

**ZONING HEARING BOARD OF WARWICK TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Docket No. 16-05

Applicant: Frank Craparo
2406 April Drive
Jamison, PA 18929

Owner: Same.

**Subject
Property:** Tax Parcel No. 51-17-52, which is located at the address of the
Applicant set forth above.

**Requested
Relief:** The Applicant requests a variance from §195-16.B.2.e.3.c.i of the
Warwick Township Zoning Ordinance (“Ordinance”) in order to
install an in-ground swimming pool and deck that will result in an
impervious surface coverage ratio of greater than the permitted 25%.

**Hearing
History:** The application was filed in Warwick Township on April 5, 2016.
The hearing was held on May 3, 2016 at the Warwick Township
Administration Building, 1733 Township Greene, Jamison, PA
18929.

Appearances: Applicant, Pro Se'

Mailing Date: June 13, 2016

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Warwick Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.
2. The Applicant is the Owner of the Subject Property and therefore possessed of the requisite standing to make application to this Board.
3. The Subject Property is located in the RA, Residential-Agricultural Zoning District of Warwick Township. It accommodates the Applicant's single-family detached home with typical residential access walkways and a driveway.
4. The Subject Property is unusually shaped as depicted on a "Grading/E&S Control Plan" prepared by ND Remy Associates, LLC, dated August 21, 2015, last revised March 30, 2016 (the "Plan").
5. As presently developed, the Subject Property is nonconforming to the maximum impervious surface coverage ratio limitation of 25% set forth at Ordinance §195-16.B.2.E.3.c.i. Its existing impervious surface coverage ratio is 26%.
6. The Applicant proposes the construction of an in-ground saltwater swimming pool and spa with an area of 700 square feet and a pool patio with an area of 715 square feet. If approved, the resultant impervious surface coverage ratio would be 30.8%.
7. The Board finds, based upon the credible evidence of the Applicant, that Mrs. Craparo, only 44 years old, was diagnosed with Multiple Myeloma, a form of bone marrow cancer, in February of this year. The bone pain that results severely limits her mobility and her affliction has caused a spontaneous fracture of her right hip.
8. Mrs. Craparo's oncologist encourages physical activity but, due to the disease, routine exercise is not an option. The oncologist suggested the installation of a pool with a spa to provide an ideal method of non-weight bearing physical exercise.
9. Mrs. Craparo is homebound and unable to drive.
10. The Applicant established that the additional negative result of this disease is that all family vacations have been cancelled and driving to the local swim club is not feasible.
11. Accordingly, the pool proposed will also serve as a gathering place for the Craparo family in-lieu of those vacations.

12. Tony Casiola, the Applicant's pool contractor, testified that, as depicted on the Plan, stormwater management facilities have been designed, consistent with Township requirements, to accommodate all of the stormwater runoff that results from existing and proposed impervious surfaces on the Subject Property. Further, the proposed pool deck is to be constructed with "porous paving" which minimizes the impact of the impervious surface proposed since, pursuant to Township policy, even porous paving is considered impervious.

13. Mr. Casiola further testified that the stormwater runoff from the Subject Property will be reduced as a result of the stormwater management facilities contemplated.

14. Warwick Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. As the Subject Property is nonconforming to the impervious surface coverage ratio limitation of the Ordinance, the construction of any additional structure is prohibited, if strict Ordinance compliance is required.

3. The Board concludes, on the basis of the credible evidence presented by the Applicant, that the pool proposed is necessary to accommodate the medical needs of the Applicant's wife.

4. The Board further concludes that, as testified by the pool contractor, the size of the pool has been reduced and porous paving is proposed in order to minimize the impact of the proposal upon surrounding properties and uses.

5. The Board further concludes that compliance with applicable Township stormwater management requirements will adequately deal with the stormwater runoff resulting from existing and proposed impervious surface on the Subject Property, resulting in no negative impact on the neighborhood.

6. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.

7. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.

8. Accordingly, the Warwick Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Warwick Township Zoning Hearing Board hereby GRANTS a variance from §195-16.B.2.e.3.c.i of the Warwick Township Zoning Ordinance in order to install an in-ground swimming pool, spa and pool deck, as depicted on the “Grading/E&S Control Plan” prepared by ND Remy Associates, LLC, dated August 21, 2015, last revised March 30, 2016, that will result in an impervious surface coverage ratio of 30.8%, instead of the maximum permitted 25%. The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations, and construction of stormwater management facilities, to the satisfaction of the Warwick Township Municipal Engineer, that will adequately handle the stormwater runoff that results from existing and proposed impervious surface on the Subject Property.

**ZONING HEARING BOARD OF
WARWICK TOWNSHIP**

/s/ Kevin J. Wolf
Kevin J. Wolf

/s/ Dave Mullen
Dave Mullen

/s/ Lorraine Sciuto-Ballasy
Lorraine Sciuto-Ballasy

IMPORTANT NOTE: Pursuant to §195-115 and §195-116 of the Warwick Township Zoning Ordinance, variances or special exceptions granted by the Zoning Hearing Board shall expire one (1) year from the date of the Decision, unless the applicant or owner or successor in interest has commenced construction within that time. Construction will be deemed commenced upon the issuance of a building and/or zoning permit for the approved use.