

BOARD OF SUPERVISORS EAST GOSHEN TOWNSHIP CHESTER COUNTY, PENNSYLVANIA

PHONE 692-7171

ZONING AND BUILDING PERMIT

DATE August 27, 1984

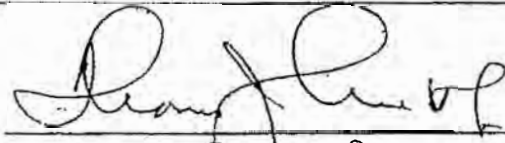
NO. 4826

THIS IS TO CERTIFY THAT James Keen HAS FILED AN APPLICATION FOR ZONING AND BUILDING PERMIT WITH THE ZONING OFFICER OF EAST GOSHEN TOWNSHIP. THIS APPLICATION HAVING BEEN FOUND TO COMPLY WITH THE ZONING ORDINANCE OF EAST GOSHEN TOWNSHIP AND IS HEREBY GRANTED THE RIGHT TO ERECT

A Swimming Pool at 229 Baldwin Drive

IN CONFORMITY WITH SAID APPLICATION.

FEE PAID \$ 15.00


ZONING OFFICER

PERMIT BECOMES INVALID, IF CONSTRUCTION DOES NOT START WITHIN ONE YEAR FROM DATE OR IF CONSTRUCTION IS NOT COMPLETED WITHIN THREE YEARS FROM DATE.

(THIS PERMIT IS INVALID AFTER 1 YEAR FROM DATE)

— NOTICE —

• THE FOLLOWING INSPECTIONS ARE NEEDED ON ALL CONSTRUCTION •

CALL: 692-7171

ALLOW 24 HOURS NOTICE

1. AFTER FOOTINGS ARE DUG, BUT BEFORE THE CONCRETE IS POURED.
2. FOUNDATION INSPECTION BEFORE BACKFILLING, IF THE BUILDING HAS A FLOOR LEVEL BELOW GRADE LEVEL.
3. BEFORE LATHING OR DRYWALL IS APPLIED BUT AFTER AN APPROVED ELECTRICAL INSPECTION AGENCY HAS APPROVED THE ROUGH WIRING AND THE PLUMBING INSPECTOR HAS APPROVED THE ROUGH PLUMBING.
4. WHEN CONSTRUCTION IS COMPLETE BUT AFTER THE PLUMBING AND THE ELECTRICAL WIRING HAVE BEEN INSPECTED AND APPROVED. A CERTIFICATE OF OCCUPANCY IS REQUIRED BEFORE OCCUPYING THE STRUCTURE.

SEWER LATERAL MUST BE
INSPECTED AND APPROVED
BY THE TOWNSHIP ENGINEER

ELECTRICAL WORK MUST BE
INSPECTED AND APPROVED BY THE
ELECTRICAL INSPECTION AGENCIES

EAST GOSHEN TOWNSHIP

1580 PAOLI PIKE, WEST CHESTER, PA. 19380

PERMIT No.

4816

APPLICATION: PERMIT
FOR INSTALLATION OF SWIMMING POOL

Above Ground Pool

DATE 8-7-84FEE \$75.00 Pa. cashOWNER NAME James KeenPHONE NO. 696-0836ADDRESS 229 Baldwin Dr.SIGNATURE James J. KeenLOCATION OF PROPERTY 229 Baldwin Dr.ZONE R2TYPE OF POOL: IN-GROUND _____, ABOVE GROUND ☒ COST \$4,100CONTRACTOR NAME James Pool

PHONE NO. _____

ADDRESS Concordville

SIGNATURE _____

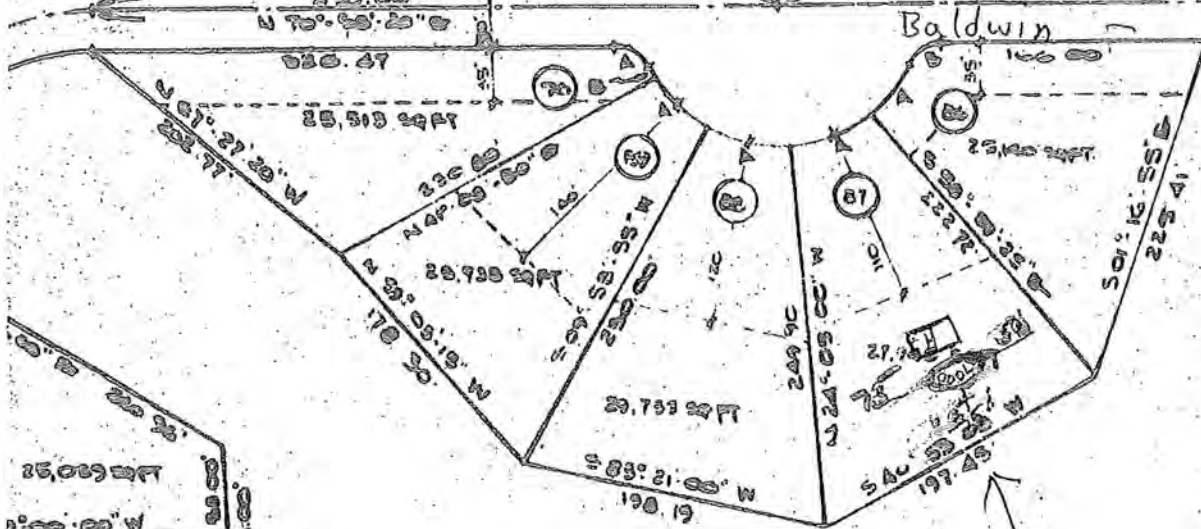
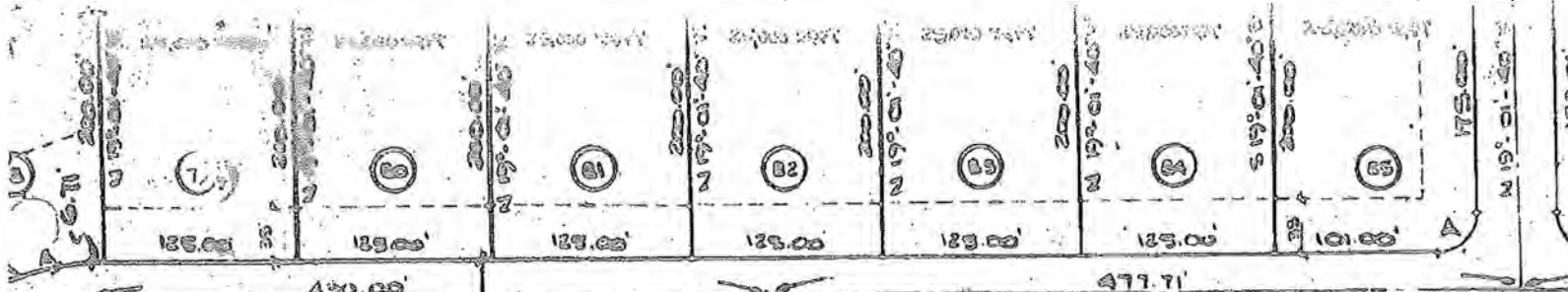
●● PLEASE COMPLETE BACK OF FORM ●●

