

**Decision and Order**  
**Conditional Use Application**  
**Chadds Ford Township, Delaware County, Pennsylvania**  
**901 Poplar, L.P. Lot 1, 681 Webb Road**

AND NOW, THIS 14<sup>th</sup> day of October, 2008 the Board of Supervisors of Chadds Ford Township, Delaware County, Pennsylvania hereby grant the application of 901 Poplar, L.P. the conditional use application for lot 1, 681 Webb Road, Chadds Ford Township, Delaware County, Pa. as a bed and breakfast under and subject to the terms of Chadds Ford Township Ordinance No. 100 Section 12.31 (a)(7), which permits the same as a conditional use and further subject however, to the additional conditions set forth herein.

**PROCEDURAL HISTORY**

The applicant, 901 Poplar, L.P. is the owner of the premises, 681 Webb Road in Chadds Ford Township, Delaware County, Pennsylvania and was granted preliminary subdivision approval to divide a single lot of approximately 7.23 acres into two lots. Lot 1, which is the subject of this application, is 4.513 acres and contains the existing stone residence and separate garage.

Applicant filed a conditional use application as to Lot 1 only and hearings were held on July 21, 2008, August 6, 2008 and September 2, 2008. Lot 1 is also identified as 1551 Baltimore Pike, Chadds Ford, Pa. 19317. The requested use is as a bed and breakfast pursuant to §12.31(a)(7), Township Ordinance #100. The ordinance allows the operation, by conditional use, of a bed and breakfast in an R-1 District and spells out the requirements for such use.

The Chadds Ford Township Board of Supervisors, after conducting three public hearings on the conditional use application, pursuant to public notice, made the following findings of fact:

1. The applicant, 901 Poplar, L.P., with an address of 6 Hilloch Lane, Chadds Ford, Pa. 19317 is the owner of the property.

2. The property is zoned R-1 residence district and consists of a gross area of approximately 7.23 acres. Preliminary subdivision approval was granted and this application is for Lot 1, which has a gross area of 4.513 acres.
3. Lot 1, the subject premises, contains an existing stone residence and separate garage building.
4. A bed and breakfast use is permitted in R-1 residence district pursuant to the provisions of Township Ordinance 100 adopted June 4, 2003. This Ordinance added §12.31 (a)(7) to chapter XII of the Code of Ordinances of Chadds Ford Township.
5. The subject premises is located entirely within the Township Historic District as provided in Chadds Ford Township Ordinance No. 69 adopted June 26, 1986.
6. The subject premises is located entirely within the Baltimore Pike overlay District as provided by Chadds Ford Township Ordinance No. 110, adopted on August 3, 2005, effective August 13, 2005. (This is codified as §12.78)
7. The conditional use application is administratively complete, containing all information required for a conditional use submission under the Pennsylvania MPC and the Township Zoning Ordinance.
8. Public notice was provided as required by law and public hearings were conducted before the Board of Supervisors on July 21, 2008, August 6, 2008 and September 2, 2008.
9. The applicant, 901 Poplar, L.P., was represented at the hearings by Donald T. Petrosa, Esquire.
10. A bed and breakfast use is an appropriate use for Lot 1.

### DISCUSSION

The application raised several issues. The principal issue was whether, assuming compliance with all other requirements, the lot in question is subject to the "net outs" provided in the Baltimore Pike overlay Ordinance, which would reduce the net lot size to less than 4 acres, can qualify for bed and breakfast use. Applications of "net outs" would reduce the net lot size to approximately 3.64 acres. By making a minor change in the "subdivision" line between Lot 1 and Lot 2, the gross area of Lot 1 could be increased to 4.943 acres and the net lot size increased to 3.85 acres. The decision of the Board of Supervisors was that even though the "net outs" did apply, the conditional use process is somewhat discretionary and that the premises were

appropriate for bed and breakfast use subject to the provisions of the Township Ordinance, the provisions of the bed and breakfast ordinance, the Historic District provisions and other conditions which the Board would impose.

