BENSALEM TOWNSHIP

Building and Planning Department
2400 Byberry Road • Bensalem PA 19020
215-633-3644 • FAX 215-633-3653

Exhibit Z-4

Zoning Hearing Board

Appeal Number: 2014-382

Township of Bensalem, Bucks County, Pennsylvania
Notice of Appeal

Appeal is hereby made by the undersigned from the action of the Zoning Officer.

Check applicable item(s):

- ☐ Certification of Non-Conforming Use
- ☐ Application for Validity Challenge
- ☐ Administrative Officer in refusing my application for a building permit dated: _____
- ☐ Special Exception
- ☒ Variance from the terms of the Zoning Ordinance of the Township of Bensalem

Appellant Name: Mar Mar Builders, Inc.

Address: 5601 Beaver Dam Road
Bristol, PA 19007

Phone No. [redacted]

Owner's Name: Regency Estates, Inc.

Address: 5601 Beaver Dam Road
Bristol, PA 19007

Phone No. [redacted]

RECEIVED
MAR 28 2014
BENSALEM TOWNSHIP
BUILDING AND PLANNING

Attorney Name: Charles O. Marte, Jr.

Address: Marte and Toadvine
344 S. Bellevue Avenue, Langhorne, PA 19047

Phone No. 215-757-0344

Interest of appellant, if not owners (agent, lessee, etc.): Applicant and legal owner are corporations owned by the same shareholders with the same officers and directors. Applicant is their building company; Owner is their real estate holding company.

1. **Application relates to the following:**

Check items if applicable:

- [X] **Use**
- [X] **Lot Area**
- [ ] **Height**
- [X] **Yards**
- [ ] **Existing Building**
- [ ] **Proposed Building**
- [ ] **Occupancy**
- [X] **Other:** (describe) Woodlands and steep slope disturbances; lot width, building coverage and impervious coverage.

2. **Brief description of Real Estate affected:**

Tax Parcel Number: 2-36-9

Location: 2776 Mechanicsville Road

Lot Size: 1.87 acres (480 ft. by 182 ft.)

Present Use: Vacant

Proposed Use: Twin Homes

Present Zoning Classification: R-A1 Residential

Present Improvement upon Land: Vacant

Deed recorded at Doylestown in Deed Book 4670 Page 2276

3. If this is an appeal to challenge, provide statement and/or basis for challenge to the validity of the zoning ordinance.

Property is located between two institutional uses. Lot is over 4 times the size required for a single family residence. Twin homes is the highest and best use.

4. If this is an Appeal from action of the Zoning Administrative Officer then complete the following:

Date Determination was made: N/A

Your statement of alleged error of Zoning Administrative Office: N/A

5. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based (if special or variance is desired):

See attached sheets

6. Action desired by appellant or applicant (statement of relief sought or special exception or variance desired):

See attached sheets

7. Reasons appellant believes board should approve desired action (refer to section or sections of ordinance under which it is felt that desired action may be allowed, and not whether hardship is (or is not) claimed, and the specific hardship.

See attached sheets

8. Has previous appeal or application for special exception or variance been filed in connection with these premises?

☐ YES ☒ NO

Specifications of errors must state separately the appellant's objections to the action of the zoning administrative office with respect to each question of law and fact which is sought to be reviewed.

I, hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith, are true to the best of my knowledge and belief.

Mar Mar Builders, Inc.

[redacted]

By: [redacted]

Appellant's or Owner's Signature

President

Regency Estates, Inc.

[redacted]

By: [redacted]nt

March 18, 2014

Date

Sworn to and subscribed before me this

18th day of March 2014

[redacted]

Notary Public

My commission expires:

NOTARIAL SEAL
JOAN BODNAR
Notary Public
LANGHORNE BOROUGH, BUCKS COUNTY
My Commission Expires Jul 22, 2014

BEFORE THE BENSALEM TOWNSHIP ZONING HEARING BOARD

In Re: Application of Mar Mar Builders, Inc.
Premises: 2776 Mechanicsville Road
Bensalem, PA
Tax Map Parcel No.: 2-36-9

5. Specific reference to sections of Zoning Ordinance upon which Application for Variance is based:

232-57.a.1; 232-59.a.2.a; 232-124; 232-125(a); 232-125(b); 232-125(c); 232-125(d); 232-125(e)(1)(a) and 232-125(e)(2)(a).

