant to Ordinance Section 250-85.D(3); and (viii) a variance from Ordinance Sections 250-17.C.(9) and 250-19.C.(5)(b) to allow the construction of a deck partially within the required front yard setback, but no closer to the road than the existing dwelling, and such other relief as may be required so as to permit an addition to the existing dwelling, and deck, replacement of the septic system, and reconfiguration of the existing driveway on property located at 1861 Lenape Road, West Chester, PA (UPI #63-3-145) in the Township's RA-Residential Agricultural District zoning district.

DECISION AND ORDER

I. PROCEDURAL HISTORY:

On or about July 26, 2023, the Applicants filed an application to the Pocopson Township Zoning Hearing Board (the "Board" or "ZHB"), seeking: (i) a special exception pursuant to Zoning Ordinance Section 250-19.C.(4) to permit building coverage exceeding 10% but less than 20% on a pre-existing parcel that is less than 2 net acres in area so as to increase existing building coverage from 7.8% to 13%; (ii) a special exception pursuant to Ordinance Section 250-87.M.(3) to allow modification of the natural resources conservation standards outlined in Section 250-87.B.(8) and Section 250-87.D.(1)(b) to permit greater than 25% disturbance of steep slope margins on the property so as to disturb approximately 47.6% of the 3,336 square feet of steep slope margins; (iii) a variance from Ordinance Section 250-86 to permit an individual on-lot sewage system on a lot having less than the required 20,000 square feet of contiguous area; (iv) a variance from Ordinance Section 250-17.D.(5)(b) to permit an individual on-lot sewage system with only one drainage field; (v) a variance from Ordinance Section 250-85.D.(1) to permit expansion of the existing nonconforming building by approximately 90%,

where 50% is the maximum permitted, so as to allow an addition of 930 square feet of habitable floor area for a total of 1,973 square feet of habitable floor area; (vi) a variance from Ordinance Section 250-85.D.(2) to permit expansion of the existing nonconforming building without complying with the requirements of Zoning Ordinance Section 250-86; (vii) a special exception to allow the enlargement of a lawful nonconforming building on a lawful nonconforming lot, pursuant to Ordinance Section 250-85.D(3); and (viii) a variance from Ordinance Sections 250-17.C.(9) and 250-19.C.(5)(b) to allow the construction of a deck partially within the required front yard setback, but no closer to the road than the existing dwelling, and such other relief as may be required so as to permit an addition to the existing dwelling, and deck, replacement of the septic system, and reconfiguration of the existing driveway on property located at 1861 Lenape Road, West Chester, PA (UPI #63-3-145) in the Township's RA-Residential Agricultural District zoning district.

Prior to the first hearing, the Applicants corrected their calculations and are actually requesting approval for expansion of the existing nonconforming building by 90% so as to allow the addition of 930 square feet of habitable floor area.

After public notice in accordance with the *Pennsylvania Municipalities Planning Code (the "MPC")*¹, the hearing was convened on the evening of September 21, 2023, at 7:00 p.m.² The Applicants were ably represented by Gina Gerber, Esq. of Riley, Riper, Hollin and Colagreco.

At the hearing, Township residents Sharon and Jim Hertz of 1875 Lenape Road, West Chester, PA 19382 and Samuel Rosauri of 3 Deblyn V. Lane, West Chester, PA 19382 appeared and requested "party" status, which was granted. Both supported the application.

The Board placed exhibits into the Record to document compliance with all advertising and notice requirements as follows:

- B-1 Applicants' Application with all attachments.
- B-2 Chester County tax parcel map/aerial photograph of the subject Property.
- B-3 Copy of official Notice of Hearing, as published, posted and mailed to parties.
- B-4 Proof of Publication showing publication in the Chester County Press on August 30, 2023 and September 6, 2023.
- B-5 Verification of Posting the Notice on the subject property.
- B-6 Verification of Mailing the Notice to neighboring property owners.
- B-7 Copy of position statement of the Township Historical Committee dated

¹ Act of 1968, P.L. 805, No. 247; reenacted and amended December 21, 1988, P.L. ____, No. 170, 53 P.S. §10101 et seq. as amended.

