

NOTICE – POCOPSON TOWNSHIP ZONING HEARING BOARD

NOTICE is hereby given that the Zoning Hearing Board of Pocopson Township will hold a Public Hearing at the Pocopson Township Municipal Building, 664 South Wawaset Road, West Chester, Pennsylvania, 19382, on July 1, 2025, at 6:30 p.m. at which time the Board will hear the following matter:

In RE: Application of Richard and Rebecca Luzzi seeking a special exception to allow disturbance of more than the 25% maximum of the steep slope margins under Section 250-87.D(1)(b) of the Zoning Ordinance and seeking a *de minimis* variance from the 10% maximum impervious coverage under Ordinance Section 250-20.C(9), and such other relief as may be required so as to allow 10.71% coverage, both so as to enable the construction of a residential dwelling and driveway on property located at 101 Indian Hannah Road, West Chester, PA (UPI #63-3-1.3) in the Township's RA-Residential and Agricultural Zoning District.

If you are a person with a disability and wish to attend the public meeting scheduled above and require an auxiliary aide, service or other accommodation to participate in the proceedings; or if you wish to participate remotely, please contact Neil D. Vaughn at 610-793-2151 to discuss how Pocopson Township may best accommodate your needs.

Edward M. Foley, Solicitor
Brutscher, Foley, Milliner, Land & Kelly, LLP
213 East State Street
Kennett Square, PA 19348

BEFORE THE POCOPSON TOWNSHIP ZONING HEARING BOARD

IN RE: Special Exception & Variance Application of Richard and Rebecca Luzzi

NARRATIVE IN SUPPORT OF APPLICATION FOR SPECIAL EXCEPTION & VARIANCES

I. Introduction

Richard and Rebecca Luzzi (“Luzzis” or “Applicants”) are the record owners of a certain 4-acre parcel of real property located at 101 Indian Hannah Road in Pocopson Township (“Township”), being Uniform Parcel Identifier No. 63-3-1.3 (“Property”). The Property is located in the R-A zoning district and is currently unimproved except for an existing asphalt driveway which extends only from Indian Hannah Road through a narrow strip of the Property, as shown on the enclosed plan. Applicants propose to build a single-family detached dwelling with attached garage on the Property and to extend the driveway to the location of the dwelling. Special exception and variance relief is needed to permit this otherwise by-right use because of the uniquely challenging topography and shape of the Property.

II. Request for Relief

A. Special Exception per 250-87.M.(3)(c) to Disturb More Than 25% of Steep Slope Margin

Applicants require a special exception to permit their otherwise by-right single family dwelling use due to the steep slopes on the Property. Notably, Applicants will not exceed the maximum percentage of disturbance permitted for either very steep slopes or moderate steep slopes – rather, they require a special exception under Section 250-87.M.(3)(c) of the Pocopson Township Zoning Ordinance (“Ordinance”) to exceed the maximum 25% disturbance of the steep slope margin set by Section 250-87.D(1)(b) of the Ordinance.

Applicants will demonstrate that the Property is suitable for a single-family dwelling, with suitable environmental conditions, highway access, proposed on-lot sewage disposal, and proposed on-lot well for the Property’s water supply. The proposed dwelling and associated improvements are also consistent with the objectives, intent, and purpose of the Ordinance.

Applicants will further demonstrate that improvements will not alter unduly the character of the existing neighborhood and adjacent properties, and they will demonstrate the effectiveness of the proposed mitigation measures including stormwater management features and vegetative buffering. The proposed use will have no undesirable impacts on traffic patterns and volumes, access and parking, as the use is for a single family. The proposed on-lot sewer and water will mean there is no increased demand on the Township's municipal services. Finally, the proposed use will be consistent with the purposes and objectives of the Pocopson Township Comprehensive Plan, including protection and promotion of the public health, safety and welfare.

Applicants will demonstrate compliance with the general requirements for special exceptions outlined at Section 250-79.C of the Ordinance, as well as any other applicable requirements.

B. *De Minimis* Variance from 250-20.C(9) to Allow More Than 10% Impervious Coverage

Applicants seek a *de minimis* dimensional variance from Section 250-20.C(9) of the Ordinance to allow 10.71% impervious coverage over the 10% maximum. Because the degree of variance relief requested is less than a 1% deviation from the maximum impervious coverage limit, the requested variance is *de minimis* and Applicants need not establish the traditional hardship element for a variance. See Nettleton v. Zoning Board of Adjustment of City of Pittsburgh, 828 A.2d 1033, 1038 (Pa. 2003) (“[t]he *de minimis* zoning doctrine authorizes a variance in the absence of a showing of the unnecessary hardship traditionally required”); see also Lench v. Zoning Board of Adjustment of City of Pittsburgh, 13 A.3d 576, 582 (Pa. Cmwlth. 2011) (noting that there is long-standing “authority that a dimensional change of less than 10 percent will be treated as *de minimis*.”).

