

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

Docket No. 17-03

Applicants: Matthew J. Stacey & Patricia H. Klein
1308 Clearview Drive
Jamison, PA 18929

Owners: Same.

**Subject
Property:** Tax Parcel No. 51-008-023, which is located at the address of the Applicants set forth above.

**Requested
Relief:** The Applicants request a variance from §195-16.B.12.j of the Warwick Township Zoning Ordinance (“Ordinance”) to allow the construction of an accessory building that will be located further forward to School House Lane than the front building line of the primary structure facing that street.

**Hearing
History:** The application was filed in Warwick Township on June 23, 2017. The hearing was held on August 1, 2017 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.

Appearances: Applicants, Pro Se'

Mailing Date: August 24, 2017

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Warwick Township (“ZHB”) 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. During the hearing held August 1, 2017, the ZHB marked the following exhibits, all of which were entered into evidence without objections:

ZHB Exhibits:

- ZHB-1: Application received by Warwick Township on June 23, 2017, with a list of property owners located within 300 feet of the Subject Property and a Site Plan, dated May 11, 2017, prepared by ProTract Engineering, Inc., referable to the subject application;
- ZHB-2: Proof of publication of the August 1, 2017 hearing;
- ZHB-3: Proof of posting the notice of hearing; and
- ZHB-4: Proof of mailing the notice of hearing.

Applicant Exhibits:

- A-1: A photograph of the Subject Property from the perspective of Clearview Drive at School House Lane (emphasizing dead-end on School House Lane into a driveway, and row of pine trees screening the Subject Property along School House Lane);
- A-2: A photograph of the Subject Property from the perspective of the Applicants’ home looking to the back yard reflecting a row of pine trees (see A-1) from the yard side, as well as an additional row of pine trees along the rear of the property (screening the residential property to the rear which takes access from the dead-end on School House Lane);
- A-3: A photograph of the Subject Property illustrating the break in the existing mature pine tree buffer and screening along School House Lane, and reflecting the proposed access point for the driveway supporting the accessory structure;

- A-4: A photograph of the Subject Property from the perspective of the Applicants' home showing a closer view of the smaller evergreen trees screening the rear property;
- A-5: A photograph taken from the Subject Property to the adjacent property on School House Lane (essentially reverse angle from Exhibit A-3, showing neighbor's driveway and detached accessory structure);
- A-6: A photograph of the Subject Property taken from the corner of School House Lane and Clearview Drive illustrating extent of mature evergreen screening on Subject Property (similar vantage point to Exhibit A-1).

4. The Subject Property is located in the RA, Residential Agricultural Zoning District of Warwick Township. It is 2.0082 acres in size and accommodates the Applicants' single-family detached dwelling with typical residential access walkways, an in-ground swimming pool, driveway and existing accessory structures located within the required setbacks.

5. The Applicants described the proposed construction of a 48' x 30' pole barn to be located in the natural rear yard of the Subject Property, but taking access to School House Lane, which is technically a second front yard in that the property is a corner lot with two legal front yards.

6. Applicants intend to construct the pole barn consistent with the Site Plan presented with ZHB-1. Specifically, access to the pole barn will be from School House Lane through the natural break in the existing mature buffer of evergreen trees. The proposed 15 foot wide driveway access from School House Lane would turn left toward the rear yard after passing through the buffer and screening leading to the proposed pole barn. The pole barn is proposed to be located 40 feet from the School House Lane right-of-way, which leaves additional distance to the edge of the paving on School House Lane.

7. Applicants comply in all respects with the Ordinance except for the requirement for an accessory structure be located "no further forward than the front building line of the primary structure on the property..." (§195-16.B.12.j). The proposed building meets all other setback requirements. The property in all other respects meets setback, building coverage, and impervious coverage standards.

8. The ZHB finds that the Applicants' property, located on a corner, with two front yards, presents a hardship concerning the Applicants' attempt to locate the pole barn in the natural rear yard.

9. The ZHB further finds that the hardship justifies the relief being requested by the Applicants, in that the request is the minimum relief required, and that Applicants have mitigated the impact of any zoning relief by proposing to leave existing vegetative

screening by way of the evergreen trees on the Subject Property along School House Lane and to the rear of the property.

10. No one appeared in favor of, or in opposition to, the application.
11. Warwick Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The use of the Subject Property as a single-family detached residence is permitted by right in the RA Zoning District.
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.
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 voted 2-0 to GRANT the Applicants' request for relief as is set forth hereafter¹.

¹ Board Member Lorraine Sciuto-Ballasy was unavailable for this hearing and did not participate in the Decision.

ORDER

Upon consideration and after hearing, the Warwick Township Zoning Hearing Board hereby GRANTS a variance from §195-16.B.12.j of the Warwick Township Zoning Ordinance in order to allow the construction of an accessory building that will be located further forward to School House Lane than the front building line of the primary structure facing that street, as depicted on the Site Plan prepared by ProTract Engineering, Inc. dated May 11, 2017.

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
Kevin J. Wolf

/s/ Dave Mullen
Dave Mullen

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.