² The Zoning Hearing Board was comprised of James H. Noon, Jr., Chairman, Nathan Wilson, member, and David H. Ziegler, Sr., member.

August 15, 2023.

- B-8 Copy of Township Planning Commission position statement.
- B-9 August 21, 2023, Zoning review letter from the Township engineers.
- B-10 August 29, 2023, Position Statement from the Township Board of Supervisors, including suggested conditions on any approval.
- B-11 Copy of correspondence from the Pinkneys, of 1051 Ballintree Lane, West Chester, PA, expressing opposition/concerns, together with copy of tax parcel map showing their adjacent property.
- B-12 August 29, 2023, letter of support from neighbor Samuel Rosauri, together with copy of tax parcel map showing his neighboring property location.
- B-13 (In the event of any appeal) Copy of Township Zoning Ordinances in effect on the date of the Application/Appeal.

The Board also admitted Township Exhibit T-1 into evidence, being a copy of the Township Solicitor's letter of August 29, 2023, stating the Board of Supervisors' position, including suggested conditions to be imposed on any approval.

In addition, the Applicants introduced the following exhibits:

- A-1 Zoning Hearing Board Application, including enclosure letter, Application and Narrative Addendum dated July 26, 2023 and Exhibit Plan – Net Tract Area prepared by Hillcrest Associates, dated April 17, 2023 and last revised July 20, 2023 (1 sheet).
- A-2 Supplement to Zoning Hearing Board Application dated August 14, 2023.
- A-3 Pocopson Township Zoning Ordinance of 1972, as amended (*incorporated by reference*).
- A-4 Deed of 1861 Lenape Road.
- A-5 Redacted First and Signature Page of Agreement of Sale for 1861 Lenape Road.
- A-6 letter of Authorization from Legal Property Owner.
- A-7 Aerial of 1861 Lenape Road.
- A-8 Exhibit Plan – Net Tract Area prepared by Hillcrest Associates dated April 17, 2023 and last revised September 20, 2023 (1 sheet).
- A-9 Photographs of Existing Conditions at 1861 Lenape Road (9 sheets).

- A-10 Architectural Building Elevations prepared by Art and Architecture dated July 16, 2022 (1 sheet).
- A-11 Site Investigation and Percolation test report for Onlot Disposal of Sewage for 1861 Lenape Road dated April 18, 2022 and May 11, 2022.
- A-12 Letter from Eric Lynch, Chester County Health Department, Water and Sewage Division dated February 1, 2023.
- A-13 Letter in Support of Application from Samuel Rosauri, 3 Deblyn V. Lane, dated August 29, 2023.
- A-14 Encroachment Exhibit Plan prepared Hillcrest Associates dated August 23, 2023 (1 sheet).
- A-15 C.V. of Richard Natividad.

At the conclusion of the hearing on September 21, 2023, and in view of the amendment of the Applicants' request for relief, the parties scheduled a second hearing to be held on October 24, 2023 at 7:00 p.m.

After public notice in accordance with the *MPC*, the second hearing was conducted on the evening of October 24, 2023, at 7:00 p.m. At that time the Board placed additional exhibits into the record to document compliance with all notice and advertising requirements, as follows:

- B-14 Copy of official Notice of Second Hearing, as published, posted and mailed to all parties.
- B-15 Proof of Publication Showing newspaper publication on October 4 and October 11, 2023.
- B-16 Verification of Posting of Notice.
- B-17 Verification of Mailing of Notice.
- B-18 Copy of the 10/24/23 position statement of the Township zoning officer.

Neither the Township or the Applicants, nor any of the other parties offered any additional exhibits.

At the conclusion of the October 24, 2023, hearing, the ZHB deliberated in closed

private session in accordance with the Pennsylvania "Sunshine Law."³ The Board voted unanimously to grant the requested relief, under and subject to thirteen (13) conditions, as set forth below.

II. FINDINGS OF FACT:

1. The Applicants Raymond P. and Terry J. Gamble are equitable owners of the residential property located at 1861 Lenape Road, West Chester, PA 19382 (UPI #63-3-145, the "Property") and have the authority to seek the requested zoning relief related thereto. (See Exhibits A-4, 5, and 6.)