Secondary issues involved flooding and surface water control, traffic concerns, on site sewage, visibility, lighting, screening etc.

All of these have been addressed either by modification of the plans or by the conditions imposed.

### **CONDITIONS**

The MPC, 53 P.S. §10913.2, provides that “in granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act in the zoning ordinance.”

After open discussions at the three public hearings, the Board decided that conditions should be imposed relating to sewage. Since public sewage is available across Baltimore Pike and since the bed and breakfast would be preparing meals for customers and also providing lodging, the Board decided that connection of both lots, Lot 1 and Lot 2 to public sewage should be a requirement. Any conveyance or transfer of Lot 2 would have to be subject to township approval as to sewage.

In other respects, the requirements of the various applicable code restrictions provide adequate safeguards to protect the public health, safety and welfare.

### **CONCLUSIONS OF LAW**

1. The application is in conformity with the MPC and the Chadds Ford Township Code, and includes all of the information required by the Zoning Ordinance.
2. The Chadds Ford Township Board of Supervisors has jurisdiction of this application.
3. The applicant has standing to bring this application.
4. The proposed use is consistent with the Township Comprehensive Plan.

5. The proposed use will not adversely impact the neighboring community or Chadds Ford Township as a whole, will not injure or detract from the use of surrounding properties or from the character of the neighborhood and will not otherwise be detrimental to public health, safety and/or welfare.

6. Approval of the application is consistent with the evidence of record and complies with the criteria and standards specified in the Chadds Ford Township Zoning Ordinance.

### **DECISION**

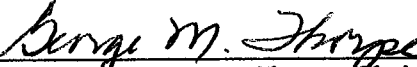
NOW, this 14<sup>th</sup> day of October, 2008 \_\_\_\_\_ upon the testimony and evidence of record, the Board of Supervisors of Chadds Ford Township hereby approve the conditional use application of 901 Poplar, L.P. with the following conditions:

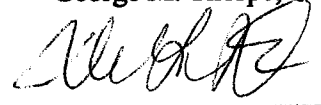
1. Lot 1 must be connected to public sewer and the on-site sewage abandoned prior to use as a bed and breakfast.
2. Lot 2 must be connected to public sewer before Lot 1 can be used as a bed and breakfast. If no structure is built on Lot 2 or Lot 2 is to be conveyed or transferred, Township approval must be applied for and granted with sufficient safeguards to assure tie-in of Lot 2 to public sewer.
3. All provisions of the Historic District Ordinance (Ord. No. 69), the Baltimore Pike Overlay District Ordinance (Ord. No. 110), the Bed and Breakfast Ordinance (Ord. No. 100) and other provisions of the Zoning Ordinance and state and Federal regulations must be complied with.
4. All provisions and notes of the plans submitted, dated 1/9/2007 and last revised 5/6/2008 are to be complied with.
5. All requirements of the Township Engineer's review letter/memo dated July 21, 2008 shall be addressed and are incorporated herein by reference as conditions of this approval. Copy Attached.

ATTEST:

CHADDS FORD TOWNSHIP BOARD OF SUPERVISORS

  
Township Secretary

By:   
George M. Thorpe, Chairman

By:   
Deborah Love D'Elia, Vice Chairman


By: \_\_\_\_\_  
Garry Paul, Supervisor



**MEMORANDUM**

SPTW 0000

**TO:** Board of Supervisors  
**CHADDS FORD TOWNSHIP**

**FROM:** Joseph A. Mastronardo, P.E., Township Engineer  
**PENNONI ASSOCIATES, INC.** 

**DATE:** July 21, 2008

**SUBJECT:** 901 Poplar L.P. – 681 Webb Road Bed and Breakfast  
Conditional Use Application

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We have reviewed the "Preliminary Subdivision and Site Plan for 681 Webb Road", (three sheets), dated January 9, 2008, last revised May 6, 2008 in connection with the Subdivision and Land Development / Conditional Use application for the referenced project. The plan was discussed during the regular meeting for the Planning Commission in December, 2007 and June, 2008.