6. Action desired by Applicant:

Applicant is requesting the following variances from the following sections:

- 232-57.a.1 - to permit 94% disturbance of woodlands.
- 232-59.a.2.a - to permit greater disturbance of steep slopes than otherwise permitted.
    1. 85% of 8-15% slopes in lieu of 40% permitted.
    2. 95% of 15-25% slopes in lieu of 30% permitted.
    3. 86% of 25% and greater slopes in lieu of 15% permitted.
- 232-124 - to permit the use of duplexes (twin homes) in the R-A1 Zoning District.
- 232-125(a) - to permit a lot area of 4,000 square feet for each duplex (twin home) in lieu of the 20,000 square foot required for a single family detached residence.
- 232-125(b) - to permit a lot width of 40 feet instead of the 80 feet required.
- 232-125(c) - to permit the individual lots to have a building coverage of 40% in lieu of the 30% permitted. The overall building coverage is 20%.
- 232-125(d) - to permit the individual lots to have an impervious surface ratio of 58% and the overall lot to have an impervious surface ratio of 44% in lieu of the 35% permitted.

- 232-125(e)(1)(a) - to permit a 20 foot front yard setback from the street line of the private drive and a 12 foot front yard setback from the curb line of the cul de sac in lieu of the 30 feet permitted.
- 232-125(e)(2)(a) - to permit a side yard of 0 feet in lieu of the 12 feet permitted.

7. Reasons Applicant believes Board should approve desired action:

- The Subject Premises is a long relatively narrow lot being 182 feet wide and 480 feet deep with a lot area of 1.87 acres. It is bordered on all sides by institutional uses. The lot is over four times that which is required for a detached single family residence. All of the variances being requested are dimensional variances except for the use variance which would permit the erection of twin homes on this Property in order to justify the cost of the installation of the street and cul de sac required in order to develop and subdivide the Property. All of the dimension variances requested meet the dimensional requirements for the erection of twin homes in Bensalem Township (i.e. R-3A and R-33).
- The requested variance of Section 232-57.a.1 to permit a 94% disturbance of the woodlands is justified. Most of the designated "woodlands" exist at the rear of the Property which is the lowest portion of the Property and the area in which the Applicant is required to install the bulb of the cul de sac and the stormwater management facilities in order to handle the stormwater runoff. Although the areas may meet the Township's technical definition for "woodlands", the area is mostly brush with some trees scattered throughout this area. The "woodlands" area more toward the front of the premises is concentrated around the old foundation of the demolished home. This area consists of several large shade trees and, in part, appears to consist of trees that were likely the landscaping planting for the prior home. The remaining "woodlands" area consists of scattered trees and heavy brush, which appears to be successional growth from not being maintained.

- Sections 232-59.a.2.a.1, 2, and 3. The areas of steep slope being disturbed are virtually all manmade slopes. In addition, those slopes are, in fact, small in size and the area of steep slopes which the Applicant is requesting to disturb are as follows:

  - 8-15% slopes - 1,343 square feet

  - 15-25% slopes - 850 square feet

  - 25%+ slopes - 613 square feet.

The areas of steep slope being disturbed are, as previously stated manmade and small in area compared to the 81,850 square foot lot area.

- Section 232-125(a) minimum lot size of 20,000 square feet has been set for single family detached dwellings. In zoning districts where twin homes (duplexes) are permitted such as R-33 and R-3A twin homes (duplexes) are permitted on 2,000 square foot lots. Hence, Applicant providing lot areas of 4,000 square feet and more for each dwelling unit is twice the lot area that is required in other zoning districts permitting this use.
- Section 232-125(b) - Applicant is proposing to provide a lot width of 40 feet for each dwelling unit. Although this is only one-half of the 80 foot width required in an R-A1 Zoning District, once again, in the R-33 and R-3A Zoning Districts of Bensalem Township, the lot width required for a twin home or duplex is 20 feet. Hence, Applicant is proposing to provide a lot width twice that which is required in other zoning districts for this use.
- Section 232-125(c) to permit the individual lots to have a building coverage of 40% in lieu of the 30% required and an overall building coverage of 20%. Once again, R-33 and R-3A which permits the duplex/twin use permits a building area of 50%. The proposed individual lot building coverage is 10% less than the 50% required in other zoning districts for twin homes in Bensalem Township. In addition, the proposed overall building coverage of 20% is less than one-half of the overall building coverage permitted in the R-33 and R-3A Zoning Districts for this use.

