

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

**Docket No.** 16-06

**Applicants:** Michael and Aubrey McKay  
1425 Almshouse Road  
Jamison, PA 18929

**Owners:** Same.

**Subject  
Property:** Tax Parcel No. 51-006-009, which is located at the address of the Applicants set forth above.

**Requested  
Relief:** The Applicants propose the construction of an attached garage and driveway extension and request a variance from §195-16.B.1.a.2 of the Warwick Township Zoning Ordinance (“Ordinance”) in order to permit an impervious surface coverage ratio of greater than 30%.

**Hearing  
History:** The application was filed in Warwick Township on July 18, 2016. The hearing was held on September 6, 2016 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.

**Appearances:** Applicants, Pro Se'

**Mailing Date:** September 27, 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 Applicants are the Owners 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 RR, Residential-Restricted Zoning District of Warwick Township. It accommodates the Applicants' single-family detached home with typical residential access walkways and a driveway.

4. The Subject Property is 11,634 square feet, which represents a non-conforming lot size. The minimum lot size in the RR Zoning District is 20,000 square feet. The existing impervious surface coverage represents a non-conformity which exceeds allowable coverage by 377 square feet.

5. The Applicants propose to construct a single car attached garage and extension to the macadam driveway. The proposed addition is 396 square feet. The proposed additional driveway is 294 square feet. The proposed resulting building area is 1,961 square feet (16.8%). The proposed impervious coverage is 4,557 square feet (39.1%). The impervious coverage exceeds allowable by 1,067 square feet.

6. The proposed and existing site conditions are set forth in the site plan prepared by Matthew V. Piotrowski, Architect, LLC, dated June 16, 2016.

7. Applicants intend to construct an underground "drywell". The drywell has been designed to capture any storm water runoff produced by the increase in impervious surface. The drywell detail is documented through the June 16, 2016 preliminary plans prepared by Matthew V. Piotrowski, Architect, LLC. Applicants have indicated that they intend to construct the proposed improvements consistent with the June 16, 2016 plans.

8. The Applicants were questioned regarding use of the existing property for commercial purposes. Applicants conceded that certain tools and equipment are located on site. The tools and equipment are used in conjunction with the property Owners' business. The Board was not asked to consider, nor did it consider, the propriety of the potential home based business. That issue may be addressed through separate means.

9. The Board does find that the Applicants have offered sufficient evidence, including the undersized lot and the pre-existing impervious surface coverage conditions as representing a hardship sufficient to justify the requested dimensional variances. As such,

the Warwick Zoning Hearing Board did in fact grant Applicants' variances as requested, with certain conditions.

**CONCLUSIONS OF LAW:**

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance. The present conclusion does not address the existence, nature, or scope of any alleged home based business operation.

2. The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses related to the requested relief.

3. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.

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

5. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.

6. Accordingly, the Warwick Township Zoning Hearing Board determined, unanimously, to grant the Applicants' 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.1.a.2 of the Warwick Township Zoning Ordinance in order to permit the construction of an attached garage and driveway extension with an impervious surface coverage ratio of greater than 30%, more specifically to allow impervious surface coverage not to exceed 39.1%, subject to the following conditions:

1. Storage within the attached garage shall be for storage of items typically associated with household or home ownership use. The garage shall not be used to store items supporting any type of home based business.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF  
WARWICK TOWNSHIP**

*/s/ Kevin J. Wolf*  
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Kevin J. Wolf

*/s/ Dave Mullen*  
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Dave Mullen

*/s/ Lorraine Sciuto-Ballasy*  
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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.