Even without a *de minimis* variance, Applicants can establish the traditional elements for a variance. Here, the distribution of steep slopes across the Property and the overall shape of the

Property – specifically, its long narrow strip leading to the public road – creates hardships which require that the dwelling be located to the rear of the Property and that the driveway be extended to reach this area. To address these physical conditions on the Property, Applicants require a longer-than average driveway, which will account for more than half of the proposed impervious coverage. The size of the proposed dwelling itself will be relatively modest relative to the area of the Property. The steep slopes and shape of the Property were not caused by or altered by Applicants.

The requested variance will not alter the essential character of the neighborhood or the zoning district, nor will it substantially or permanently impair the use or development of neighboring properties or be detrimental to the public welfare. The requested variance relief is also the minimum necessary to afford Applicants and the Property relief, and is the least possible modification of this Ordinance provision.

In addition to the foregoing, Applicants further request that the Zoning Hearing Board (“Board”) grant such other relief as may be necessary in the Board’s judgment to allow the proposed improvements.

III. Conclusion

Applicants will present testimony and evidence in support of the requested relief and establish compliance with all applicable Ordinance standards during the hearing before the Board.

Respectfully submitted,

MacELREE HARVEY, LTD.

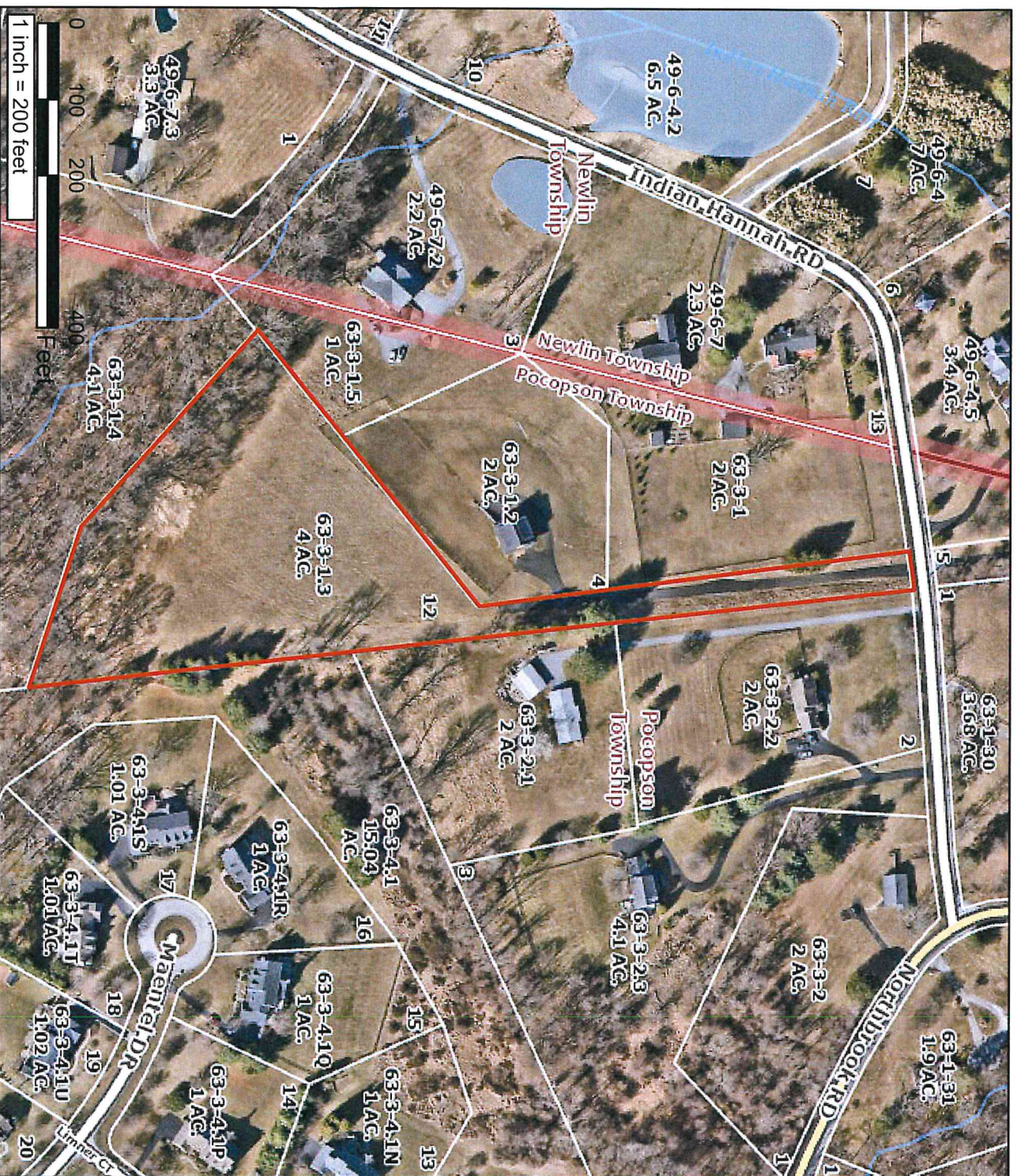
By:



