

# Warrington



# Township

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February 23, 2021

MEMO TO: Board of Supervisors

THRU: Barry P. Lubber, Township Manager

FROM: Warrington Township Zoning Hearing Board, Frank Shelly, Chairperson

DATE: April 7, 2021

RE: Warrington Township Zoning Hearing Board 2020 Annual Report

## Membership

Frank Shelly, Chair  
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Kevin Lawlor, Alternate Member

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Roy W. Rieder, P.E.  
Christian Jones

Solicitor  
Zoning Officer  
Deputy Zoning Officer

## Meetings Held, 11

January 27, 2020	February 24, 2020	June 22, 2020
June 24, 2020	July 27, 2020	August 24, 2020
September 28, 2020	October 26, 2020	November 9, 2020
November 23, 2020	December 8, 2020	

## Residential Hearings -26

Hearings - 20

Withdrawals - 1

Continuances 2

Appeals - 1

Carried forward to 2021 - 3)

20-01 Chelak, 596 Georgetown Lane, request for a variance to allow a roofed deck to extend into the required 30-foot rear yard setback; relief granted with the condition that the roof extend no further than 15 feet and 9 inches from the house toward the rear property line.

20-02 Mancini, 531 Bradford Avenue, request for a special exception to construct a building on a legal, non-conforming lot, variance to allow encroachment into the front yard along a paper street, and a

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variance for excess impervious area; relief granted with the condition that the applicant install a stormwater Best Management Practice to the satisfaction of the township engineer and maintain the Best Management Practice in perpetuity. Construction to be substantially as shown on the plan presented to the Zoning Hearing Board.

20-03 Chyko, 1020 Lower State Road, request for a special exception to construct a building on a legal, non-conforming lot and a variance for excess impervious area; relief granted with the condition that the applicant install a stormwater Best Management Practice to the satisfaction of the township engineer and maintain the Best Management Practice in perpetuity. Construction to be substantially as shown on the plan presented to the Zoning Hearing Board.

20-04 Hedenus, 3651 Detweiler Road, request for a variance to encroach into the required 100-foot transition area along a floodplain and a variance for excess impervious cover; relief denied. Appeal pending.

20-05 Grau, 303 Joelle Court, request for a variance for excess impervious area; relief granted with the condition that the applicant install a stormwater Best Management Practice to the satisfaction of the township engineer and maintain the Best Management Practice in perpetuity. Construction to be substantially as shown on the plan presented to the Zoning Hearing Board.

20-06 Brasof, 3000 Jonathan Drive, request for a special exception for an accessory apartment, relief granted with three conditions: (1) applicant must conform to the annual reporting requirements; (2) applicant must enter into a deed restriction, satisfactory to the township solicitor, restricting occupancy of the accessory apartment only to persons related to the owners by blood, marriage, and adoption, and prohibiting rental of the accessory apartment; (3) when the accessory apartment is no longer occupied by a person related to the owners by blood, marriage, or adoption, the accessory apartment must be dismantled by permanently removing and capping all cooking appliances in the accessory apartment.

20-07 Walnut Creek Acquisitions, L.P., request to allow a Conservation Residential Development on a tract containing 24.447 acres where 25 acres is otherwise the minimum amount of land required. Relief granted with no conditions.

20-09 Rodgers, 279 Folly Road request for a special exception to allow an accessory apartment, variance to allow the accessory apartment to be located in a structure other than the principal residence, variance to allow the accessory apartment to be occupied by persons not related to the owners by blood, marriage, or adoption, and a request for a determination that the applicant has a vested right to the use described. Continued until March 2021.

20-10 Patel, request for excess impervious cover in the R2 zoning district where the maximum amount of impervious cover is otherwise limited to 15 percent, relief granted that the applicant construct an infiltration Stormwater Best Management Practice satisfactory to the township engineer.

20-12 McKeown 221 Pointer Court, request to allow a portion of a roofed deck to extend into a required setback area, relief granted on the condition that property owner record a deed restriction prohibiting the enclosure of the deck.

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20-13 Tevnan, 2325 Deer Path Drive, request to allow a garage to encroach into the side yard setback to a point approximately 5 feet from the property line. Variance was denied based on the fact that the property owner failed to prove a hardship.

20-14 Chweiroth, 119 Buttercup Boulevard, request to allow a covered deck to encroach into the required setback area, relief granted on the condition that the property owner record a deed restriction prohibiting enclosure of the deck.

20-15 Neill, 1464 Easton Road, request for excess impervious cover in the R2 zoning district where the maximum amount of impervious cover is otherwise limited to 15 percent. Relief granted; the Zoning Hearing Board recognized the impervious area as a long-standing impervious area and required no additional stormwater management measures.

20-17 Shihadeh, 2357 Tohickon Lane, request for reconsideration of a previous denial of a variance for excess impervious area. Continued until January 25, 2021.

20-18 Parsons, 1107 Fieldcrest Court, request for a variance to allow a roof over an existing patio to encroach into the required 40-foot rear yard setback. Relief granted on the condition that the patio never be enclosed.