2. According to the Application, as confirmed by reference to the Chester County Tax Parcel Map (Exhibit B-2), the Property consists of 0.61 acres of most wooded, hilly land, improved with a single-family dwelling.

3. By reference to Exhibit A-2, including topographical lines, the Property is rectangular in shape, with frontage on Lenape Road, and almost entirely moderately and steeply sloped.

4. The small Property is severely constrained by the existence of a stream running through the rear of the Property, and by the associated flood plain, which consumes approximately the rear half of the Property.

5. The existing small (1,043 + square feet) house, built long before the Township's adoption of any zoning ordinance, sits just 19.6 feet from the road right-of-way for Lenape Road and is, therefore, a prior, lawful nonconforming building as to the front yard setback.

6. Likewise, the Property, at just 0.61 acres (gross area) is a prior, lawful building lot, nonconforming as to the current minimum lot area requirements.

7. By reference to Applicants' photographs of the existing dwelling (Exhibit A-9), it is clear that the existing dwelling requires significant renovation in order to be made habitable.

8. In addition, the small size of the original dwelling warrants an enlargement. Although the Applicants propose to nearly double the original floor area, the resulting dwelling, at 1,970 square feet, will still be a smaller home by modern standards.

9. By reference to Applicants' building plans (Exhibit A-10), the proposed addition is both reasonable and consistent with the original architectural style. There will be no adverse impact to, or change in character of, the neighborhood.

10. Because of the existing environmental constraints, the proposed location of the new septic system is the only suitable location available on the Property. There is no suitable location for a back-up septic drain field.

³ 65 Pa.C.S.A. Section 701 et seq.

11. The Chester County Health Department has approved the proposed septic system, without a back-up drain field location, subject to certain conditions which the Applicants will be required to meet. (Exhibit A-12).

12. Public water is available to the Property, and the existing well will be properly decommissioned.

13. No encroachment into, or construction within, the flood plain is proposed, and none will be permitted.

14. The proposed encroachment into the steep slopes will not exceed the limits of the Ordinance.

15. Because the proposed addition will be constructed over an area that is presently an impervious driveway, there will be no net increase in the impervious coverage and, in fact, there will actually be a slight reduction.

16. The Applicants are requesting an increase in the building coverage to 13 percent. The Ordinance allows increases up to 20 percent by special exception.

17. Applicants' engineer testified that the project will not have any negative effect on the public health, safety or welfare; and that the natural resource protection purposes of the Ordinance are being adhered to, to the maximum extent practicable.

18. The Township Planning Commission and Board of Supervisors are supportive of the requested zoning relief, subject to certain conditions, which conditions are being imposed.

III. DISCUSSION:

The Applicants' Exhibit A-14 demonstrates the unique physical constraints of the subject Property which give rise to unnecessary hardship and preclude development in strict compliance with the Ordinance.

The Board considers the Applicants' plans to restore this unused Property to an attractive and useable dwelling, at significant expense, to be admirable.

Zoning Ordinance Section 250-87.M(3)(c) authorizes the Zoning Hearing Board to modify the various environmental protection standards under the Ordinance by special exception. This includes modification of both the percentages of allowable disturbance and modification of the uses for which such disturbance is allowed. In this case, the Applicants, whose Property is steeply sloped in several areas, seek approval to disturb more of the steep slope margin areas than by the 25% permitted by right. In addition, Applicants seek a special exception under Ordinance Section 250-19.C(4) to permit building coverage in excess of 10% but less than 20%; and the corresponding special exception to allow the enlargement of a lawful nonconforming building on a lawful nonconforming lot, under Ordinance Section 250-85.D(3).

By reference to Ordinance Section 250-87.M(3)(d) the primary criteria for granting such special exceptions are: (1) that the specific nature of the proposed lawful use or activity, the existing site conditions, and/or safety conditions warrant the requested relief; and (2) that the natural resource protection purposes of the Ordinance are being adhered to, to the maximum extent practicable. In addition, the ZHB must consider the general standards of the Ordinance Section 250-79, applicable to all special exception applications (suitability of the tract; impact on existing neighborhood character, etc.).

