

**NARRATIVE OF COMPLIANCE WITH BED-AND-BREAKFAST
ESTATE STANDARDS (§ 115-48.2)**

I. BACKGROUND

The subject property is located at 415 Birmingham Road, West Chester, PA 19382 (“Property”) and is situated in the R-2 Zoning District. This unique Property is approximately 10.96 acres in size and is designated as a Class I historic property on the East Bradford Township Historic Resources Map. The Owner/Applicant submitted a conditional use application to permit a bed and breakfast estate as a permitted adaptive reuse pursuant to §115-131.3A.(8) of the Township of East Bradford Zoning Ordinance. The Applicant intends to house overnight guests and host special events as permitted in conjunction with the bed-and-breakfast estate use of the property.

II. COMPLIANCE WITH BED-AND-BREAKFAST ESTATE STANDARDS

Bed-and-breakfast estates may be operated in any zoning district as a conditional use when in full compliance with the following requirements as set forth in § 115-48.2. The Applicant has or will demonstrate compliance with all such standards at the time of the hearing:

A. The only buildings eligible for a bed-and-breakfast estate use shall be owner-occupied Class I historic resources.

The existing Property is designated as a Class I historic property as illustrated as #135 on the East Bradford Township Historic Resource Map. (A copy of the map is attached hereto.) The Marshalls own the Property and currently making renovations for purposes of making the Property their residence. All of the buildings on the Property are owner occupied as the Board of Supervisors found in a prior Conditional Use Decision for the Property dated September 11, 1997 (“Drury Decision”) (A copy is attached. See Finding #16.)

B. A bed-and-breakfast estate shall consist of at least four guest rooms, but no more than 10 guest rooms, with the total occupancy of each guest room/suite being two persons maximum.

The Zoning Hearing Board granted use of the tenant dwelling for guest rooms as part of the proposed Bed and Breakfast Estate. However, the proposal also shows four guest rooms in the Farm House.¹

- C. No bed-and-breakfast estate guest room/suite shall contain any cooking facilities.

None of the guest rooms will contain cooking facilities and the Applicant is agreeable to this as a condition of approval.

- D. There shall be no more than two employees on the premises at any one time who are not resident members of the bed-and-breakfast estate household.

Applicant agrees to comply when the use is operational and will accept this as a condition of approval.

- E. Breakfast may be prepared and served to the bed-and-breakfast estate overnight guests by the owner as part of the accommodations, but no more meals shall be prepared and served by the owner to overnight guests (whether or not separately billed).

Applicant agrees to comply when the use is operational and will accept this as a condition of approval.

- F. Licensed caterers shall be engaged to serve catered meals and beverages to overnight guests and attendees of weddings, wedding receptions, small parties and special events.

Applicant agrees to comply when the use is operational and will accept this as a condition of approval.

- G. Owners shall comply with all federal, state and local requirements for the preparation, handling and serving of food.

Applicant agrees to comply when the use is operational and will accept this as a condition of approval.

- H. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and the overnight guests of the bed-and-breakfast estate.

No recreational amenities currently exist but to the extent any are proposed in the future, Applicant agrees they will be limited to the owner and overnight guests.

¹ The Zoning Hearing Board Decision is pending appeal before the Chester County Court of Common Pleas. While an appeal does not act as a stay and the Applicants are permitted to proceed with an approval subject to an appeal, this Application also shows guest rooms in the Farm House to demonstrate compliance with all applicable ordinances without the need for Zoning Hearing Board relief.

I. With the conditional use application, the applicant shall submit an impact assessment report which shall evaluate the potential negative impacts the proposed bed-and-breakfast estate shall have on the surrounding community with respect to such matters as parking, noise, lighting, views and anything else in the neighborhood which would be affected by the proposed use.

See enclosed report prepared by DL Howell and Associates.

J. With the conditional use application, the applicant shall provide scaled drawings of the floors of the dwelling and indicate the owner's living areas, overnight guest rooms/suites and common area with a color legend to distinguish each from the other and marked as an exhibit. One such exhibit shall be placed in the Zoning Officer's file.

Floor plans are enclosed as part of this Application demonstrating compliance with this Section.