20-19 McNaney, 545 Folly Road, appeal from the Zoning Officer's decision that the proposed site of 7.5 acres does not meet the minimum required site area of 25 acres for an age-restricted community in the I-U-A-1 zoning district, or, in the alternative, a variance to allow an age-qualified community on a tract of land containing 7.5 acres. The applicant has requested a continuance to an unspecified date to be determined.

20-21 Flores, 2231 Tohickon Lane, request for a variance to allow excess impervious cover in the R2-I zoning district where 25 percent is otherwise permitted and a variance to allow a swimming pool in a front yard along a paper street. Relief was granted with the condition that the applicant execute a Stormwater Management Agreement to be prepared by the township solicitor and filed against the property with the Bucks County Recorder of Deeds.

20-22 Joseph, 3539 White Oak Drive, request for a variance to allow excess impervious cover in the RA zoning district where 15 percent is otherwise required. Relief granted with the condition that the applicant construct an infiltration Stormwater Best Management Practice satisfactory to the township engineer. Written Decision and Order pending.

20-23 Sandow, 2444 Freedom's Way, request for a variance to allow excess impervious cover in the R2 zoning district where 15 percent is otherwise required. Relief granted with the condition that the applicant construct an infiltration Stormwater Best Management Practice satisfactory to the township engineer. Written Decision and Order pending.

20-24 Hotamov, 900 Chatfield Road, application withdrawn as incomplete.

20-25 Kelly 2155 Garden Avenue, request for a variance to allow excess impervious cover in the R2-I zoning district where 25 percent is otherwise required. Relief granted with the condition that the

applicant construct an infiltration Stormwater Best Management Practice satisfactory to the township engineer. Written Decision and Order pending.

20-26 Powell, 3360 Bristol Road, request for a special exception to construct a ground based solar panel array and request for a special exception to allow an accessory apartment, variance to allow the accessory apartment to be located in a structure other than the principal residence, variance to allow the accessory apartment to be occupied by persons not related to the owners by blood, marriage, or adoption. The special exception for the ground based solar panels was granted with the condition that vegetative screening as a visual buffer. The special exception and variances for the accessory apartment were denied. Written Decision and Order pending

20-27 Cardamone, 3570 Pickertown Rd. Applicant seeks to retain two (2) single-family dwellings on site, with a nursery/landscaping business on one of the lots, and subdivide the property to add three (3) additional single-family dwellings, for a total of five (5) single-family dwellings and the nursery/landscape business on the site.

Applicant seeks the following variances to facilitate the proposed development:

- (1) to allow the use of shared driveways;
- (2) to allow staffs of flag lots to be separated by less than 100 feet;
- (3) to allow the area of the staff of the flag lot to be counted toward the minimum lot area;
- (4) to allow a non-residential use on a flag lot, namely a contractor's yard;
- (5) to allow more than 15 percent impervious area on a flag lot;
- (6) to allow a nursery with a contractor's yard on less than five acres;
- (7) to allow a nursery to occupy more than 20 percent of a lot area;
- (8) to permit the staff of a flag lot to exceed 500 feet;
- (9) a determination that the length of the staff of a flag lot is measured from the roadway to the beginning of the flag, or, in the alternative, a variance and
- (10) an interpretation that the 50 foot buffer between residential and nonresidential uses is not required to be physically located entirely on the lot containing the nonresidential use and that
  - (a) existing vegetation may be used to achieve the required buffer, and,
  - (b) the existing vegetation on lots 2, 3 and 4 satisfy this 50 foot buffer requirement.

In the alternative, the Applicant requests a variance to permit the required 50 foot buffer to be located on the adjacent residential lots and be satisfied by the existing vegetation.

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Hearing was been continued to January 25, 2021

20-28 Shimp, 1841 Acorn Way, request for a variance to allow excess impervious area where the maximum allowable impervious area otherwise permitted in an R2 Cluster development is 25 percent.

Hearing scheduled for February 22, 2021.

20-29 Braccia, 941 Bluebell Lane, Request for impervious area in the RA district where 15 percent is otherwise required. Request for special exception to construct a building on an existing legally non-conforming lot.

Hearing scheduled for February 22, 2021

20-30 Ball, 981 Lower State Road. Requests for variances and a special exception for an existing accessory apartment not located in the principal residence. A search of the property records did not indicate any record or permits for the accessory apartment and it is not known that the accessory apartment was constructed after the first ordinance regarding accessory apartments was adopted in 1985.

Hearing is scheduled for February 22, 2021.