- NOTE: 1. ELECTRICAL UNDERWRITERS CERTIFICATE REQUIRED UPON COMPLETION
2. NO DRAINPIPE WILL BE PERMITTED TO CONNECT TO SANITARY SEWER

TO BE COMPLETED BY TOWNSHIP OFFICIALS

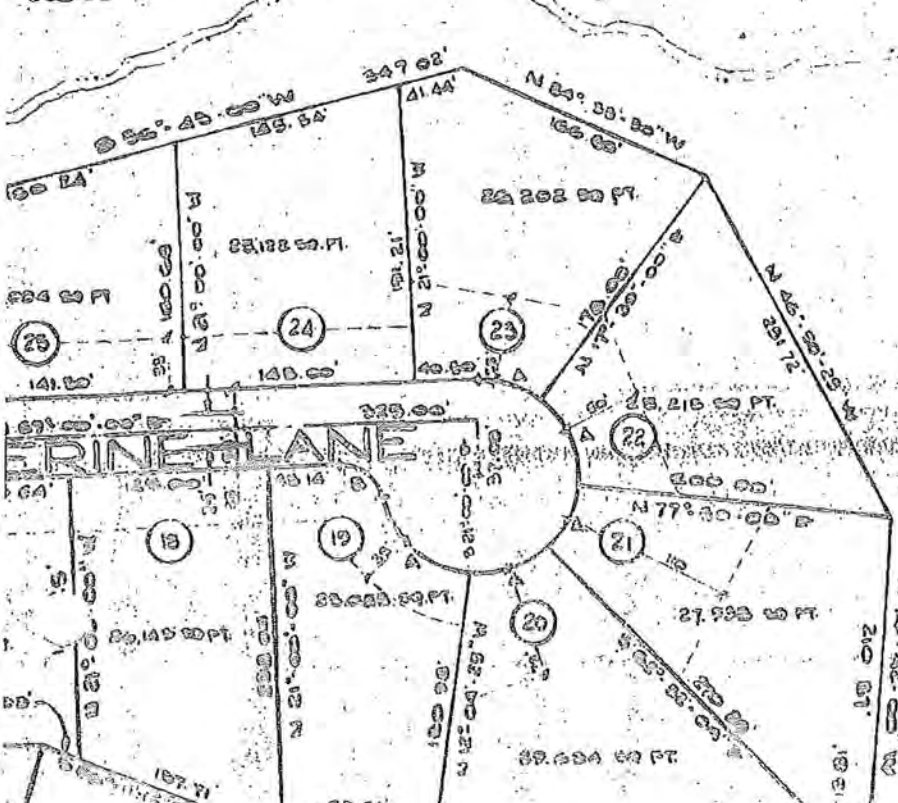
BUILDING INSPECTOR Harry W. LinscombDATE Aug 8, 1984ZONING OFFICER Kevin J. SmithDATE Aug 21 1984SUPERVISORS T. E. RunyDATE 8/21/84

REMARKS:



Above Ground Pool.

OPEN SPACE
26 168
1800 AC.



214 Baldwin Pool 7 feet from property line



COUNTY OF CHESTER
PENNSYLVANIA



Find Address Information

PARID: 5306A00330000
UPL: 53-6A-33
Owner1: FASINO JEFFREY
Owner2: FASINO MELANIE
Mail Address 1: 214 BALDWIN DR
Mail Address 2: WEST CHESTER PA
Mail Address 3:
ZIP Code: 19380
Deed Book: 9729
Deed Page: 1911
Deed Recorded Date: 04/23/2018
Legal Desc 1: WS BALDWIN DR
Legal Desc 2: LOT 76 DWG & POOL
Acres: 0.5122
LUC: R-10
Lot Assessment: 539.90
Property Assessment: 140.960
Total Assessment: 1949.50
Assessment Date: 12/16/2022 7:49:49 AM
Property Address: 214 BALDWIN DR
Municipality: EAST GOSHEN
School District: West Chester Area

RY-9'
SY-26'
SY-60'
Pool size: 16' x 32'

Map Created:
Friday, December 15, 2023

County of Chester



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County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.

This is an aerial map of East Goshen Township, Indiana, overlaid with a cadastral map showing property lots and their acreage. The map includes several roads: East Goshen Township Road 126, West Goshen Township Road 126, Baldwin Dr, Katherine Dr, and a road labeled 'Hilltop'. A large, irregularly shaped lot in the upper center is labeled '53-4-93.1 87.23 AC'. To its right, a series of smaller lots are labeled with numbers and acreage, including '53-4-99 5.4 AC', '53-4-102.1 2.2 AC', '53-4-103.2 1.8 AC', '53-4-103.1 1.6 AC', '53-4-100 1.8 AC', '53-4-101 2.6 AC', and '53-4N-51 1.7 AC'. In the lower center, a lot is highlighted with a red outline and labeled '53-6-11 1.5 AC'. Other lots in this area are labeled '53-6-102 1.5 AC', '53-6-22 1.2 AC', '53-6-1 1 AC', '53-6-6 1.4 AC', '53-6-5 1.5 AC', '53-6-4 1.5 AC', and '53-6-3 1.5 AC'. The map also shows a river or stream flowing through the area, and various other lots with numbers and acreage labels.

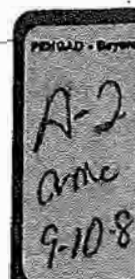
EAST GOSHEN TOWNSHIP ZONING HEARING BOARD
Application for Special Exception or Variance

A-2

Date

9-9-85

1. Your name and address RAYMOND J. NANCY N. GOTHIE
214 BALDWIN DR. WEST CHESTER, PA. 19380
- 2.(a) Who owns the real estate on which the proposed exception or variance is being requested? ABOVE
- 2.(b) What is his or her address? SAME
3. Please give a brief description and state location of the real estate on which the proposed exception or variance is being requested.
INSTALLATION OF IN GROUND SWIMMING
POOL WITHIN (15) FIFTEEN FEET OF
PROPERTY LINES (REAR, SIDE)
4. What is the present zoning classification of the real estate involved? RESIDENTIAL
5. What buildings or other structures are now on the property? 1 HOUSE
6. What use is now being made of the property? RESIDENTIAL USE ONLY



7. Indicate, by number, the section of the Zoning Ordinance under which you feel the exception or variance requested may be allowed and state your reasons why it should be granted:

ARTICLE 506

SECTION 511.1 h

8. What additions to or improvements in the property do you intend to make under this application? (Please describe below as completely as possible and on the back of this application sketch a plot plan of the real estate indicating the size of the lot, size of buildings or other structures now erected and size and location of those to be erected).

