

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

**Applicants:** Gary and Mary Christian  
1421 Persimmon Lane  
Warrington, PA 18976

**Owners:** Same.

**Subject Property:** Tax Parcel No. 51-025-035, which is located at the address of the Applicants set forth above.

**Requested Relief:** Applicants seek to construct an in-ground swimming pool on the Subject Property. The Property is a corner property, with the corresponding burden of two front yards. §195-16.B(12)(g)[1] of the Warwick Township Zoning Ordinance ("Ordinance") requires a swimming pool and all accessories to locate no further toward the front of the property than the front of the principal building and not to be located within the front yard setback. The proposed placement of the pool and accessories violates the Ordinance due to the second front yard requirements. Applicants seek a variance from §195-16.B(12)(g)[1] of the Ordinance accordingly.

**Hearing History:** The application was filed in Warwick Township on August 31, 2020. The hearing was held on October 6, 2020 at the Warwick Township Building, 1733 Township Greene, Jamison, PA 18929.

**Appearances:** Applicants by: Michael J. Meginniss, Esq.  
Bryce H. McGuigan, Esq.  
Begley, Carlin & Mandio LLP  
680 Middletown Boulevard  
PO Box 308  
Langhorne, PA 19047

**Mailing Date:** November 19, 2020

## 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. Applicants presented the testimony of Property Owner Gary Christian and expert witness, Vince Fioravanti, PE.

4. The Subject Property is located in the RR, Restricted Residential Zoning District of Warwick Township. The lot area is 21,726 square feet. The property is a corner property. Accordingly, it carries the burden of two front yards. The true front yard is along Persimmon Lane. The second front yard, which as a practical matter is the side yard, fronts Long Pond Drive.

5. The Property currently supports the Applicants' single-family dwelling, with residential amenities.

6. Applicants seek to construct an in-ground swimming pool on the Subject Property. §195-16.B(12)(g)[1] of the Warwick Township Zoning Ordinance ("Ordinance") requires a swimming pool and all accessories to locate no further toward the front of the property than the front of the principal building and not to be located within the front yard setback. The proposed placement of the pool and accessories violates the Ordinance due to the second front yard requirements. Applicants seek a variance from §195-16.B(12)(g)[1] of the Ordinance accordingly.

7. Mr. Fioravanti testified regarding the physical features of the Subject Property. Mr. Fioravanti indicated that the swimming pool is within the building envelope, despite the Property having the burden of two front yards, and therefore two front yard setbacks. Mr. Fioravanti also indicated that there was no way to construct the proposed in-ground swimming pool in complete compliance with the Ordinance. Despite the site constraints, other than the request for a variance from §195-16.B(12)(g)[1], the Applicant is seeking no additional dimensional relief.

8. Applicant Gary Christian testified. Mr. Christian testified that he and his family have lived at the Subject Property since 1993. The family has decided to construct an in-ground swimming pool as an alternative to going to the community pool. The Christians made every effort to locate the pool completely within the rear yard. However, a maximum 10' x 8' swimming pool would be the size required to comply with the setbacks. A 10' x 8' is not reasonably sized. Mr. Christian did observe that there are other pools in the neighborhood and the area. In order to reduce visibility of the swimming pool from Long Pond Drive, Mr. Christian is prepared to landscape and screen the pool appropriately. In addition, in order to assess any stormwater

volume and flow, Mr. Christian intends to construct a raingarden as part of the landscape plan.

9. No one spoke in opposition to the application.
10. Warwick Township took no position with regard to this application.

**CONCLUSIONS OF LAW:**

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. Applicants seek to construct an in-ground swimming pool, which is a reasonable residential amenity.

3. Applicants seek a variance from §195-16.B(12)(g)[1] of the Warwick Township Ordinance to allow the swimming pool to be located closer to the street line than the closest point of the single-family dwelling to that street line.

4. The Property is a corner property and therefore burdened by two front yards.

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. The Board observes that the Applicants have committed to preparing a landscape plan which will mitigate the visual impact of the swimming pool and its location to Long Pond Drive. Further, Applicants have committed to constructing a raingarden to address any increase in impervious surface.

6. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. To this end, Applicants have attempted to reduce the size of the swimming pool and locate the pool as permitted. Site constraints prevent the latter.

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. To this end, the Zoning Hearing Board observes that the Subject Property is a corner property, and that the maximum size of a swimming pool conforming with the Ordinance would be 10' x 8', which is not reasonable nor practical.

9. 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 Zoning Hearing Board of Warwick Township hereby GRANTS a variance from §195-16.B(12)(g)[1] of the Warwick Township Zoning Ordinance to permit Applicants to construct an in-ground swimming pool and accessories within one of the two front yards (along Long Pond Drive) subject to the following conditions:

1. The pool must be placed consistent with the plans submitted with the application, prepared by Fioravanti, Inc., dated August 11, 2020.
2. Applicants shall construct a raingarden to address stormwater management.
3. Applicants shall in other respects comply with all other applicable governmental ordinances and regulations.

**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.