

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

Applicants: Julie and Michael Bartfeld
1380 Memorial Drive
Warwick, PA 18974

Owners: Same.

**Subject
Property:** Tax Parcel No. 51-003-186, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicants seek a variance from §195-16.B(12)(g)[1] of the Warwick Township Zoning Ordinance (“Ordinance”) to allow a swimming pool at 22 feet from the rear lot line as opposed to the 25 foot setback required.

**Hearing
History:** The application was filed in Warwick Township on June 17, 2020. The hearing was held on September 1, 2020 at the Warwick Township Building, 1733 Township Greene, Jamison, PA 18929.¹

Appearances: Applicants, Pro Se

Mailing Date: October 16, 2020

¹ Applicants did provide a waiver of the timeframes contained within MPC §908(1.2) to allow the first hearing to be held greater than 60 days from the filing of the application.

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 RG, Residential Golf Zoning District of Warwick Township. The property measures 10,800 square feet (net lot area).

4. §195-16.B(12)(g)[1] requires a minimum setback of 25 feet for a swimming pool from the rear lot line.

5. Applicants submitted a Pool Permit Plan, prepared by Mesko Engineering Associates, Inc., dated June 2, 2020, reflecting a proposed swimming pool to be located 22 feet from the rear lot line (to the water's edge, and 19 feet from the rear lot line to the pool decking).

6. Applicants testified that they are requesting the placement of the swimming pool as proposed in order to provide as much space between the existing dwelling and the edge of the pool, for safety reasons.

7. Applicants assert that there will be no impact to adjacent property owners in that the property to the rear is owned by the golf course, and is heavily wooded immediately adjacent to the Subject Property. In addition, neighbors on each side have no objection to the swimming pool as proposed.

8. Adjacent property owner, Colleen Marchand, 1390 Memorial Drive, testified as part of public comment. Ms. Marchand indicated that she believes the pool will be an improvement and is in support thereof.

9. 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 RG, Residential Golf Zoning District of Warwick Township.
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 swimming pool is reasonably sized and the placement on the Subject Property is reasonable.
4. The Zoning Hearing Board finds no negative impacts in the proposed placement of the swimming pool encroaching 3 feet into the rear yard setbacks for swimming pools as contained in §195-16.B(12)(g)[1].
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 Applicants is 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 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(12)(g)[1] of the Warwick Township Zoning Ordinance to allow a swimming pool at 22 feet from the rear lot line as opposed to the 25 foot setback required, subject to the following conditions:

1. Construction of the pool and amenities must be consistent with the plan submitted with the application.
2. Compliance with all other applicable governmental ordinances and regulations, with special consideration to grading permits.

**ZONING HEARING BOARD OF
WARWICK TOWNSHIP**

By: /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.