INSTALLATION OF IN GROUND SWIMMING
POOL 16' X 32'. PRIVACY FENCE WITH
GATE ENCLOSING POOL AREA.

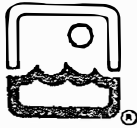

Signature

EAST GOCHEN TWP

Gritz Pools Inc.

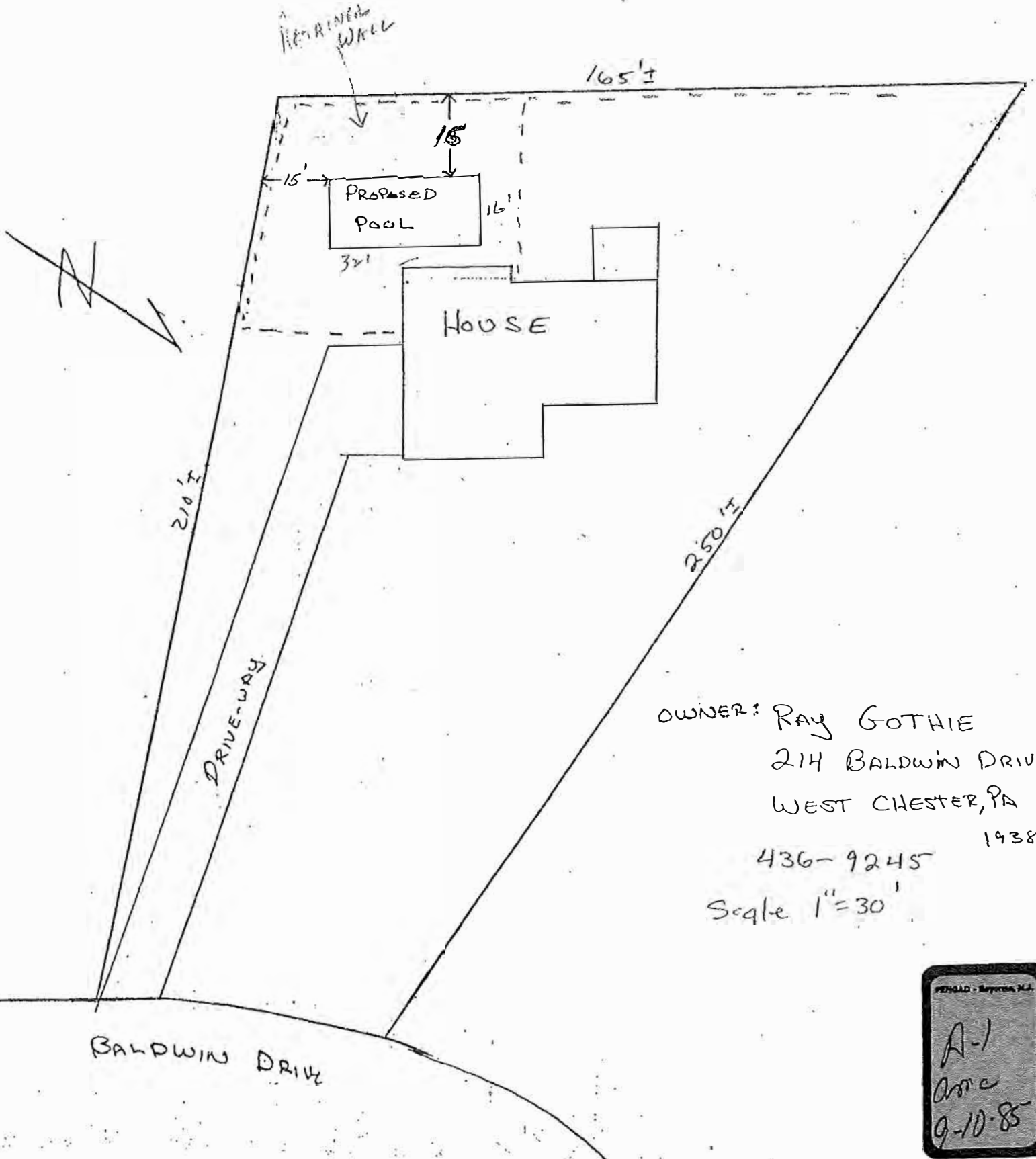
RD 6 BOX 286 COATESVILLE, PA 19320
(215) 384-4422

MEMBER



NATIONAL
SPA & POOL
INSTITUTE

Plot Plan



OWNER: RAY GOTHIE
214 BALDWIN DRIVE
WEST CHESTER, PA

19380

436-9245

Scale 1"=30'



Tom Smith

IN RE: THE APPLICATION OF : BEFORE THE ZONING HEARING
MR. AND MRS. RAYMOND J. : BOARD OF EAST GOSHEN
GOTHIE : TOWNSHIP, CHESTER COUNTY,
: DECISION

D E C I S I O N

The Zoning Hearing Board of East Goshen Township, Chester County, Pennsylvania, after proper advertising, sat at approximately 7:30 p.m., on Tuesday, September 10, 1985, to hear evidence on the case. Applicants filed for a variance to construct a swimming pool, which does not comply with the side and rear yard requirements for the zoning district at 214 Baldwin Drive, East Goshen Township, Chester County, Pennsylvania. Present at the hearing was Member Robert J. Carnwath who was appointed by the Board, with the consent of the applicant, as Hearing Officer to hear and receive testimony and evidence on the matter, and to render a decision for the Board. Testimony was presented by the applicant, Raymond J. Gothie, who appeared unrepresented by legal counsel. The Township took no position with respect to the application. After the presentation of the evidence at the hearing, the Board granted the requested relief as more particularly set forth herein.

FINDINGS OF FACT

1. The property is located at 214 Baldwin Drive, East Goshen Township, Chester County, Pennsylvania, which is in the R-2 Residence District.

2. Applicants, Mr. and Mrs. Raymond J. Gothie, are the fee simple owners of the premises.

3. Applicants presented at the hearing Exhibit -- A-1, a sketch plan of the property showing the location of the house and the proposed location of the swimming pool; and A-2, the application for the variance.

4. In addition, the Board presented at the hearing the following exhibits:

A. B-1 - Proof of the publication of the hearing.

B. B-2 - Photograph evidencing the posting of the property as required by the Zoning Ordinance.

C. B-3 - Proof from the applicants that the notifications required by the Ordinance were sent to the property owners within 1,000' of the subject premises.

5. Applicants propose to construct a rectangular in-ground swimming pool which will be approximately 32' by 16'.

6. As shown on Exhibit A-1, the proposed pool will be 15' from the rear property line and 15' from the side property line.

