

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

Applicant: Nancy Thomas
1510 Park Drive
Jamison, PA 18929

Owners: Gerald & Nancy Thomas
1510 Park Drive
Jamison, PA 18929

**Subject
Property:** Tax Parcel No. 51-005-028, which is located at the address of the Applicant set forth above.

**Requested
Relief:** Applicant proposes to construct a 32' x 20' addition to the existing single-family dwelling for use as an Accessory Family Apartment. The Warwick Township Zoning Ordinance ("Ordinance") permits an Accessory Family Apartment or Dwelling Unit (Use B8), by special exception within the RR Restricted Residential Zoning District. Applicant seeks a special exception under §195-30.C of the Ordinance, consistent with §195-16.B(8) of the Ordinance.

**Hearing
History:** The application was filed in Warwick Township on June 23, 2020. The hearing was held on September 1, 2020 at the Warwick Township Building, 1733 Township Greene, Jamison, PA 18929.¹

Appearances: Applicant, Pro Se

Mailing Date: October 16, 2020

¹ 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 Applicant is the Owner 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.
4. The Applicant presented testimony that she intends to have constructed a 32' x 20' addition to the existing single-family dwelling. The principal dwelling is approximately 1,500 square feet (with a 970 square foot footprint). Applicant complies with all dimensional aspects of the Ordinance.
5. The 640 square foot addition is proposed for an in-law suite for Applicant's parents.
6. Applicant testified to each of the requirements under the B8 Accessory Family Apartment or Dwelling Unit use and demonstrated compliance therewith.
7. Applicant understands that a deed restriction will be required to prevent any potential use as a for-profit rental unit. Applicant did have her contractor, Joseph Ciamaichela, of JC Custom Carpentry, present for technical questions regarding the proposed addition.
8. No one spoke in opposition to the application.
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 RR, Restricted Residential Zoning District in which it is located.
2. An Accessory Family Apartment in the nature of an in-law suite is permitted by special exception in the RR, Restricted 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 Applicant has agreed to each of the standards contained within §195-16.B(8) of the Ordinance. 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 has 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 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 special exception under §195-30.C, consistent with §195-16.B(8) of the Warwick Township Zoning Ordinance, to permit an Accessory Family Apartment within the RR, Restricted Residential Zoning District, subject to the following conditions:

1. The preparation and recording of a deed restriction in compliance with §195-16.B.(8)(i).
2. Applicant obtaining all permits prior to construction of the Accessory Family Apartment.
3. Compliance 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.