Brian L. Nagle
Matthew M. McKeon
MacElree Harvey, Ltd.
17 W. Miner Street
West Chester, PA 19381
610-436-0100
Attorneys for Richard and Rebecca Luzzi

Date: May 16, 2025

101 Indian Hannah Road



COUNTY OF CHESTER
PENNSYLVANIA



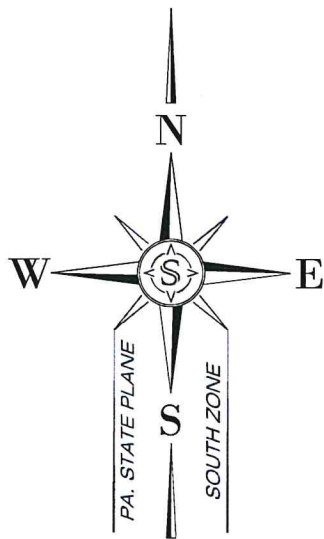
Find Owner Information

PARID: 6303 00010300
UPI: 63-3-1.3
Owner: LUZZI RICHARD
Owner: LUZZI REBECCA S
Mail Address 1: 13915 OLD COAST RD
Mail Address 2: UNIT 2104
Mail Address 3: NAPLES FL
ZIP Code: 34110
Deed Book: 11270
Deed Page: 2279
Deed Recorded Date: 09/19/2024
Legal Desc 1: SS & REAR OF INDIAN HANNAH
Legal Desc 2: 4 AC LOT 12
Acre: 4
LUC: V-10
Lot Assessment: 65450
Property Assessment: 0
Total Assessment: 65450
Assessment Date: 12/15/2024 7:28:35 AM
Property Address: 101 INDIAN HANNAH RD
Municipality: POCOPSON
School District: Unionville-Chadds Ford

Map Created:
Friday, May 16, 2025

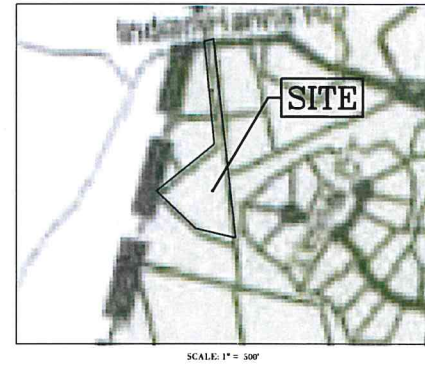
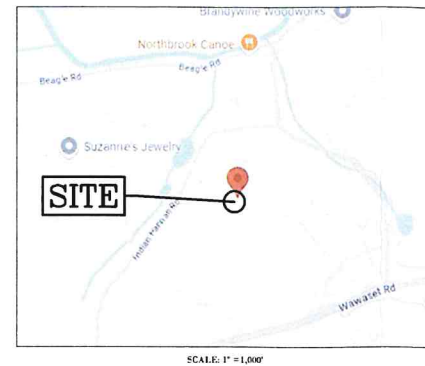
County of Chester

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101 INDIAN HANNAH ROAD

POCOPSON TOWNSHIP | CHESTER COUNTY



OWNER OF RECORD PER CHESTER COUNTY
RICHARD AND REBECCA LUZZI
101 INDIAN HANNAH ROAD
WEST CHESTER, PA 19382
PARCEL ID # 6303 00010350
UPI # 63-3-1-3
DEED BOOK 11270, PAGE 2279