7. Sections 202.5(h) and 511.1(h) of the Zoning Ordinance provide that swimming pools may be an accessory use to a single family home in the R-2 Residence District provided that they are located at least 25' from any lot line and behind the building setback lines.

8. The proposed pool will be behind the building setback lines, but it will be less than 25' from either the rear or side lot lines and encroachment in each instance will be 10'.

9. It is impractical for applicants to construct a pool on the northwest side of the property because of excessive slopes and the existence of bed rock; and there is nowhere else on the property where the pool can be located where the provisions of Section 202.5(h) or Section 511.1(h) will not be violated.

10. None of the surrounding owners came forth to voice an objection to the application.

11. The house on the property to the rear of applicants' property is located approximately 100' from its rear property line with applicants' property.

12. The pool will be built within clear viewing distance of applicants' family room.

13. Applicants propose to construct a 6' fence around the pool at the general location indicated by the pencilled dotted line on Exhibit A-1.

14. The proposed use will be compatible with what is currently on the land.

15. The variance requested is the minimum necessary to make reasonable use of the land for the existing single family residence and a swimming pool.

16. The applicants will comply with all applicable zoning, subdivision, building, fire and other laws, rules, regulations and ordinances related to the proposed use.

17. The circumstances which necessitate the applicants seeking the variance from the setback requirements for the

swimming pool appear not to have been created by applicants; i.e., the hardship was not self-inflicted.

18. The granting of the requested variance appears to be in harmony with the general purpose and intent of the Zoning Ordinance; and the granting of the variance does not appear to be injurious to the neighborhood in general or otherwise detrimental to the public welfare.

DISCUSSION

Section 804.2 of the East Goshen Zoning Ordinance provides that the Zoning Hearing Board may grant variances under certain circumstances. The standards contained in the Ordinance are in accordance with the Municipalities Planning Code and existing case decisions. 53 P.S. § 10101, et seq.; Ryan, Pennsylvania Zoning Law Practice, § 6.2.1, et seq.

In the present case, applicants have requested a variance from the applicable provisions of the Zoning Ordinance in order to construct a swimming pool. The record establishes that if the applicants are not permitted to proceed as requested, they will be unable to construct on the property a swimming pool which is permitted as an accessory use in a R-2 Residence District. The Board believes that a denial of the request for relief would constitute an unnecessary hardship and, therefore, the spirit of the Zoning Ordinance would be better observed and substantial justice more adequately accomplished by granting the requested relief.

However, the Board reminds the applicants that they must follow all applicable ordinances, rules and regulations of the Township codes and ordinances, and in particular as they relate to fencing of the pool area. Also, the Board directs that any lighting not disturb adjacent neighbors.

CONCLUSIONS OF LAW

1. The literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship to applicants and the hardship is not self-created.

2. Applicants' request for a variance from the provisions of the Zoning Ordinance in order to construct a swimming pool will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose and intent of this Ordinance.

3. The applicants' request is for the minimum variance necessary to make reasonable use, or any use for that matter, of a swimming pool on the property.

O R D E R

AND NOW, this *12th* day of *November*, 1985, applicants, Mr. and Mrs. Raymond J. Gothie are granted a variance from the 25 foot rear and side yard setback requirement for a swimming pool in the R-2 Residence District to construct a swimming pool as specifically proposed on the plot plan, which is Exhibit A-1, at the property located at 214 Baldwin Drive, East Goshen Township, Chester County, Pennsylvania, so long as applicants comply with all laws, ordinances,

codes and other rules and regulations with respect to the construction of the swimming pool, and, in particular with respect to the Township ordinances and codes regulating fencing of the swimming pool; and any outside lighting which is installed around the swimming pool shall be designed so that it will not be directed or otherwise shine into adjacent properties.

ATTEST:

EAST GOSHEN ZONING
HEARING BOARD

Fredrick M. Madsen
Secretary

William G. Benham

Charles A. Dunk
Charles A. Dunk

Robert J. Carnwath
Robert J. Carnwath

EAST GOSHEN TOWNSHIP
1580 PAOLI PIKE WEST CHESTER, PA. 19380

PERMIT No. _____

APPLICATION: PERMIT
FOR INSTALLATION OF SWIMMING POOL

DATE 8/13/85 FEE _____
OWNER NAME RAYMOND J. GOTHIE PHONE NO. 436-9245
NANCY N.
ADDRESS 214 BALDWIN DR. W.C. 19380 SIGNATURE Raymond J. Gothie
LOCATION OF PROPERTY _____ ZONE _____
TYPE OF POOL: IN-GROUND X, ABOVE GROUND _____ COST _____
CONTRACTOR NAME Gritz Pools Inc. PHONE NO. 215-384-4422
ADDRESS RD 6 Box 286 Coatesville Pa SIGNATURE See Memo
19380

••PLEASE COMPLETE BACK OF FORM••

- NOTE: 1. ELECTRICAL UNDERWRITERS CERTIFICATE REQUIRED UPON COMPLETION
2. NO DRAINPIPE WILL BE PERMITTED TO CONNECT TO SANITARY SEWER.

TO BE COMPLETED BY TOWNSHIP OFFICIALS

BUILDING INSPECTOR _____ DATE _____

ZONING OFFICER _____ DATE _____

SUPERVISORS _____

REMARKS:

will need
variance

Mr. Gothie
leaving 8-14
8/24

EAST GOSHEN TWP.

EAST GOSHEN

CHESTER COUNTY, PENNA.

