

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

Docket No. 19-01

Applicant: Malgorzata Primavera
8747 Cottage Street
Philadelphia, PA 19136

Owners: John & Malgorzata Primavera
8747 Cottage Street
Philadelphia, PA 19136

**Subject
Property:** Tax Parcel No. 51-003-104-001, which is located on Meetinghouse Road, Jamison, PA 18929.

**Requested
Relief:** Applicant seeks to construct a Single Family Dwelling with garage, swimming pool, patio, sidewalks, and a driveway, on a vacant lot. The project, as proposed, yields impervious surface coverage of 18.4%, which exceeds the maximum permitted impervious surface coverage of 15% in the RA, Residential Agricultural District. Applicant seeks a variance from §195-16.B(1)(a)[2] of the Warwick Township Zoning Ordinance (“Ordinance”) to exceed the allowable impervious surface coverage ratio.

**Hearing
History:** The application was filed in Warwick Township on May 3, 2019. The hearing was held on June 4, 2019 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.

Appearances: Applicant, Pro Se'

Mailing Date: July 18, 2019

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.
4. The total lot area of the property is 2.396 acres (2.0493 acres net lot area). The lot is a flag lot.
5. The property has an exceptionally long driveway, approximately 592 feet in length from Meetinghouse Road to the flag portion of the lot.
6. Applicant presented a rendered plan, prepared by ProTract Engineering, Inc., dated April 30, 2019. The plan shows the 592 foot driveway.
7. The Applicant proposes to develop the flag lot with a single-family residential dwelling, garage, swimming pool with decks and walkways, along with the driveway. The proposed development yields an impervious surface coverage calculation of 19,118 square feet (18.4%). 15,626 square feet is the allowable impervious surface coverage (15%). The driveway comprises 6,100 square feet of the 19,118 square feet.
8. The Applicant has attempted to reduce the impervious surface by reducing the width of the driveway or eliminating the turnaround loop on the main aspect of the property. The attempts to mitigate impervious surface area do not succeed from a design standpoint. Accordingly, Applicant considers the relief requested as the minimum.
9. In an effort to reduce the length of the driveway, and as a result of site constraints, the house is pushed to the front of the flag aspect of the lot. Applicant does comply with all setback requirements. The site constraints include the heavily treed rear lot, which the Applicant intends to preserve.
10. Warwick Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The proposed use of the Subject Property is as a single-family dwelling, which is a permitted use within the RA, Residential Agricultural Zoning District of Warwick Township.
2. Applicant's proposed development yields impervious surface of 19,118 square feet (18.4%). §195-16.B(1)(a)[2] of the Ordinance allows up to 15% impervious surface coverage (15,626 square feet).
3. The Zoning Hearing Board concludes that the shape of the lot, including the 592 foot long driveway, presents a hardship justifying the need for the impervious surface variance.
4. 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. Important to this consideration is the fact that Applicant intends to preserve the heavily treed rear aspect of the lot.
5. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. Applicant has explained that the attempts to reduce the impervious surface without compromising the functional and design aspects of the development.
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(1)(a)[2] of the Warwick Township Zoning Ordinance in order to permit the construction of a single-family dwelling with garage, swimming pool, patio, sidewalks, and a driveway, on a vacant lot with an impervious surface coverage ratio of 18.4%, instead of the maximum permitted 15%.

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

/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.