ZONING DISTRICT: R-A (RESIDENTIAL & AGRICULTURAL DISTRICT)
CONVENTIONAL RESIDENTIAL DEVELOPMENT

MIN LOT AREA 2 NET ACRES
MIN LOT WIDTH AT BUILDING LINE 200 FEET
MAX BUILDING COVERAGE 5%
MAX IMPERVIOUS COVERAGE 10%
MAX PRINCIPAL BUILDING HEIGHT 35 FEET
PRINCIPLE BUILDING SETBACK:
FRONT YARD 50 FEET
SIDE YARD MIN 25 FT + 1:1
SIDE YARD AGGREGATE 75 FEET
REAR YARD 50 FEET

** ZONING INFORMATION OBTAINED FROM POCOPSON TOWNSHIP CODE §250, LATEST EDITION ONLINE ECODE360.

LOT SIZE

TOTAL LOT AREA: 174,345 S.F. OR 4.0024 ACRES

NET LOT AREA CALCULATION

GROSS LOT AREA 174,345 S.F.
- EXISTING RIGHT-OF-WAY 1,251 S.F.
- EASEMENTS -27,608 S.F.
- 80% OF FLOODPLAIN AREA -0 S.F.
- 80% OF VERY STEEP SLOPES -21,452 S.F.
- 30% OF WETLANDS -0 S.F.
- 50% OF SEASONAL HIGH WATER TABLE SOILS -0 S.F.
NET LOT AREA 124,034 S.F.

EXISTING IMPERVIOUS COVERAGE

ASPHALT DRIVEWAY 0 S.F.
TOTAL 0 S.F. (0% OF NET LOT AREA)
** MAX BUILDING COVERAGE IS 5.0% OF NET LOT AREA
** MAX IMPERVIOUS COVERAGE IS 10.0% OF NET LOT AREA

PROPOSED IMPERVIOUS COVERAGE

RESIDENCE & PORCHES 5,770 S.F. (4.65%)
ASPHALT DRIVEWAY 6,909 S.F.
REAR PATIO 165 S.F.
WALKS, WALLS, ETC. 438 S.F.
TOTAL 13,282 S.F. (10.71% OF NET LOT AREA)

** MAX BUILDING COVERAGE IS 5.0% OF NET LOT AREA (6,202 S.F.)
** MAX IMPERVIOUS COVERAGE IS 10.0% OF NET LOT AREA (12,403 S.F.)

PLAN NOTES

- PERIMETER INFORMATION SHOWN PER FIELD SURVEYS BY REGISTER ASSOCIATES, INC. THE PLAN DOES NOT IDENTIFY AND/OR LOCATE ANY POSSIBLE CLAIMS AGAINST THE TITLE THAT MAY BE DISCLOSED BY A TITLE SEARCH/REPORT.
- TOPOGRAPHIC INFORMATION SHOWN PER FIELD SURVEY BY REGISTER ASSOCIATES, INC. CONTOUR INTERVAL 2' DATUM NAVD88.
- COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES OR FACILITIES CANNOT BE GUARANTEED. A CONTRACTOR MUST VERIFY THE LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES AND FACILITIES PRIOR TO BEGINNING ANY EARTH-MOVING ACTIVITIES.
- THIS PROPERTY IS LOCATED IN ZONE X "AREA OF MINIMAL FLOOD HAZARD" IN ACCORDANCE TO FEMA MAP PANEL 42025C0250G, EFFECTIVE DATE 09/29/2017.
- SITE SOIL TYPES ARE "GdC" & "PaD" PER USDA WEB SOIL SURVEY.
- TREE LOCATIONS BASED ON FIELD SURVEY PERFORMED BY SCHOCK GROUP, LLC. IN MAY 2025.

REFERENCE PLANS

- BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A PLAN ENTITLED "EXISTING CONDITIONS PLAN", PREPARED FOR RICHARD LUZZI, PREPARED BY REGISTER ASSOCIATES, INC., DATED 10-03-24. JOB NUMBER 241387.