Pd. 12/19/77

Check # 19636

63-VA-33

APPLICATION FOR BUILDING PERMIT & CERTIFICATE OF OCCUPANCY

TYPE Venture #2 DATE Dec. 19-1977
USE Residential FEE \$145.00
ZONE NO. R2

S & E Permit
7750

1. OWNER

Name GAMBONE BROS. DEVELOPMENT CO.
Address 1030 W. GERMANTOWN PIKE
FAIRVIEW VILLAGE, PA. 19409
Tel. No. 277-4220

2. CONTRACTOR

Name GAMBONE BROS. CONSTRUCTION CO.
Address 1030 W. GERMANTOWN PIKE
FAIRVIEW VILLAGE PA 19409
Tel. No. 277-4220

3. ARCHITECT

Name GAMBONE BROS. CONSTRUCTION CO.
Address 1030 W. GERMANTOWN PIKE
FAIRVIEW VILLAGE, PA. 19409
Tel. No. 277-4220

4. LOCATION OF PROPERTY

Street BALDWIN DRIVE Lot No. 16
Subdivision ROCKLAND VILLAGE II

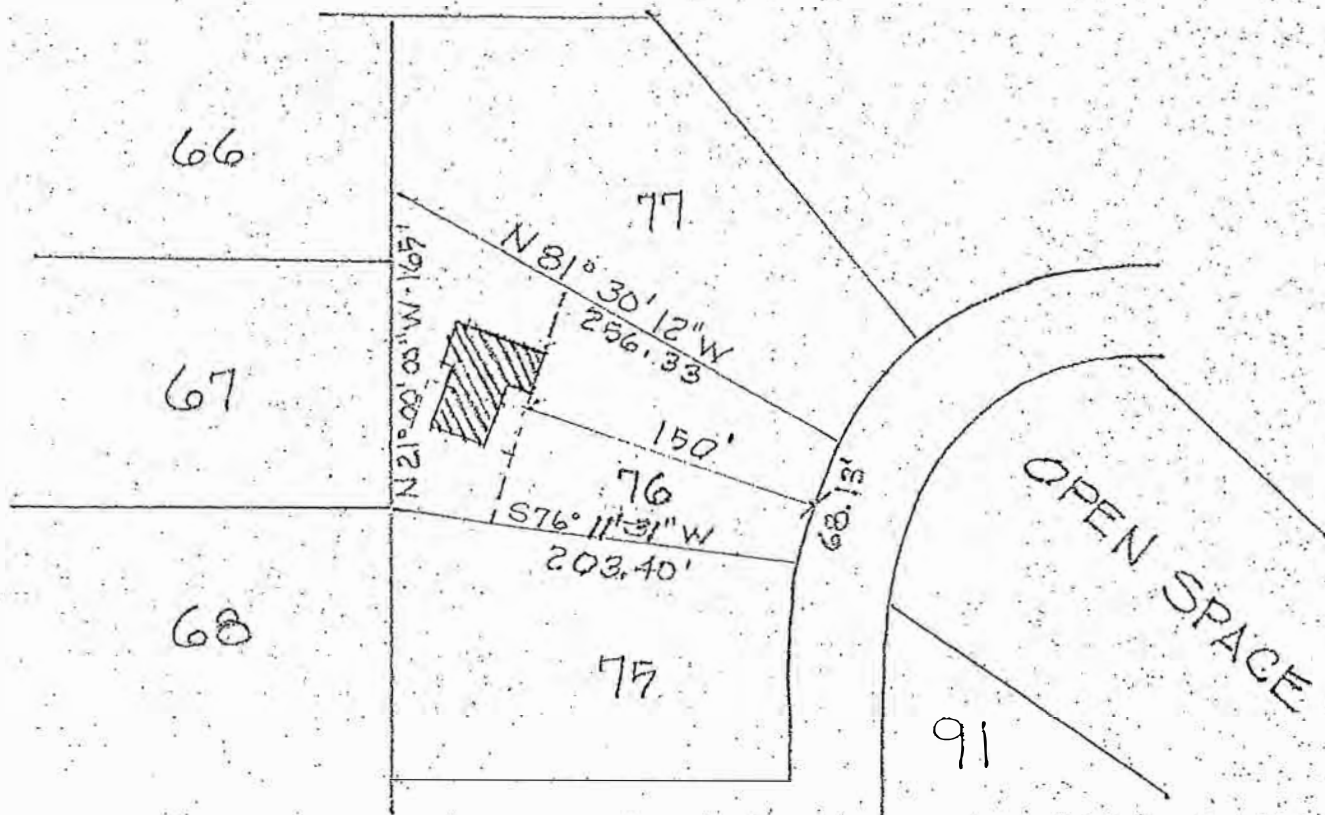
5. ZONING INFORMATION

Lot Area 27,392 Frontage 68.13' Front Yard 150'
Side Yard 38' & 38' Rear Yard 35' No. Stories 2
Floor Areas 2380 Total Height 27' Area of Lot Occupied by Bldg. Sq. Ft. 1250.69%

1. Total floor area measured from exterior of outside wall to exterior of outside wall 2380
2. Attached Garages Sq. Ft. 433 3. Porches — 4. Finished Basement —
5. Other — Total Square Feet 2821

17. PLOT PLAN

Show Property Lines, Street Lines, Net Area of Lot to Street Lines, Septic Tank, Seepage Pit, Tile Field, Streams, etc. Separate Plot Plan can be attached. Plot Plan must be neat, legible, and suitable for permanent record.



PLOT PLAN - LOT 76

225 Baldwin Drive IG Pool W/ ZHB_V



COUNTY OF CHESTER
PENNSYLVANIA



Find Address Information

PARID: 5304N00130000
UPI: 53-4N-13
Owner1: GODLEY JONATHAN
Owner2: GODLEY HALEY
Mail Address 1: 225 BALDWIN DR
Mail Address 2: WEST CHESTER PA
Mail Address 3:
ZIP Code: 19380
Deed Book: 10888
Deed Page: 2041
Deed Recorded Date: 06/07/2022
Legal Desc 1: SS BALDWIN DR
Legal Desc 2: LOT 89 DWG & POOL
Acres: 0.4667
LUC: R-10
Lot Assessment: 53280
Property Assessment: 159840
Total Assessment: 213120
Assessment Date: 12/15/2023 7:39:35
AM
Property Address: 225 BALDWIN DR
Municipality: EAST GOSHEN
School District: West Chester Area
84'-5'
37'-21'
57'-75'
Pool size: 18' x 40'

Map Created:
Wednesday, December 20, 2023

County of Chester



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EAST GOSHEN TOWNSHIP ZONING HEARING BOARD
Application for ~~Special Exception~~ or Variance

Date _____

1. Your name and address John Graham
225 Baldwin Drive, West Chester, Pa. 19380

2.(a) Who owns the real estate on which the proposed exception or variance is
being requested? Same as #1

2.(b) What is his or her address? Same as #1

3. Please give a brief description and state location of the real estate on
which the proposed ~~exception~~ or variance is being requested. _____
2500 sq. foot lot in the Supplee Valley Development
Parcel #53-4N-13

4. What is the present zoning classification of the real estate involved? _____
R-2 (Planned Residential Development - Section 503)

5. What buildings or other structures are now on the property? _____
Single Family Dwelling

6. What use is now being made of the property? _____
Residential

- Article 800 Section 802.1 - 802.4

Article 800 Section 802.1 - 802.4

- Construct a Swimming Pool (See plan attached)

Construct a Swimming Pool (See plan attached)

Page 2 of 2

GRAHAM
225 Baldwin Dr

Deck

40

26'

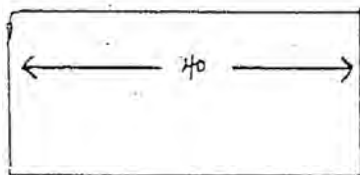
25'

14'

Set Back
waiver Required

GRAHAM
225 Baldwin Dr

Deck



26'

50'

IN RE: THE APPLICATION OF : BEFORE THE ZONING HEARING
JOHN GRAHAM : BOARD OF EAST GOSHEN
: TOWNSHIP, CHESTER COUNTY,
: PENNSYLVANIA

D E C I S I O N

The Zoning Hearing Board of East Goshen Township, Chester County, Pennsylvania, after proper advertising, sat at approximately 7:30 p.m. on Wednesday, April 13, 1983, to hear evidence on the case. Applicant filed for a variance to construct a swimming pool, which does not comply with the minimum set back requirements for the zoning district at 225 Baldwin Drive, East Goshen Township, Chester County, Pennsylvania. Present at the hearing were the Chairman William G. Benham, Member Robert J. Carnwath and Member Charles A. Dunk. Testimony was presented by the applicant, Mr. John Graham, who appeared unrepresented by legal counsel. In addition, Mr. Lewis W. Charnock, 227 Baldwin Drive, East Goshen Township, Chester County, Pennsylvania, entered his appearance as a party in opposition to the application. The Township took no position with respect to the application. After the presentation of the evidence at the hearing, the Board decided to grant the requested relief subject to conditions as more particularly set forth herein.