Uses permitted by special exception are actually a form of permitted use, with the burden of proof being upon any objectors to establish some non-compliance with the Ordinance criteria, or some other detriment to public health, safety or welfare. There were no third-party objectors, and both the Township Planning Commission and the Board of Supervisors supported the Application.

The ZHB had no difficulty in concluding that Applicants' plans meet the criteria of the Ordinance, and the requested special exceptions will be granted.

Similarly, the Board concludes that Applicants are entitled to each of the requested variances. The lot size and site conditions preclude strict compliance with the usual requirements for septic systems, including the unavailability of any 20,000 square feet of contiguous area and the unavailability of any area for a back-up septic system.

The proposed deck on the side of the house will project no farther into the front yard setback than the existing nonconforming building and constitutes a reasonable extension (but not an increase) of that nonconformity.

Where, as here, the requested variances are not use variances, but are dimensional in nature, our Supreme Court has held that "the quantum of proof required to establish unnecessary hardship is lesser when a dimensional variance, as opposed to a use variance, is sought." *Hertzberg v. Zoning Bd. Of Pittsburgh*, 721 A.2d 43, 47-48 (Pa. 1998)

Accordingly, the requested variances will be granted, under and subject to the conditions enumerated below.

IV. CONCLUSIONS OF LAW:

1. The Applicants are properly before this Zoning Hearing Board, which has jurisdiction pursuant to the *Pennsylvania Municipalities Planning Code* (the "MPC").
2. All public notice, posting and advertising requirements under the Township's Ordinance and the MPC have been complied with.
3. The Applicants met their burdens of proof to establish all of the criteria for the granting of the requested special exceptions as set forth in the Township Zoning Ordinance.
4. In particular, Applicants demonstrated:

a. That the specific nature of the proposed lawful use, and the existing site conditions warrant the requested relief.

b. That the natural resource protection purposes of the ordinance are being adhered to, to the maximum extent practicable;

c. That tract is suitable for the proposed uses; and

d. That the requested relief will not alter the essential character of the neighborhood or interfere with any use or development of adjacent properties.

5. The Applicants' request for special exceptions will be granted, subject to conditions.

6. The Applicants met their burden of proof of the elements necessary to entitle them to the requested dimensional variances under Ordinance Section 250-78.A(5) and the MPC.

7. In particular:

(a) There are unique physical circumstances or conditions peculiar to the Property. In particular, the pre-existence of the lawful, non-conforming residential dwelling located upon the lot, as well as the small lot size and the significant environmental constraints all preclude the Applicants from meeting the strict requirements of the Zoning Ordinance for their proposed renovation of the dwelling.

(b) An unnecessary hardship arises because of those physical circumstances and conditions in that there is no possibility that the Property can be renovated in strict conformity with the provisions of the Zoning Ordinance, and the authorization of the variances is therefore necessary to enable the reasonable use of the Property.

(c) The circumstances giving rise to the hardship were not created by the Applicants. In particular, the building has been located on the Property in its current location for approximately 100 years or more. There has been no change to the small lot size, and the environmental constraints were naturally-occurring.

(d) The variances, if authorized, will not alter the essential character of the neighborhood or zoning district where the Property is located, nor substantially or permanently impair the appropriate use or development of any adjacent property, and will not be detrimental to the public welfare.

(e) The variances, if authorized, will represent the minimum variances that will afford relief and will represent the least modification possible of the regulations at issue.

8. The Applicants' request for variances will be granted, subject to conditions.

9. In accordance with Ordinance Section 250-78.B, the Board is attaching reasonable conditions as it deems necessary to implement the purpose of the Zoning Ordinance, and is requiring that all other applicable land development regulations shall continue to apply.6.