K. Accessory buildings shall not be included in the conduct of the bed-and-breakfast estate.

No accessory buildings are being utilized for the conduct of the B&B Estate use. It should be noted that the Tenant House is not an accessory building as it has been utilized as a principal commercial building over the years including for a veterinarian clinic. (See Drury Decision, Finding #8.) While the Applicant asserts the Barn is not an accessory structure, use of the Barn is not proposed for the B&B Estate use at this time.

L. The following design standards shall be applicable to bed-and-breakfast estate operations:

- (1) Screening as required by § 115-52.

Existing screening and vegetation complies with this section. Additional landscaping is also proposed as shown on the plans submitted with this Application.

- (2) Storage as required by § 115-53.

No outside storage is proposed.

- (3) Landscaping as required by § 115-45.1.

Existing screening and vegetation complies with this section. However, Applicant proposes additional landscaping as set forth on the plans.

- (4) Access and traffic control as required by § 115-55.

Sufficient access and traffic controls are shown on the plans and will be further addressed through testimony by the professional engineer.

- (5) Interior circulation as required by § 115-56.

Sufficient access and traffic controls are shown on the plans and will be further addressed through testimony by the professional engineer.

- (6) Off-street loading as required by § 115-59.

A parking plan is being submitted that complies with this section.

- (7) Regulation of emissions of smoke, fumes, odors and noise as required by § 115-60.

There is no smoke, fumes or odors associated with the proposed bed and breakfast estate use. With respect to noise, the Applicant agrees to comply with the Township's Noise Ordinance (Chapter 74) as a condition of approval and with all applicable objective ordinance standards governing noise. Since the use is not yet operational, the Courts have held that an applicant is not required to do more than to represent that it will comply with the applicable standards. *See Frank v. Gowatski*, 2016 WL 2755024 (Pa. Cmwlth. 2016); *Foster Grading Company v. Venango Twp. ZHB*, 412 A.2d 647 (Pa. Cmwlth. 1980). The Courts have also held that sound modeling is not required nor does an expert need to be retained when the ordinance does not so require. *Id.*

- (8) The maximum occupancy of a bed-and-breakfast estate for weddings, wedding receptions, small parties and special events shall be based on the available common area, the formula being one person per 10 square feet of common area. In the event that the aforesaid activities are conducted out of doors, the maximum occupancy may not exceed that which has been established by the common area. Neither indoor nor outdoor maximum occupancy may exceed 100 people.

The floor plans enclosed with this Application show a minimum of 1,000 square feet of common area to support the maximum permitted 100 guests.

(9) Off-street Parking.

Off-street parking for a bed-and-breakfast estate shall be that which is required by § 115-58 for single-family residences, and, in addition, there shall be:

- [1] **One space for each employee of the bed-and-breakfast estate.**
- [2] **One space for each available guest room/suite.**
- [3] **One space for each two persons attending a wedding, wedding reception, small party or special event, based on maximum occupancy as required by § 115-48.2L(8).**

A parking plan is being submitted that complies with this section.

(a) Plans for parking areas are to be submitted to the Township Engineer for review and comment at least two weeks prior to the scheduled hearing. The review is to be based upon § **115-58B(1)**. Parking areas designated for use in the conduct of weddings, wedding receptions, small parties and special events may be areas of stable grass and/or meadow if they can be demonstrated as suitable to the Township Engineer's satisfaction.

A parking plan is being submitted that complies with this section.

(b) Off-street parking spaces must be provided on the lot for which they are intended unless satisfactory evidence is presented to the Zoning Officer that an agreement exists which provides for sufficient permanent off-street parking spaces on another lot.

A parking plan is being submitted that complies with this section.

(c) Off-street parking spaces must be provided on the lot for which they are intended unless satisfactory evidence is presented to the Zoning Officer that an agreement exists which provides for sufficient permanent off-street parking spaces on another lot.

A parking plan is being submitted that complies with this section.

M. Music or entertainment associated with the conduct of the bed-and-Breakfast estate is to be acoustic exclusively and without amplification.

Applicant agrees that the music/entertainment for any outdoor weddings/special events will be exclusively acoustic without amplifications.

N. If tents or canopies are to be used in the conduct of weddings, wedding receptions, small parties or special events, they are to be fully screened from any vantage point off of the property.