FINDINGS OF FACT

1. The property is located at 225 Baldwin Drive, East Goshen Township, Chester County, Pennsylvania and is located in a R-2 Residence District. However, the property was developed under the planned residential development provisions of the Zoning Ordinance.

2. Applicant, John Graham, is the fee simple owner of the subject premises.

3. There is currently existing on the approximately 25,938 square foot parcel a residence.

4. The applicant presented at the hearing the following exhibits:

A. A-1 - The application for a variance to which was attached a sketch of the parcel, with a depiction of the footprint of the residence and the proposed swimming pool.

B. A-2 - An extract of the tax parcel map, from the Board of Assessment Appeals, Chester County Courthouse, West Chester, Pennsylvania, showing more precisely the dimensions of applicant's property, which is designated as Lot #89 on the extract.

C. A-3 - Diagrams of swimming pools with the diagram of the pool contemplated by applicant being circled in red.

5. In addition, the Board presented at the hearing the following exhibits:

A. B-1 - Proof of publication of the hearing.

B. B-2 - Proof from the applicant that the notifications required by the Ordinance were sent to properties within 1500 feet of the subject premises.

C. B-3 - A photograph evidencing the posting of the property as required by the Zoning Ordinance.

6. Although the notice from the applicant to persons within 1500 feet of the property announced that the hearing was scheduled for Tuesday, April 12, 1983, Mr. Smith, the Township Manager, was at the Township Building on Tuesday, April 12, 1983, from 7:00 to 8:30 p.m., to notify interested parties that the hearing had been rescheduled for Wednesday, April 13, 1983, and the newspaper advertisement (B-1) referred to Wednesday, April 13, 1983, as the date for the hearing.

7. Applicant proposes to construct an approximately 600 square foot swimming pool which will be designed approximately in accordance with the diagram circled in red on Exhibit A-3.

8. As depicted on the plot plan, which is attached to Exhibit A-1, applicant proposes to construct a pool at least twenty-six (26) feet from the side yard to the east and at least fourteen (14) feet from the rear property line to the south of the proposed pool site.

9. Section 202.1, Use Regulations, provides that swimming pools may be an accessory use to a single family

detached residence or planned residential development in a R-2 Residence District "provided that it is located at least twenty-five (25) feet from any lot lines and behind all building lines."

10. The proposed pool will be more than twenty-five (25) feet from all side yards and it will be behind all building lines but it will not be twenty-five (25) feet from the rear lot line and, in fact, it will encroach approximately eleven (11) feet into the rear yard set back.

11. Applicant cannot construct a pool to the rear of his building lines unless he encroaches upon the twenty-five (25) foot set back from the rear property line.

12. The rear property line of applicant's property abuts dedicated open space which contains no residences.

13. The proposed use will be compatible with what is currently on the land.

14. The variance requested is the minimum necessary to make reasonable use of the land for the existing single family residence and a swimming pool.

15. The applicant will comply with all applicable zoning, subdivision, building, fire and other laws, rules, regulations and ordinances relating to the proposed use.

16. The circumstances which necessitate the applicant seeking the variance from the set back requirements for a swimming pool appear not to have been created by applicant; i.e. the hardship is not self-inflicted.

17. The granting of the requested variance appears to be in harmony with the general purpose and intent of the Zoning Ordinance; and although the pool may be perceived by the protestant as creating the potential for exasperating an existing problem with applicant's dog, the granting of the variance does not appear to be injurious to the neighborhood in general or otherwise detrimental to the public welfare.

DISCUSSION

Section 802.4 of the East Goshen Zoning Ordinance provides that the Zoning Hearing Board

. . . shall be empowered to authorize, upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

This standard is in accordance with the Municipalities Planning Code and existing case decisions. 53 P.S. 10101 et seq.; Ryan, Pennsylvania Zoning Law and Practice, § 6.2.1 et seq.

In the present case, applicant has requested a variance from the applicable provisions of the Zoning Ordinance in order to construct a swimming pool. The record establishes that if the applicant is not permitted to proceed as requested, he will be unable to construct on the

property a swimming pool which is permitted as an accessory use in a R-2 Residence District. The Board believes that a denial of the request for relief would constitute an unnecessary hardship and, therefore, the spirit of the ordinance would be better observed and substantial justice more adequately accomplished by granting the requested relief.

However, the Board is also sensitive to the concerns of the protestant. Therefore, the Board reminds the applicant that he must follow all applicable ordinances, rules and regulations of the particular township codes and ordinances, in particular as they relate to fencing the pool area, and the construction and placement of the propane tanks. A fence which complies with applicable rules and regulations shall be located where indicated in red by applicant on the plot plan which is attached to Exhibit A-1. In addition, in an effort to reduce any annoyance to protestant which may be created by any noise which may emanate from the pump and filter unit for the pool, the pump and filter unit shall be located directly south of the deep end of the pool, adjacent to applicant's rear property line, and no closer to protestant's property line than the east end of the pool. The Board imposes these conditions because it believes that aesthetics and preservation of property values are legitimate concerns in the Township's exercise of its zoning powers. Mont-Bux, Inc. vs. Township of Cheltenham, 36 Pa. Commw. 397; 388 A.2d 1106 (1978).

CONCLUSIONS OF LAW

1. The literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship to applicant and the hardship is not self-created.

2. Applicant's request for a variance from the provisions of the Zoning Ordinance in order to construct a swimming pool will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose and intent of this Ordinance so long as the conditions set forth in the following Order are complied with by applicant.

3. Applicant's request is for the minimum variance necessary to make reasonable use, or any use for that matter, of a swimming pool on the property.

ORDER

AND NOW, this 26th day of April, 1983, the applicant, John Graham, is granted a variance from the twenty-five (25) foot rear yard set back requirement for a swimming pool in a R-2 Residence District to construct a swimming pool, as specifically proposed on the plot plan which is attached to Exhibit A-1, at the property located at 225 Baldwin Drive, East Goshen Township, Chester County, Pennsylvania, subject to the following conditions:

1. Applicant shall comply with all laws, ordinances, codes and other rules and regulations with respect to the construction of the swimming pool, and in particular with respect to the Township ordinances and codes regulating fencing of the swimming pool, and the construction and placement of propane gas tanks.