10. The Board concludes there will be no other adverse impact on public health, safety or welfare.

V. ORDER

AND NOW, upon consideration of the application of Raymond P. Gamble and Terry J. Gamble, seeking: (i) a special exception pursuant to Zoning Ordinance Section 250-19.C.(4) to permit building coverage exceeding 10% but less than 20% on a pre-existing parcel that is less than 2 net acres in area so as to increase existing building coverage from 7.8% to 13%; (ii) a special exception pursuant to Ordinance Section 250-87.M.(3) to allow modification of the natural resources conservation standards outlined in Section 250-87.B.(8) and Section 250-87.D.(1)(b) to permit greater than 25% disturbance of steep slope margins on the property so as to disturb approximately 47.6% of the 3,336 square feet of steep slope margins; (iii) a variance from Ordinance Section 250-86 to permit an individual on-lot sewage system on a lot having less than the required 20,000 square feet of contiguous area; (iv) a variance from Ordinance Section 250-17.D.(5)(b) to permit an individual on-lot sewage system with only one drainage field; (v) a variance from Ordinance Section 250-85.D.(1) to permit expansion of the existing nonconforming building by approximately 90%, where 50% is the maximum permitted, so as to allow an addition of 930 square feet of habitable floor area for a total of 1,973 square feet of habitable floor area; (vi) a variance from Ordinance Section 250-85.D.(2) to permit expansion of the existing nonconforming building without complying with the requirements of Zoning Ordinance Section 250-86; (vii) a special exception to allow the enlargement of a lawful nonconforming building on a lawful nonconforming lot, pursuant to Ordinance Section 250-85.D(3); and (viii) a variance from Ordinance Sections 250-17.C.(9) and 250-19.C.(5)(b) to allow the construction of a deck partially within the required front yard setback, but no closer to the road than the existing dwelling, and such other relief as may be required so as to permit an addition to the existing dwelling, and deck, replacement of the septic system, and reconfiguration of the existing driveway on property located at 1861 Lenape Road, West Chester, PA (UPI #63-3-145) in the Township's RA-Residential Agricultural District zoning district.

It is hereby **ORDERED** as follows:

Applicants' requests for zoning relief are hereby **GRANTED, UNDER AND SUBJECT TO** the following conditions:

1. As required by Section 190-30.B(1)(f) of the Pocopson Township Code, no use and occupancy permit shall be issued until the first 50 feet of the driveway serving the Property, or that portion of the common driveway from the road to the split or "y" in the

driveway (whichever is less), has been paved in accordance with the Township's specifications for residential driveways.

2. Applicants shall use their best efforts to achieve a written shared driveway use and maintenance agreement with the owners of the adjacent property served by the existing driveway.

3. No use and occupancy permit shall be issued prior to the Applicants constructing the new on-site septic system and obtaining all required permits and approvals from the Chester County Health Department.

4. As required by the Chester County Health Department (Exhibit A-12), the enlarged dwelling shall contain no more than three bedrooms.

5. During and after construction, no construction traffic or heavy equipment shall be permitted upon that (northeastern) area of the Property where the new septic system is to be located.

6. The existing well located within 100' of the proposed septic system shall be decommissioned by a Chester County licensed well driller.

7. Except as required for the proper installation of the new septic system, the final grading of the septic system shall be returned and restored to its pre-construction condition, including restoration to a well-grassed condition.

8. As proposed by the Applicants, there shall be no net increase in the impervious coverage the Property. (For purpose of clarity, pavement of the existing gravel driveway shall not be deemed to be an increase in impervious coverage.)

9. With the exception of any mandatory shared driveway agreement, the Applicants shall comply with all outstanding comments of the August 21, 2023 Review Memorandum from Township Consultants Craig Kologie, AICP and Theodore G. Koven, Jr., P.E.

10. A notice in form satisfactory to the Township Solicitor shall be recorded in the Office of the Chester County Recorder of Deeds in the chain of title for the Property placing future purchasers and owners of the Property on notice of the lack of any replacement septic field on the Property, and the potential associated expense of future replacement of the septic system.

11. The Applicants shall not disturb or negatively impact the floodplain located on the Property. Applicants shall not construct or place any structures within the floodplain without specific approval from the Township.

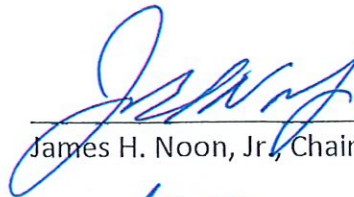
12. Except for the relief granted by this Order, Applicants shall fully comply with all other Township Ordinances, including all stormwater management requirements, and with all applicable County, State and Federal laws, ordinances, rules and regulations.