The proposed tent location is adjacent to the Barn structure and will be fully screened.

O. The hours of operation for the bed-and-breakfast estate weddings, wedding receptions, small parties and special events shall be limited to the hours of 9:00 a.m. Eastern standard time to 9:00 p.m. Eastern standard time.

Applicant agrees to comply when the use is operational and will accept this as a condition of approval.

P. A professional structural engineer registered in the State of Pennsylvania is to review the structural capacity of the bed-and-breakfast estate common area according to the proposed maximum occupancy [harmonic loads (dancing) are to be a factor] and submit to the Board of Supervisors the results of the review along with the recommended design to accommodate the maximum occupancy.

Although the special events are not intended to be held in the Farm House, the Applicant will be submitting a structural engineering report under separate cover.

Q. The length of stay for any overnight guest shall be limited to not more than 14 consecutive days.

Applicant agrees to comply when the use is operational and will accept this as a condition of approval.

R. The resident owner shall maintain a guest register which shall list the names, addresses and lengths of stay of all guests.

Applicant agrees to comply when the use is operational and will accept this as a condition of approval.

S. One sign shall be permitted for purposes of identifying the property as a bed-and-breakfast estate, provided that the sign shall not exceed six square feet in area and shall contain no information other than identification of the premises as the named bed-and-breakfast estate, and the sign shall have been presented to the East Bradford Township Historical Commission for review and comment at least two weeks prior to the conditional use hearing.

The proposed sign plan is being submitted as part of this application.

T. Lot coverage shall be increased by 5% for the underlying zoning district in which the use is located.

No additional impervious coverage is proposed but to the extent of future improvements, Applicant agrees to comply with this requirement.

U. No external enlargements, alterations or changes to the exterior of the Class I historic resource shall be permitted, except as required by the Township Building Code and the Pennsylvania Department of Labor and Industry, or for safety reasons as required by any other governmental agency. The proposed design of any required enlargement, alteration or change shall be reviewed by the East Bradford Historical Commission, which Commission shall provide comments to the applicant, the Zoning Officer and the Board of Supervisors.

[1] Editor's Note: See Ch. 45, Building Construction.

Applicant agrees that no enlargements or additions are proposed for purposes of the B&B Estate use.

V. Where the property is not served by a public sewage system, the applicant shall present documentation which shall be satisfactory to the Township that the existing on-site sewage system shall be adequate to handle the increased flows from the bed-and-breakfast estate, as well as the availability of sufficient backup area on the lot; and that the Chester County Health Department has certified the adequacy of the existing on-site sewage system for the bed-and- breakfast estate after an on-site inspection of the existing sewer system and/or any required improvements to the system.

The existing on-site septic system for the Farm House is sufficient to accommodate the guest suites in the Farm House. There are two existing on-site septic systems, one for the Farm House and one for the Tenant House. Both on-site septic systems are located within the open space (the Farm House septic system is entirely within the open space and the Tenant House septic system is partially within the open space. The Township approved both on-site septic systems to be in the open space in accordance with the Drury Decision (See Finding # 34) and as shown on the Drury approved recorded subdivision plan.

Percolation tests were performed in the presence of the County Health Department which confirms the soils are appropriate to expand the Tenant House on-site system if necessary. Any sewage flows associated with the special events will be accommodated by portable restroom facilities.

W. The applicant shall comply with all other applicable Township codes and regulations, including but not limited to the Fire, Health, Plumbing and Building Codes.

Applicant will comply and agrees to this as a condition of approval.

X. Upon compliance with all of the requirements of this chapter, the Zoning

Officer shall be authorized to issue a use and occupancy permit which shall be valid for a period of one year, unless revoked sooner for violation of any of the provisions of this chapter. The permit may be renewed annually, provided that the Zoning Officer has inspected the facility and found it to be in compliance with the provisions of this chapter. In the event that the Zoning Officer determines a violation to exist, the permit shall not be renewed until the violation is remedied.

Applicant will comply and agrees to this as a condition of approval.

III. CONCLUSION

Applicant intends to present additional documents and/or exhibits and will submit in advance of the hearing. Applicant also intends to provide additional evidence through testimony at the time of the hearing to support the grant of a conditional use for a B&B Estate use.

Respectfully Submitted,

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