

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

**Applicants:** Matthew and Jennifer Crouch  
1705 Ross Lane  
Jamison, PA 18929

**Owners:** Same.

**Subject Property:** Tax Parcel No. 51-023-184, which is located at the address of the Applicants set forth above.

**Requested Relief:** Applicants seek to construct a 720 square foot addition to be used as an in-law suite accessory to the existing B2 cluster residential dwelling. The Warwick Township Zoning Ordinance permits an accessory family apartment or dwelling unit (Use B8), by special exception within the R-1 Residential Zoning District. Applicants request a special exception under §195-21.C of the Ordinance, consistent with §195-16.B(8), to allow the accessory family apartment or dwelling unit.

**Hearing History:** The application was filed in Warwick Township on July 29, 2020. The hearing was held on October 6, 2020 at the Warwick Township Building, 1733 Township Greene, Jamison, PA 18929.<sup>1</sup>

**Appearances:** Applicants, Pro Se

**Mailing Date:** November 19, 2020

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<sup>1</sup> Applicant 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 R-1, Residential Zoning District of Warwick Township. The lot area is 17,330 square feet. The property is an unusual pie-shaped lot with the rear lot line measuring 42.31 feet and the front lot line, which borders a curve along Ross Lane measuring considerably greater than 42 feet. The property accommodates the Applicant's single family dwelling and usual amenities.
4. Applicants seek to construct a 720 square foot addition to be used as an in-law suite accessory to the existing B2 cluster residential dwelling. The Warwick Township Zoning Ordinance permits an accessory family apartment or dwelling unit (Use B8), by special exception within the R-1 Residential Zoning District. Applicants request a special exception under §195-21.C of the Ordinance, consistent with §195-16.B(8), to allow the accessory family apartment or dwelling unit.
5. The 720 square foot addition is proposed for an in-law suite for Applicant's parents.
6. Applicants testified to each of the requirements under the B8 Accessory Family Apartment and Dwelling Unit use and demonstrated compliance therewith.
7. Applicants understand that a deed restriction will be required to prevent any potential use as a for-profit rental unit.
8. No one spoke in opposition to the application. Mr. Bob Gallagher, 1704 Ross Lane, the neighbor directly across the street, did inquire as to the specifics of the application, but offered no objection.
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 dwelling is permitted by right in the R-1, Residential Zoning District in which the property is located.
2. An Accessory Family Apartment in the nature of an in-law suite is permitted by special exception in the R-1, Residential Zoning District in which the property is located.

3. As set forth in the Findings of Fact, the Applicant has provided evidence of compliance with all of the following criteria of the B8 use, sufficient to establish Applicant's right to a special exception permitting an Accessory Family Apartment use.

§ 195-16 General use regulations.

B. Residential uses.

- (8) B8 Accessory Family Apartment or Dwelling Unit. One apartment or dwelling unit accessory to a single-family detached dwelling shall be permitted provided the following conditions are met. The intent of these provisions is to allow for family members related by blood or marriage to the owner of the principal residence to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multifamily housing is not otherwise permitted.
- (a) Such use shall occupy no more than 50% of the total floor area of the primary living area of the principal residence, but in no event shall the accessory use exceed a total floor area of 800 square feet. The primary living area includes a living room, dining room, kitchen, one bathroom and the largest bedroom.
  - (b) Occupancy of such use shall include only relatives of the family occupying the principal residence.
  - (c) Such use may contain separate cooking, sleeping, living and bathroom facilities.
  - (d) Such use may be part of the principal residence or may be contained in an accessory structure or building existing at the date of this chapter. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use, and the accessory family apartment or dwelling unit shall not be located in cellars or basements. Cellars are those areas having 1/2 or more of its floor to ceiling height below the average level of the adjoining ground.
  - (e) Only one accessory family apartment shall be permitted per single-family detached dwelling

and there shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family detached dwelling.

- (f) This use may be permitted only by special exception to the Zoning Hearing Board.
- (g) The owner of the principal residence shall provide to the Township evidence of approval by the Bucks County Board of Health as to the adequacy of water and sewer facilities serving the site.
- (h) Parking: two off-street parking spaces shall be provided for the additional use.
- (i) The record owner of the property shall grant a deed restriction limiting such use in accordance with the foregoing provisions of this subsection in favor of Warwick Township. All costs related to the preparation and recording of the foregoing document shall be subject to the approval of the Township at the cost of the applicant.

4. §195-118, the special exception provision of the Ordinance, requires the Zoning Hearing Board to grant a special exception if the applicable Ordinance criteria are met. It also permits the Zoning Hearing Board to attach conditions and safeguards as it may deem necessary.

5. The Applicants have agreed to each of the standards contained within §195-16.B(8) of the Ordinance, defining the Accessory Family Apartment or Dwelling Unit use. The Board concludes that the standards required for the special exception approval have been met.

6. The grant of the special exception results in no negative impacts upon surrounding properties or uses.

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

8. The Applicant have presented evidence of sufficient factors to warrant the grant of the relief 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 special exception under §195-21.C of the Ordinance, consistent with §195-16.B(8), to allow the accessory family apartment or dwelling unit requested by the Applicant, subject to the following conditions:

1. The preparation and recording of a deed restriction in compliance with §195-16.B(8)i.
2. A storm water management plan to be approved by the Township Engineer if impervious surface added by way of construction exceeds one thousand square feet.
3. Applicant obtains all permits prior to construction, use, and occupancy of the accessory family apartment, and in all other respects complies with all applicable government 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.