GENERAL NOTES

- THE INTENT OF THIS PLAN IS TO DEPICT THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, DRIVEWAY, WALKWAYS, AND THE ASSOCIATED UTILITIES, GRADING AND STORMWATER MANAGEMENT IMPROVEMENTS.
- THE SITE IS SERVED BY AN ON SITE SANITARY SEWER SYSTEM AND A PRIVATE WELL.
- SOIL INFORMATION TAKEN FROM THE SOIL SURVEY FOR CHESTER AND DELAWARE COUNTIES PREPARED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

SOIL CONDITIONS:

NAME	% SLOPE	DEPTH TO S.H. WATER	DEPTH TO BEDROCK	HYDRO ERODABILITY INDEX	SOIL GROUP	LIMITATIONS
GdC Grassland Gravelly Loam	8-15	6.6+	5.5'	5	B	Moderate
PaD Parker Gravelly Loam	15-25	6.6+	5.9'	5	B	Moderate

PROTECTED RESOURCE DISTURBANCE CALCULATIONS

PROTECTED RESOURCE	AREA OF PROTECTED RESOURCE (SF)	MAXIMUM DISTURBANCE ALLOWANCE (%)	MAXIMUM AMOUNT OF PERMITTED DISTURBANCE (SF)	PROPOSED DISTURBANCE (SF)
FLOODPLAIN	0 SF	0%	0 SF	0 SF
VERY STEEP SLOPES (>20%)	23,836 SF	10%	2,384 SF	2,303 SF
MODERATE STEEP SLOPES (10-20%)	114,821 SF	25%	28,705 SF	28,637 SF
STEEP SLOPE MARGINS	4,587 SF	25%	1,147 SF	4,322 SF
RIPARIAN BUFFER INNER 50 FEET	0 SF	0%	0 SF	0 SF
RIPARIAN BUFFER OUTER 50 FEET	0 SF	15%	0 SF	0 SF
SEASONAL HIGH WATER TABLE SOILS	0 SF	20%	0 SF	0 SF
HERITAGE TREES	0 SF	0%	0 SF	0 SF
RARE SPECIES SITES	0 SF	0%	0 SF	0 SF
EXCEPTIONAL NATURAL AREAS	0 SF	10%	0 SF	0 SF
FOREST INTERIOR HABITAT	0 SF	10%	0 SF	0 SF
WOODLAND	31,266 SF	20%	6,253 SF	0 SF
WETLANDS	0 SF	0%	0 SF	0 SF

TOWNSHIP ZONING DISTRICT TABLE: R-A

REGULATION	REQUIRED	EXISTING	PROPOSED
NET LOT AREA	67,120 S.F. MIN.	124,034 S.F.	124,034 S.F.
LOT WIDTH (AT BUILDING LINE)	200 FT. MIN.	497 FT.	497 FT.
IMPERVIOUS COVERAGE	10.0% MAX.	0.0%	10.71%
BUILDING COVERAGE	5.0% MAX.	0.0%	4.65%
PRINCIPLE BUILDING SETBACKS:			
FRONT YARD	50 FT. MIN.	N/A	254' 4" FT.
SIDE YARD MINIMUM	25 FT. MIN.	N/A	25.02 FT.
SIDE YARD AGGREGATE	75 FT. MIN.	N/A	75.02 FT.
REAR YARD	50 FT. MIN.	N/A	60.67 FT.
BUILDING HEIGHT:	35 FT. MAX.	N/A	<35 FT.

* ZONING INFORMATION OBTAINED FROM POCOPSON TOWNSHIP CODE §250, LATEST EDITION ONLINE ECODE360

LINETYPE LEGEND

---	PROPERTY LINE
---	ADJOINER PROPERTY LINE
---	EASEMENT LINE
---	RIGHT-OF-WAY LINE
---	BUILDING SETBACK
---	ASPHALT EDGE
---	BUILDING WALL
---	FENCE LINE
---	OVER-HEAD ELECTRIC
---	ELECTRIC LINE
---	GAS LINE
---	TELECOM LINE
---	WATER LINE
---	SANITARY LINE
---	EXISTING STORM PIPES
---	EXISTING 2' CONTOUR
---	EXISTING 10' CONTOUR
---	SOIL BOUNDARY
---	MODERATE SLOPES 10%-20%
---	STEEP SLOPES >20%
---	STEEP SLOPES MARGIN
---	PROPOSED BUILDING AREA
---	PROPOSED DRIVEWAY
---	PROPOSED IMPERVIOUS AREA
---	PLAN BEARING & DISTANCE

SCALE: 1" = 60'

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1-800-242-1776

OVERALL SITE PLAN
GRADING PERMIT PLAN
101 INDIAN HANNAH ROAD
POCOPSON TOWNSHIP • CHESTER COUNTY • PENNSYLVANIA

CLIENT
RICHARD AND REBECCA LUZZI
13915 OLD COAST ROAD
NAPLES, FL 34110

DESIGNED BY
BDM
CHECKED BY
BDM
DATE
1" = 60'
DATE
MAY 13, 2025
PLANNED
C-2027
NOTED
1 OF 1