We offer the following comments for your consideration:

1. The proposed development is within the Historic Overlay District; therefore, requiring consideration by the Historical and Architectural Review Board (HARB). (§12-125(3)(B) and §12-78(B)(4)(d)) Review by the HARB for approval of historic and/or architectural significance of the property is required prior to conditional use approval. (§12-31(a)(7)(c)(i))
2. Applications for a Conditional Use shall address the requirements outlined by §12-31(a)(7)(D), which include:
  - a. Copies of the site plans showing the nature, location and dimensions of the proposed bed and breakfast.
  - b. Photographs showing existing uses and surrounding areas and other pertinent data.
  - c. Specifications for building or structural changes as well as for the fire escapes or other such modifications by an architect or registered engineer for the proposed building and adjacent parking or recreational areas.
  - d. Installation or maintenance plan for on-site or other type of sewage disposal systems.

3. Lighting is required for the parking area and shall comply with special lighting requirements of the Historic District. (§12-125(15)(E))
  - a. All lighting shall be arranged to prevent off-site glare; shall not illuminate areas beyond the boundaries of the property in order to minimize disturbance to motorists, pedestrians, and uses.
  - b. Light standards and fixtures shall be in keeping with the character of the historic district, and shall be approved by the HARB.
4. Screening consisting of a completely planted visual barrier of evergreen plantings with a minimum height of six (6) feet planted in a double staggered row spaced no more than fifteen (15) feet apart, is required for the parking area. (§12-31(a)(7)(B)(1)(iii)(c))
5. A 25-foot landscaped strip is required along the frontage of the property. (§12-125.15(A)) Additional deciduous/evergreen trees should be provided to supplement the landscape strip on Webb Road.
6. One (1) 3½-inch caliper shade tree is required for every five (5) parking spaces for parking lots in excess of five (5) parking spaces. (§12.83(g)(2)(ii))
7. Concrete curb, or an equal alternative, is required for the proposed parking area. (§12.61(e)(12)(i))
8. Two-way driveways shall be a minimum of twenty-four (24) feet in width and a maximum of thirty-six (36) feet in width. One-way driveways shall be a minimum of twelve (12) feet in width. (§12-83.G(c)(1)(5)) Dimensions for the drive aisles should be provided and appropriate signage is required to define circulation through the site as follows:
  - a. Provide painted directional arrows for the one-way aisle around the Bed and Breakfast. An additional "Do Not Enter" sign is required adjacent to the three (3) spaces at the northwest corner at the Bed and breakfast.
  - b. The drive aisle between the three (3) parallel parking spaces and the building should be eighteen (18) feet.
  - c. The access drive from Baltimore Pike to the existing entrance gate should be increased to twenty-four (24) feet.
  - d. The driveway from between the Baltimore Pike gate and the building should provide a twenty (20) foot wide "pull off" area to permit opposing vehicles to pass.

9. An Environmental Impact Assessment Report is required for any development for which a conditional use is required. (§65-707.A(1)(c)) A Letter of Report, which addresses the issues in accordance with §65-707.B(1) through (8) & (10) shall be provided.
10. A sewage facilities planning module for land development, or exemption thereof, as required by Act 537, the Pennsylvania Sewage Facilities Act, shall be provided. (§65-402(C)(5))
11. Calculations shall be provided to confirm the proposed stormwater management design complies with the both the groundwater recharge and water quality requirements. (§104-106.S and §104-404)
12. The plan should also address any comments offered by the Township Fire Marshall.

If you have any further questions or concerns, please feel free to contact me.

cc: Maryann Furlong, Township Secretary  
Richard Jensen, Code Enforcement Officer