

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

Docket No. 20-08

Applicants: Shihadeh Contracting LLC
2357 Tohickon Lane
Warrington, PA 18976

Owner: Same for Tax Parcel 51-003-062
For Tax Parcel 51-003-072-001
Yorkfield Construction Company, Inc.
P.O. Box 162
Jamison, PA 18929

Subject Property: Tax Parcel Nos. 51-003-062 and 51-003-072-001 which is known as 1549
Stony Road.

Requested Relief: The Applicant received zoning relief through a Decision circulated
September 18, 2020. The Applicant seeks an extension of the relief
granted to avoid lapse of the relief under §195-117.C of the Warwick
Township Zoning Ordinance (“Ordinance”)

Hearing History: The application was filed in Warwick Township on June 27, 2022. The
hearings were held on August 2, 2022 and September 6, 2022 at the
Warwick Township Administration Building.

Appearances: None

Parties: None

Mailing Date: October 5, 2022

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 and Equitable Owner of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The following exhibits were marked and admitted during the August 2, 2022 hearing:

Board Exhibits:

B-1 Extension request from the Applicant with a copy of the September 18, 2020 Decision

B-2 Proof of Publication from the Intelligencer for advertising notice on July 19, 2022 and July 26, 2022. Public Notice advertising hearing scheduled August 2, 2022 at 7:00 pm and confirmation from the Intelligencer

B-3 Letter dated July 12, 2022 to John Shihadeh from Vicki L. Kushto, Esquire advising of the hearing date

B-4 Resident mailing certification dated July 18, 2022 sent by Kristen Beach, Warwick Township Zoning Officer and copy of list of property owners.

B-5 Property Posting Certification by Kristen Beach, Zoning Officer dated July 18, 2022

Applicant Exhibits:

None

4. Applicant did not appear at the hearing on August 2, 2022. Bruce Hoffman of 1423 Breton Hills Road appeared and asked for an update on the status of the project. Although Applicant was not present to respond, Zoning Officer Kristen Beach was able to indicate that the Applicant is proceeding through the land development process. The hearing was continued for an unknown future date.

5. The following exhibits were marked and admitted during the September 6, 2022 continued hearing:

Board Exhibits:

B-6 Proof of Publication from the Intelligencer for advertising notice on August 23, 2022 and August 30, 2022. Public Notice advertising hearing scheduled September 6, 2022 at 7:00 pm and confirmation from the Intelligencer.

B-7 Letter dated August 16, 2022 to John Shihadeh from Vicki L. Kushto, Esquire advising of hearing date.

B-8 Resident Mailing Certification dated August 19, 2022 sent by Kristen Beach, Warwick Township Zoning Officer and a copy of the list of property owners.

B-9 Property Posting Certification by Kristen Beach, Zoning Officer dated August 19, 2022

Applicant Exhibits:

None.

6. The Subject Property is located in the RR Restricted Residential Zoning District.

7. Only two members of the Zoning Hearing Board were present for the hearing. Applicant was provided the option of proceeding with a two member board or with one of the members serving as a hearing officer. Applicant agreed to proceed with a two member board.

8. Mr. Shihadeh provided a summary of the actions taken since the Zoning Hearing Board's Decision in 2020:

Applicant received final land development approval in March 2022. The Applicant is currently addressing the conditions of land development approval and hopes to be done in the next few months. Applicant would like to start construction this year.

Applicant requested that the extension be made retroactive to September 18, 2021 and extend to September 18, 2023.

9. No members of the public were present for the September 6, 2022 hearing.

10. No one requested party status.

11. The Township did not take a position regarding the Application.

CONCLUSIONS OF LAW:

1. The credible evidence presented by the Applicant indicates that the Applicant has been diligently pursuing land development approval for the Subject Property with the Board of Supervisors.

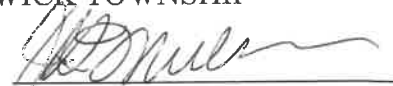
2. Accordingly, the Warwick Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Warwick Township hereby GRANTS a one year extension of the relief granted and memorialized through Decision and Order dated September 18, 2020, retroactive to September 18, 2021 so that the relief granted does not lapse, under §195-117.C of the Warwick Township Zoning Ordinance, until September 18, 2023, unless additional extensions are requested and received.

ZONING HEARING BOARD OF
WARWICK TOWNSHIP

By:


David Mullen

/s/ Joseph Thioway
Joseph Thioway

NOTICE TO APPLICANT

You have the right to appeal this Decision to the Court of Common Pleas of Bucks County. Such an appeal must be taken within thirty (30) days of the date the Decision was issued and mailed to you as stated above.