**Non-residential**

**Applications - 4**

**Hearings - 3**

**Continuance - 1**

20-08, North Wales Water Authority, 1553 Easton Road, request for a special exception to permit the expansion of the office use and building to allow an accessory warehouse and other improvements, a variance to allow impervious surface coverage greater than fifteen percent (15%), a variance, to allow a 40 foot wide buffer, as opposed to the 50 foot buffer required, or in the alternative, an interpretation that no variance is necessary, and a variance to permit a maximum of 16 parking spaces on site. Relief was granted with the following conditions:

1. The proposed use of the Property shall be limited to office, storage and shop facilities related to the maintenance and repair of water mains, water meters, water laterals, fire hydrants and other water related equipment.
2. The Property shall not be used as a contractor's yard.
3. Applicant shall
  - (a) limit its use of the Property to a satellite maintenance/repair facility, and
  - (b) continue to maintain its primary maintenance/repair facility at another location such as is currently situate in North Wales Borough.
4. Number of employees working at the Property shall not exceed six.

5. Hours of operation for the public utility use shall be limited to 7 AM to 5 PM, with the exception of (a) work or meetings within the office building after 5 PM., and (b) the need to access the Property to perform off-site emergency work after normal business hours.
6. No equipment, supplies or materials shall be stored outdoors.
7. All company vehicles shall be parked overnight in the new building, after it is constructed, with the exception of passenger automobiles.
8. Outdoor activities shall be limited to:
  - (a) parking and washing vehicles,
  - (b) customary grounds maintenance (such as mowing and snow removal), and (c) maintenance and repairs to the buildings and other improvements.
9. Subject to the approval of PennDOT, owner shall widen the existing driveway where it connects with Easton Road.
10. Any security lighting installed on the building or parking lot shall be designed in a manner so that lights shall not shine onto adjacent properties.
11. The proposed building shall be designed in compliance with the Township's Architectural Overlay Ordinance.
12. The primary purpose of the proposed building is to provide storage for vehicles, trailers, equipment, materials and supplies needed for
  - (a) daily water system maintenance and repair work, and
  - (b) emergency response and repair work.

Storage in the proposed building may include items such as

- (a) service vehicles, trucks, water pumps, generator(s), air compressor(s), a backhoe and trailer, and similar equipment to maintain and repair water facilities, and
- (b) pipe repair couplings, fire hydrants, water meters, remote readers, cold patch, backfill stone, and similar materials and supplies to maintain and repair water facilities.

An area within the proposed building, comprising no more than ten percent of the floor area, may be used for shop space to complete maintenance and repair work to water meters, fire hydrants and other water related equipment.

13. No fencing shall be installed on the Property other than a gate permitted across the driveway and any fencing required by the Township around the proposed detention basin.

14. No auto body or auto repair work is permitted on the Property.
15. No trucks larger than a 6-wheel truck shall be stored in the proposed building.
16. Any future owner of the Property shall require the approval of the ZHB to revise these conditions if they desire to use the Property for any use other than
  - (a) a use then permitted under the Zoning Ordinance, or
  - (b) offices (as allowed by the ZHB decision dated October 24, 1988).

This requirement shall be recorded against the Property with the record land development plan sheet for the proposed building if and when the proposed building is approved by the Board of Supervisors and the plan is recorded.

17. As part of the land development process, Applicant must design a landscape plan which over plants a buffer for the homes along Kelly Drive.
18. As part of the land development process, Applicant must design a stormwater management plan in accord with Township rules and regulations, subject to the approval of the Township Board of Supervisors, from professionals; to be maintained in perpetuity.
19. Applicant must make reasonable effort to improve the exterior of the existing building on site, to be compatible in finish with the proposed building on site, after the proposed building is constructed.
20. Compliance with all other applicable governmental ordinances and regulations, and approval through the conditional use process and full land development process.

20-11 OP Schuman 2001 County Line Road, LLC, request for sign variances or permission to utilize the sign standards for the CBD district in the PI-2 zoning district and request for a special exception to allow an outdoor display in the PI-2 zoning district. The Zoning Hearing Board granted a variance to allow the use of the sign regulations for the CBD district in this property situated within the PI-2 district. The Board granted a special exception for an outdoor display with the conditions that the display area be limited to that shown on the plan presented to the Board, that all equipment on display be new or 'like new' and that duplicate items not be displayed.

20-16 Premier A-2 Warrington LLC, 2071 County Line Road, request for sign variances or permission to utilize the sign standards for the CBD district in the PI-2 zoning district. The Zoning Hearing Board granted a variance to allow the use of the sign regulations for the CBD district in this property situated within the PI-2 district.

20-20 382 Easton Road, LLC, 382 Easton Road, requested for a special exception to operate a school within the C2 zoning district. Application continued until March 2021 at the applicant's request.

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**Hearings scheduled for 2021**

20-28 Shimp

20-29 Braccia

20-30 Ball

**Hearings continued to 2021**

20-09 Rodgers, 279 Folly Road

20-27 Cardamone

20-17 Shihaded

20-20 382 Easton Road LLC

**Appeals resolved – 0**

**Appeals pending – 3**

19-06 WaWa, Inc., 532, 538, 550 Easton Road, relief denied

19-09 Prime Development Group, LP, 892 Warrington Avenue

20-04 Hedenus, 3651 Detweiler Road

Additional information for each case may be found on the Zoning Hearing Board's minutes or in the Decisions and Orders for each individual case.