

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

**Docket No.** 18-02

**Applicants:** Gerard and Joanne McGovern  
1493 Greenleaf Drive  
Warrington, PA 18976

**Owners:** Same.

**Subject  
Property:** Tax Parcel No. 51-025-168, which is located at the address of the Applicants set forth above.

**Requested  
Relief:** The Applicants seek to construct a roof to cover an existing patio. The existing patio, and the roof as proposed, encroach into the 25 foot rear yard setback required, leaving a 10 foot rear yard as measured from the closest point on the proposed roof structure to the rear lot line. Applicants request a variance from §195-16.B(1)a.[2] of the Warwick Township Zoning Ordinance (“Ordinance”) accordingly.

**Hearing  
History:** The application was filed in Warwick Township on March 2, 2018. The hearing was held on May 1, 2018 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.

**Appearances:** Applicants, Pro Se'

**Mailing Date:** June 11, 2018

## 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. A hearing was held on May 1, 2018, to consider Applicants' request for relief. During that hearing, the Applicants testified regarding their corner property, bearing two front yards. They characterized the lot as long and shallow as oriented toward Greenleaf Drive. They further emphasized that if the existing two story single-family dwelling was oriented toward the other street frontage, along Bentley Drive, they would have a considerable amount of rear yard. Instead, because the house is oriented toward Greenleaf Drive, the front and rear yards are oriented on the shallow aspect of the property.
4. The Applicants' testimony is corroborated by the Site Plan submitted with the Application.
5. The Zoning Hearing Board considers covering the existing patio reasonable and logical use of the Subject Property.
6. The Board finds that the need for the variance to encroach into the 25 foot rear yard setback is precipitated by the property being located on a corner, and the house being oriented along the shallow aspect of the property.
7. The Applicants spoke to neighbors, and received no adverse comments.
8. No one spoke in opposition to the application.
9. 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 home is permitted by right in the RR, Restricted Residential Zoning District of Warwick Township.
2. The Subject Property is currently improved by, among other things, a patio located in the rear yard which conforms with the Ordinance and is 10 feet from the rear lot line. Applicants seek to cover the existing patio which requires a variance from §195-16.B(1)a.[2]of the Warwick Township Zoning Ordinance.
3. The Board concludes that the grant of relief will result in no negative impacts upon surrounding properties or uses.
4. The evidence establishes that the relief sought by the Applicants represent the minimum variance necessary.
5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
6. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.
7. Accordingly, the Members of 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 Zoning Hearing Board of Warwick Township hereby GRANTS a variance from §195-16.B(1)a.[2] of the Warwick Township Zoning Ordinance in order to permit the covered patio to be located no closer than 10 feet from the rear lot line, consistent with the Site Plan prepared by Carroll Engineering, dated November 18, 2017, 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

/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.