13. Applicants shall promptly pay the Township's standard \$500.00 fee for conducting a second zoning hearing or, at Applicants' sole discretion, may reimburse the Township for its actual costs of re-advertising, posting, and mailing the second notice of hearing.

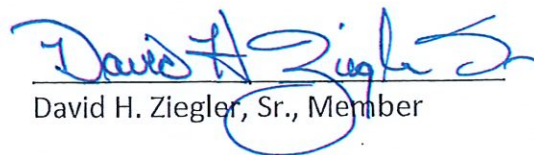
At Applicants' request, the deadline for implementation of their plans is hereby extended from six months to two years from the date of this Order.

POCOPSON TOWNSHIP ZONING HEARING BOARD

BY:


James H. Noon, Jr., Chairman


Nathan Wilson, Member


David H. Ziegler, Sr., Member

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

IN RE: Application of Raymond P. Gamble and Terry J. Gamble, concerning property owned by Sheila Bowie, seeking: (i) a special exception pursuant to Zoning Ordinance Section 250-19.C.(4) to permit building coverage exceeding 10% but less than 20% on a pre-existing parcel that is less than 2 net acres in area so as to increase existing building coverage from 7.8% to 13%; (ii) a special exception pursuant to Ordinance Section 250-87.M.(3) to allow modification of the natural resources conservation standards outlined in Section 250-87.B.(8) and Section 250-87.D.(1)(b) to permit greater than 25% disturbance of steep slope margins on the property so as to disturb approximately 47.6% of the 3,336 square feet of steep slope margins; (iii) a variance from Ordinance Section 250-86 to permit an individual on-lot sewage system on a lot having less than the required 20,000 square feet of contiguous area; (iv) a variance from Ordinance Section 250-17.D.(5)(b) to permit an individual on-lot sewage system with only one drainage field; (v) a variance from Ordinance Section 250-85.D.(1) to permit expansion of the existing nonconforming building by approximately 90%, where 50% is the maximum permitted, so as to allow an addition of 930 square feet of habitable floor area for a total of 1,973 square feet of habitable floor area; (vi) a variance from Ordinance Section 250-85.D.(2) to permit expansion of the existing nonconforming building without complying with the requirements of Zoning Ordinance Section 250-86; (vii) a special exception to allow the enlargement of a lawful nonconforming building on a lawful nonconforming lot, pursuant to Ordinance Section 250-85.D(3); and (viii) a variance from Ordinance Sections 250-17.C.(9) and 250-19.C.(5)(b) to allow the construction of a deck partially within the required front yard setback, but no closer to the road than the existing dwelling, and such other relief as may be required so as to permit an addition to the existing dwelling, and deck, replacement of the septic system, and reconfiguration of the existing driveway on property located at 1861 Lenape Road, West Chester, PA (UPI #63-3-145) in the Township's RA-Residential Agricultural District zoning district.

CERTIFICATE OF MAILING

The undersigned hereby certifies 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 3rd day of November, 2023.

Service by First Class Mail, address as follows:

Raymond P. Gamble
Terry J. Gamble
10 Deblyn V Lane
West Chester, PA 19382

Kristin S. Camp, Esq.
Buckley Brion McGuire & Morris, LLP
118 W. Market Street, Suite 300
West Chester, PA 19382

Pocopson Twp. Board of Supervisors
ATTN: Susan Simone
740 Denton Hollow Road
PO Box 1
Pocopson, PA 19366

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

Amanda J. Sundquist, Esq.
Unruh, Turner, Burke & Frees, PC
17 West Gay Street, Suite 200
PO Box 515
West Chester, PA 19380

Jim and Sharon Hertz
1875 Lenape Rd
West Chester PA 19382

Samuel Rosauri
3 Deblyn V Lane
West Chester, PA 19382

Gina M. Gerber, Esq.
Riley Riper Hollin & Colagreco
P O Box 1265
717 Constitution Dr., Suite 201
Exton, PA 19341

BRUTSCHER, FOLEY, MILLINER, LAND & KELLY, LLP

BY:



Edward M. Foley
Solicitor for Pocopson Township
Zoning Hearing Board