

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

Docket No. 16-07

Applicant: John Shihadeh
2357 Tohickon Lane
Warrington, PA 18976

Owner: Same.

**Subject
Property:** Tax Parcel No. 51-001-010-006, which is a vacant lot without assigned address located on Valley Road in Warwick Township, informally identified as Lot #3 of the Zimmer-Luginbuhl Tract.

**Requested
Relief:** The Applicant proposes to construct a single-family dwelling with an in-law suite and requests a special exception, pursuant to §195-18.C of the Warwick Township Zoning Ordinance (“Ordinance”) to permit an accessory family dwelling unit as defined at §195-16.B.8.

**Hearing
History:** The application was filed in Warwick Township on August 8, 2016. The hearing was held on September 6, 2016 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.

Appearances: Applicant, 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 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. The lot is two acres (87,125.12 square feet). It is a vacant lot, previously identified as Lot 3 of the Zimmer-Luginbuhl Tract.
4. The Applicant proposes to construct a single family home with an in-law suite. The gross floor area of the proposed dwelling is 3,525 square feet. The in-law suite, identified in the Warwick Township Zoning Ordinance as an accessory apartment, is proposed at 796 square feet. The 796 square foot in-law suite is included in the 3,525 square foot calculation.
5. Both the existing and proposed site conditions are set forth in a site plan prepared by Cornerstone Consulting Engineers and Architectural, Inc. and Shihadeh Contracting LLC.
6. The Owner of the property, Shihadeh Contracting LLC, is proposing construction for a buyer with needs for an in-law suite to accommodate the parents of the purchasers (actually co-owners).
7. The in-law suite proposed is classified as an "Accessory Family Apartment or Dwelling Unit" at §195-16.B-8 of the Ordinance.
8. An Accessory Family Apartment or Dwelling Unit is permitted by special exception in the RA, Residential-Agricultural Zoning District pursuant to §195-18.C.
9. In order to obtain a special exception, the Applicant must satisfy the Board that the permit for the in-law suite conforms to the Ordinance criteria defining that use.
10. The proposed in-law suite is intended to allow for family members, related by blood to the proposed owners of the principal residence to reside there. The proposed owners acknowledge that the creation of a "for profit" apartment in the Zoning District is prohibited by the Ordinance.
11. Based upon the credible evidence presented, the Board finds in relation to this criteria as follows:

A. The Applicant established that the size of the proposed in-law suite complies with Ordinance §195-16.B-8.a.

B. Occupancy of the proposed in-law suite is intended for the parents of one of the proposed residents, and proposed owners, of the Subject Property.

C. The in-law suite use includes separate cooking, sleeping, living and bathroom facilities.

D. The in-law suite use is proposed within the principal residence. It will not occupy a cellar or basement.

E. The in-law suite proposed shall be the only accessory family apartment on the Subject Property. No changes will be made to the exterior of the residence which suggest that the dwelling unit is other than a single family detached dwelling.

F. The Accessory Family Apartment use is permitted by special exception.

G. The proposed owners have agreed to provide evidence of approval by the Bucks County Board of Health, or the Warwick Water and Sewer Authority, as to the adequacy of the water and sewer facility serving the site at the time of building permit application.

H. The Applicant has proposed room for two additional off-street parking spaces for the proposed in-law suite use.

I. The proposed owners understand that pursuant to §195-16.B-8.i, they are required to grant a deed restriction to be prepared and submitted to them by the Warwick Township Solicitor and that they shall incur all costs related to the preparation and recording of same, prior to obtaining a construction permit.

J. The proposed construction is in compliance with the bulk and dimensional criteria of the Ordinance.

12. Two nearby property owners inquired as to traffic, zoning, and property value issues.

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

CONCLUSIONS OF LAW:

1. The Subject Property is presently vacant and proposed for use as a single-family detached dwelling, a use that is permitted by right in the RA Zoning District pursuant to §195-18.A.

2. An Accessory Family Apartment, in the nature of an in-law suite, is permitted by special exception in the RA, Residential Agricultural Zoning District in which the property is located.

3. As set forth in the Findings of Fact, the Applicant has evidenced compliance with all of the criteria necessary to establish its right to a special exception permitting an Accessory Family Apartment use.

4. §195-118 requires the Zoning Hearing Board to grant a special exception if applicable Ordinance criteria are met. It also permits the Zoning Hearing Board to attach reasonable conditions and safeguards as it may deem necessary.

5. The Applicant has agreed to each of the conditions articulated through §195-16.B.8. With compliance satisfying all conditions, the Board concludes that the standards required for the special exception approval, set forth in §195-18.C, have been met.

6. The grant of a special exception will result in no negative impacts upon surrounding properties or uses.

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

ORDER

Upon consideration and after hearing, the Warwick Township Zoning Hearing Board hereby GRANTS a special exception, pursuant to §195-18.C of the Warwick Township Zoning Ordinance, to construct a single family dwelling, which includes an Accessory Family Apartment unit as defined at §195-16.B.8, for the use by the parents of the proposed owners of the Subject Property, subject to compliance with all other applicable governmental ordinances and regulations and the following specific conditions:

1. The preparation and recording of a deed restriction in compliance with §195-16.B-8.i; and
2. The Applicant will provide evidence of approval by the appropriate municipal entity, to wit, Warwick Water and Sewer Authority, as to the adequacy of water and sewer facilities serving the site at the time of building permit application.

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.