2. The set backs and location of the swimming pool shall be precisely as indicated by applicant in the hearing and as more particularly described in the plot plan which is attached to Exhibit A-1.

3. The pump and filter unit shall be located directly south of the deep end of the pool, adjacent to the rear property line and no closer to the east property line (protestant's property line) than the east end of the pool.

ATTEST:

EAST GOSHEN ZONING
HEARING BOARD

Pauline L. Mikolajczyk
Secretary

William G. Benham
William G. Benham

Charles A. Dunk
Charles A. Dunk

Robert J. Carnwath
Robert J. Carnwath

BOARD OF SUPERVISORS
EAST GOSHEN TWP.
CHESTER COUNTY, PENNA.

Variance

APPLICATION FOR PERMIT FOR INSTALLATION OF SWIMMING POOL

TYPE - IN GROUND ✓
ABOVE GROUND _____

DATE 5/3/83
COST est 16,500
FEE _____

OWNER

Name John P. Graham
Address 225 Baldwin Dr Lot No. 89
Tel. No. Home 431-2632 Subdivision _____
Office 436-5235

CONTRACTOR

Name Anthony Pool
Address Worcester
Tel. No. _____

A sketch plan showing lot size and dimensions, location of house, side, front and rear yard measurements, on-site sewer and water supply, and proposed location of swimming pool is attached hereto:

NOTE: Underwriters Certificate will be required.

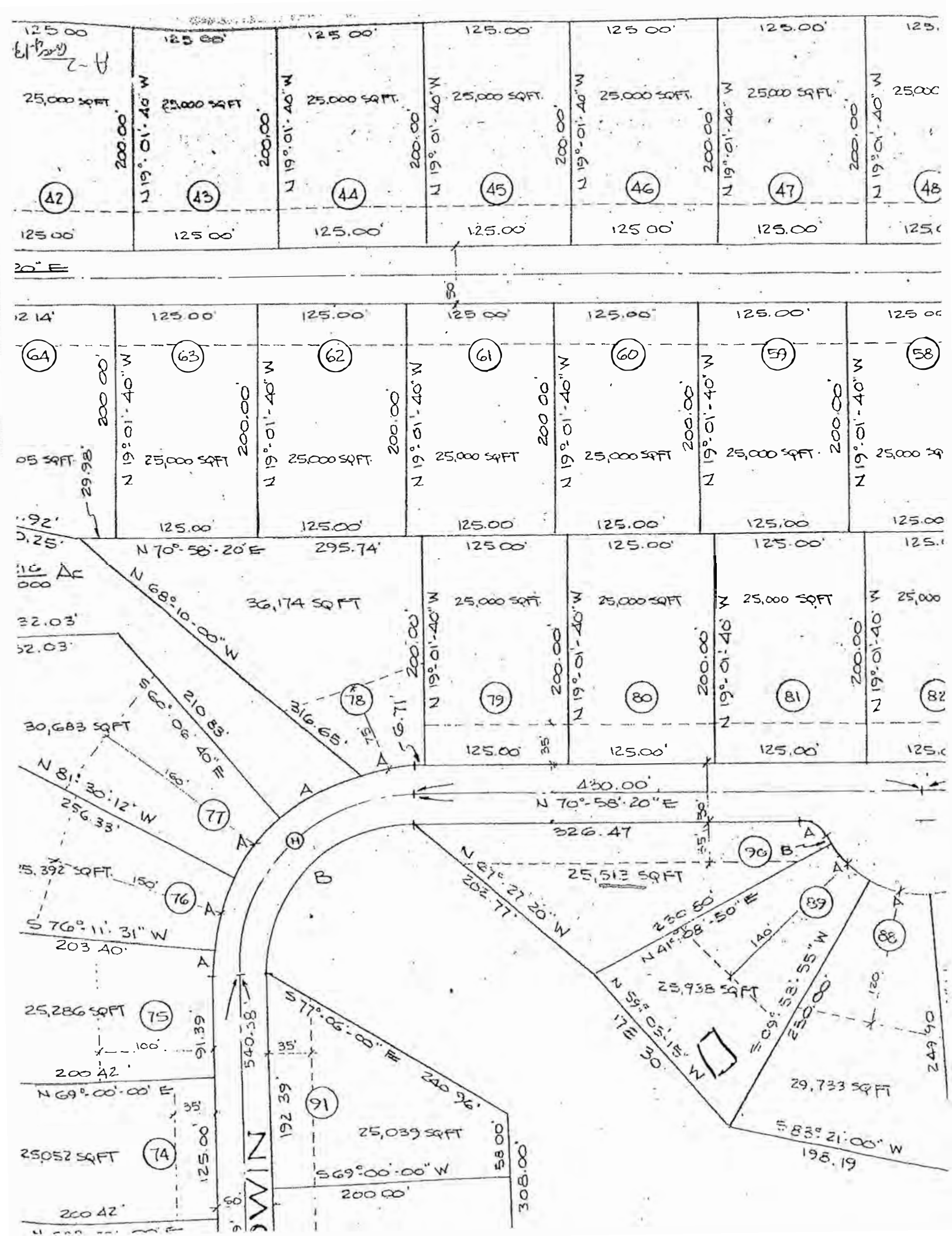
No drain pipe will be permitted to connect to sanitary sewer.

