

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

Docket No. 20-05

Applicants: Mark and Lisa Lockett
2371 Wintergreen Lane
Jamison, PA 18929

Owners: Same.

Subject Property: Tax Parcel No. 51-006-081, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants propose to construct an in-ground swimming pool with accessory decking, equipment pad and a 192 square foot shed. The proposed construction adds 1,508 square feet of impervious surface coverage to the existing 4,125 square feet, yielding a total impervious surface coverage proposed at 5,633 square feet, which represents 33.65% impervious surface coverage on the subject lot. §195-16.B(2)(e)[3][c][i] of the Warwick Township Zoning Ordinance (“Ordinance”) permits maximum impervious surface coverage of 25%. Applicants seek a variance to exceed the allowable coverage. In addition, the property borders two streets. As such, the property has two front yards (see §195-9). Applicants propose to place the shed and the pool to the rear of the subject dwelling, but technically within the second front yard. Structures are not permitted within front yards. Applicants seek a variance from §195-16.B(12)(g)[1] accordingly.

Hearing History: The application was filed in Warwick Township on March 5, 2020. The hearing was held on June 8, 2020 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.¹

Appearances: Applicants, Pro Se'

Mailing Date: July 10, 2020

¹ Applicant was provided with an Act 15 notice, among other things, notifying Applicant that the hearing timeframes under MPC §908(1.2) were tolled or suspended as a result of the COVID-19 emergency declaration. Applicant further signed a waiver of the first hearing timeframes to accommodate the stay at home orders and social distancing protocols of the COVID-19 health emergency.

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 RA, Residential Agricultural Zoning District of Warwick Township.
4. The Subject Property measures 16,740 square feet (net) in lot area. The pre-development impervious surface coverage is 4,125 square feet or 24.64%. The post-development impervious surface coverage, as proposed, yields 5,633 square feet with 33.65%.
5. The allowable impervious surface coverage ratio on the Subject Property, under §195-16.B(2)(e)[3][c][i] is 25%.
6. The Applicant testified, with the assistance of Anthony Sylvan Design Consultant, Robert McCubbin, that the pool area was 655 square feet. The shed is proposed at 192 square feet. The concrete pool decking as proposed is 625 square feet with an additional 36 square feet for the mechanical pad to support the pool equipment.
7. During the course of the hearing, Applicant agreed to reduce the impervious surface request by reducing the amount of the pool decking.
8. Applicant further discussed stormwater management controls being proposed by way of a seepage bed to the rear of the Subject Property.
9. The Subject Property is burdened with two front yards, Wintergreen Lane to the true front, and Dogwood Drive, to the rear. The property immediately adjacent to Dogwood Drive contains deed restricted open space. The proposed shed and pool are outside of the proposed open space, and placed more closely to the existing dwelling, but technically within the “front yard” along Dogwood Drive.
10. Adjacent property owner Manny Sivanesan, 1476 West Rockspray Road, offered his concerns regarding stormwater management, placement of the shed, and his request for a vegetative privacy screen between his property and the Subject Property.
11. Warwick Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed as is permitted within the RA, Residential Agricultural Zoning District and used consistent with the requirements of the Ordinance.

2. An in-ground swimming pool is a residential amenity that is permitted throughout the residential districts of Warwick Township.

3. The Zoning Hearing Board concludes that the area originally proposed for the in-ground swimming pool and surrounding deck does not represent the minimum area necessary to construct a reasonably sized swimming pool consistent with similar amenities in the neighborhood. As a result, while the Zoning Hearing Board grants the requested relief, with conditions, the relief is for less impervious surface than Applicant had originally requested.

4. The potential negative impact of the additional impervious surface on the Subject Property, over and above the permitted 25% ratio, will be eliminated by the Applicant's installation of a stormwater management facility as described in the conditions of approval set forth hereafter.

5. 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.

6. The evidence establishes that the relief sought by the Applicant, as further reduced by the Zoning Hearing Board's Decision, represents the minimum variance necessary.

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

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

9. Accordingly, the Warwick Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief, as modified, as set forth hereafter.

ORDER

Upon consideration and after hearing, the Warwick Township Zoning Hearing Board hereby GRANTS the following variances from the Warwick Township Zoning Ordinance in order to permit the construction of an in-ground swimming pool and storage shed on the Subject Property, as depicted on the Permit Pool Plan, prepared by Woodrow & Associates, Inc., dated January 25, 2020:

1. from §195-16.B(2)(e)[3][c][i], to exceed the maximum allowable impervious surface coverage of 25%, but not to exceed 32%.
2. from 195-16.B(12)(g)[1], to place the shed and pool to the rear of the subject dwelling, but technically within the second front yard, along Dogwood Drive.

The relief herein granted is subject to the following conditions:

1. Applicant must provide a stormwater management plan to be reviewed and approved by the Township Engineer.
2. The shed shall be located generally consistent with the location as reflected on the January 25, 2020 plan (on the driveway side of the Subject Property).
3. 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.