

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

Applicants: Paul and Natalie Kuznetsov
2114 Ashton Drive
Jamison, PA 18929

Owners: Same.

**Subject
Property:** Tax Parcel No. 51-019-196, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicants seek to construct an in-ground swimming pool, concrete patio, and pool amenities. The plan results in impervious surface coverage in excess of the 30% permitted by Warwick Township Zoning Ordinance §195-16.B(1)(a)[2]. Applicants seek a variance accordingly.

**Hearing
History:** The application was filed in Warwick Township on August 7, 2020. The hearing was held on October 6, 2020 at the Warwick Township Building, 1733 Township Greene, Jamison, PA 18929.

Appearances: Applicant, Pro Se

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. The Subject Property is located in the RR, Restricted Residential Zoning District of Warwick Township. The lot area is 21,579 square feet. The Property currently accommodates the Applicants' single-family residential dwelling, a raised patio, driveway, walkways, and other residential amenities.

4. The impervious surface ratio, prior to the zoning application, represents 8,297 square feet on the Subject Property (38.45% impervious surface coverage). In all other respects, the lot conforms with the dimensional aspects of the Warwick Township Zoning Ordinance.

5. Applicants seek to construct a 16' x 36' in-ground swimming pool, concrete patio, and pool amenities. The plan results in impervious surface coverage in excess of the 30% permitted by Warwick Township Zoning Ordinance §195-16.B(1)(a)[2]. Applicants seek a variance accordingly.

6. Applicants propose to construct the' in-ground swimming pool without increasing the impervious surface coverage on the lot. In order to do so, the Applicants propose removing certain elements of the existing patios. The purpose in so doing, is to yield a zero increase in the already excess impervious surface coverage on the lot.

7. Two adjacent property owners, Mike Cataldo, 2116 Ashton Drive, and David Wrieden, 2111 Wynne Way, testified to existing stormwater management issues affecting the Subject Property and those surrounding properties. Mr. Wrieden's property is located to one side of the proposed swimming pool, to the rear of the Subject Property. Mr. Cataldo's property extends along the side lot line in front of the proposed swimming pool.

8. Applicants' surveyor, Mikhail Zavyazkin, provided technical testimony and authenticated the existing condition plans and the swimming pool layout plans, dated August 3, 2020, referenced extensively during the course of the zoning hearing. Mr. Zavyazkin, in the presence of the Applicant, Mr. Kuznetsov, indicated that the Applicant is willing to prepare a stormwater assessment and grading plan to be reviewed and approved by the Township Engineer, with a view toward the concerns addressed by the adjacent property owners pertaining to stormwater management.

9. No one spoke in opposition to the application. The two adjacent neighbors simply voiced concern about the storm water issues and requested conditions

to prevent any additional problems or concerns related to the grading necessary for the proposed swimming pool and decking.

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. The one exception to this conclusion is the fact that when Mr. Kuznetsov purchased the Subject Property, the property already exceeded the maximum impervious surface ratio of 30%, with an existing impervious surface ratio of 38.45%.

2. A swimming pool is a reasonable residential amenity.

3. The Applicants seek a variance from §195-16.B(1)(a)[2] to exceed the 30% allowable impervious surface ratio, not to exceed the existing 38.45%, in order to accommodate the proposed in-ground swimming pool.

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. To this end, the Applicants have agreed to a condition to prepare and present a grading and stormwater management plan to be reviewed and approved by the Township Engineer specifically designed to address the concern articulated by neighbors on separate sides of the property.

5. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. To this end, the Zoning Hearing Board observes that the Applicants are not increasing the impervious surface ratio on the Subject Property. This conclusion represents the Applicants' acknowledgement that the existing impervious surface ratio already exceeds the allowable, and while Applicants seek to improve the property and add an in-ground swimming pool as an amenity, the Applicants have committed to do so without increasing the existing nonconformity.

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

7. The Applicants have 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 Zoning Hearing Board of Warwick Township hereby GRANTS a variance from §195-16.B(1)(a)[2] of the Warwick Township Zoning Ordinance to permit Applicants to construct an in-ground swimming pool, concrete patio, and pool amenities, resulting in an impervious surface coverage in excess of the 30% permitted by the Ordinance, subject to the following conditions:

1. The resulting impervious surface coverage is not to exceed 38.45% (which represents the pre-proposal impervious surface coverage).
2. Applicants must prepare a stormwater management plan to assess and manage stormwater for the entire site.
3. Applicants shall obtain all appropriate permits and 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.