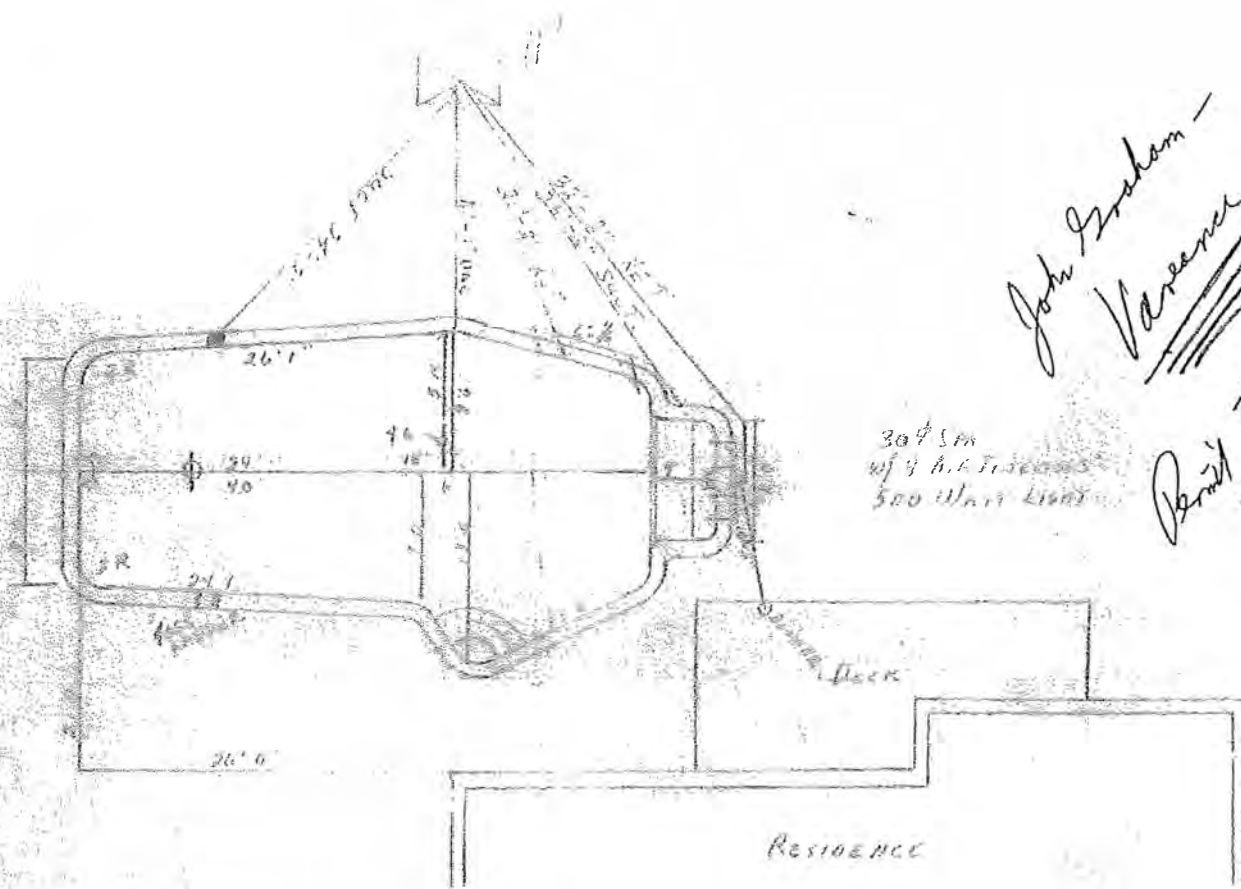
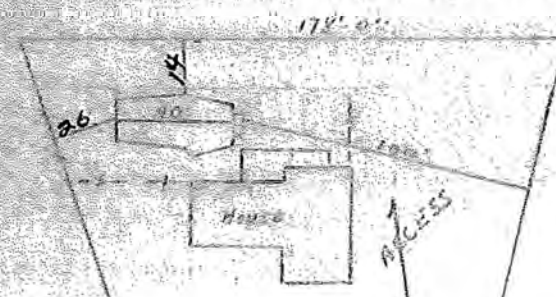
Signature of Builder John P. Graham Date 5/2/83
Signature of Owner John P. Graham Date 5/2/83

APPROVALS

Building Inspector Harvey S. Tomlinson Date May 4, 83
Zoning Officer John J. Smith Date 5/3/83
Board of Supervisors [Signature] Date 5/18/83

Approved by Zoning Hearing Board
See second on file





*John Goshen -
Variance
Permit # 4498
May 4, 83*

GENERAL SPECIFICATIONS	
SIZE 36' x 10'	AREA 700 SQ. FT. DEPTH 3' TO 8'
SHAPE Rectangular	PERIMETER 109'
TEMPLATE NO. SPECIAL	CUSTOM 8
TILE SIZE 6" B&B	
TILE COLOR Rustic Red	
COPING	LEUNG
COPING COLOR	TRANSLUCENT
POOL CAPACITY 30,000	GALS.
PUMP CAPACITY 100	G.P.M.
MOTOR H.P. 1 1/2	H.P.
FILTER 3.5	SO. FT.
FILTER RATE 104	G.P.M.
TURNOVER 5	HRS.
VACUUM LINE & SHIMMER 2	
RETURN LINE 2	
MAIN DRAIN 2	
SKIMMER - MODEL	ANTHONY
BACKWASH TO	OWNER
8" OF 1/2" FILL LINE	
ANTI-SYPHON VALVE	8
HEATER	PROPANE SIZE 325 1/8 BTU
GASLINE BY: OWNER	VENTED BY: OWNER
LIGHT 2 - 500 WATT	
CLOCK 220V 50/60 HZ 220V DELAY	
ELECTRIC BY: OWNER	50/60
ELECTRICAL BONDING BY: ANTHONY	
POOL CLEANER SUPER VAC	
CHLORINATOR TRACER SWIMMER	
BOARD SIZE 8	COLOR 8
BOARD SUPPORTS 8	TILE 8
LADDER MODEL 4055	TILE 8
SLIDE 8	8 1/2 8 1/2 8 1/2
ROPE RINGS 1/4"	W/ROPE & FLOATS 1/4"
GRADING 8	DIST WALK 8
STUB FLUMB 8 1/2	TRACTOR SIZE 1/4"
FILE & COPING 8 1/2	8 1/2 8 1/2
DECK BY: OWNER SNA	
TREES, ETC.	8
CONCRETE REMOVAL BY: 8	
ARISED BOARD BEAM: YES 8 NO 8	8 1/2 8 1/2 8 1/2
30' 1/2" SEE STEPS	
MAIN KIT	

BUYER:
TO DETERMINE APPROXIMATE ELEVATION OF POOL ON DAY OF EXCAVATION.

BUYER:
POOL AREA TO BE FENCED, PER COUNTY OR CITY ORDINANCE. GATES TO BE SELF CLOSING AND SELF LATCHING. BY BUYER

BUYER:
WET DOWN CONCRETE SHELL AT LEAST TWICE DAILY FOR 7 DAYS.
DO NOT TURN ON POOL LIGHT WHEN POOL IS EMPTY.
DO NOT USE RUBBER HOSE WHEN FILLING POOL AS IT WILL MARK PLASTER.

NOTE

SCALE 1/8" = 1' 0"

SALES OFFICE	PHONE NO.	JOB NO.	MAP BOOK NO.	LEGAL DESCRIPTION
275-4628	275-4628			
LOT NO.	TRACT NO.	BOOK	PAGE	BLOCK
MAILING ADDR				

SALES OFFICE	PERMIT OFFICE
275-4628	275-4628
JOB NO.	275-4628
MAP BOOK NO.	275-4628
LEGAL DESCRIPTION	275-4628

SWIMMING POOL

NAME	John B. Goshen & Barbara S. Goshen
ADDRESS	225 BALMAIN DR. WEST CHESTER, PA. 19380
CROSS STREETS	
RES. PHONE	436-5235 BUS. PHONE 431-2432

ANTHONY POOLS
a Division of Anthony Industries, Inc.