- Section 232-125(d) to permit an impervious surface ratio of 58% and an overall impervious ratio of 44% instead of the required maximum of 35% in an R-A-1 Zoning District. However, once again, when comparing this to zoning districts in which twin homes and duplexes are permitted, such as the R-33 and R-3A Zoning Districts, the maximum impervious surface ratio is 60%. Hence, the Applicant's proposed impervious coverage is significantly less than that required elsewhere for twin homes in the Township.
- Section 232-125(e)(1)(a) to permit a 20 foot front yard from the street line for the private drive and a 12 foot setback from the curb line of the cul de sac. Due to the lot width of 182 feet and the necessity to install a private drive with a 50 foot right of way, Applicant cannot meet the 35 foot front yard requirement for the R-A-1 District. However, once again, the Applicant does propose to meet the 20 foot front yard setback requirement set forth in the R-33 and R-A Zoning District requirements for twin homes (duplexes). As to the 12 foot setback from the curb line of the cul de sac, please note that that only applies to the corner of Unit No. 8. It does not affect or apply to any of the other proposed homes. Also, this is a private drive, will not be dedicated to the Township, and is a cul de sac and not a thru street. Hence, only the eight homes situated on the proposed private drive would be exposed to any of these variance issues.
- Section 232-125(e)(2)(a) to permit a side yard of 0 feet in lieu of the 12 feet permitted. Obviously, the 0 foot side yard that is requested is requested for the common wall between each of the twin dwellings. Otherwise, a minimum side yard of 12 to 15 feet with a minimum aggregate side yards of 30 feet between buildings is being provided.

In essence, Applicant is requesting a use variance to permit twin homes and then asking that the Applicant be granted variance from certain sections in order to use the area regulations which are applicable to twin homes on its proposed plan for these 8 dwellings. It seems logical and

equitable to apply the regulations which are applicable to twin homes in other zoning districts to this Property if a use of twin homes is permitted.

Record Plan Notes:

1. ELEVATIONS AND CONTOURS BASED ON NATIONAL GEODETIC VERTICAL DATUM (NGVD 1944)
2. OWNER OF RECORD: REGENCY ESTATES, INC 5601 BEAVER DAM ROAD BRISTOL, PA 19007 — APPLICANT: MAR MAR BUILDERS 5601 BEAVER DAM ROAD BRISTOL, PA 19007
3. WETLANDS DELINEATION PERFORMED BY PENN'S TRAIL ENVIRONMENTAL CONSULTANTS IN DECEMBER 2013
4. THIS PLAN IS SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, EASEMENTS AND COVENANTS OF RECORD
5. CURB CUTS AND HANDICAP RAMPED SIDEWALKS FOR WHEEL CHAIRS SHALL BE PROVIDED AS SHOWN ON THE PLANS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST ADA (AMERICANS with DISABILITIES ACT) STANDARDS
6. THE LOCATION OF EXISTING UNDERGROUND UTILITIES CONTAINED ON THESE PLANS HAVE BEEN DEVELOPED FROM UTILITY AS-BUILTS AND SUPPLEMENTED WITH FIELD LOCATIONS WHERE POSSIBLE. COMPLETENESS OR ACCURACY CANNOT BE GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL EXISTING SITE CONDITIONS, SURFACE AND SUBSURFACE, AND SHALL NOTIFY THE ENGINEER IN THE EVENT OF DISCREPANCIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY UNDERGROUND UTILITY USERS FOR COMPLIANCE WITH PENNSYLVANIA ACT 1996-287, AS AMENDED BY ACT 181 OF 2006
7. ALL PROPOSED UTILITIES TO BE UNDERGROUND
8. PROJECT TO BE SERVED BY PUBLIC WATER AND SEWER
9. TOPOGRAPHY INFORMATION HAS BEEN OBTAINED FROM A FIELD SURVEY PERFORMED BY PICKERING, CORTS & SUMMERSON, INC., IN DEC 2013/JAN 2014
10. ALL INTERNAL ROADWAYS SHALL BE PRIVATE ROADS, OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION

Zoning Requirements

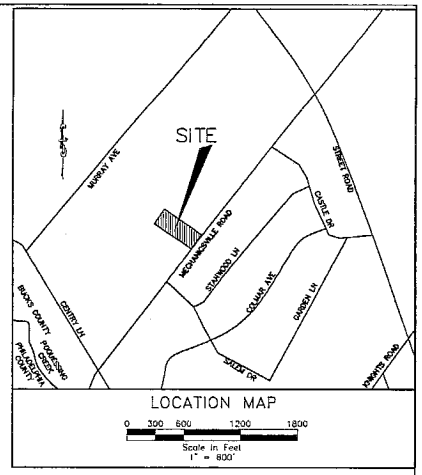
Zoned: R-A1 —Residential District

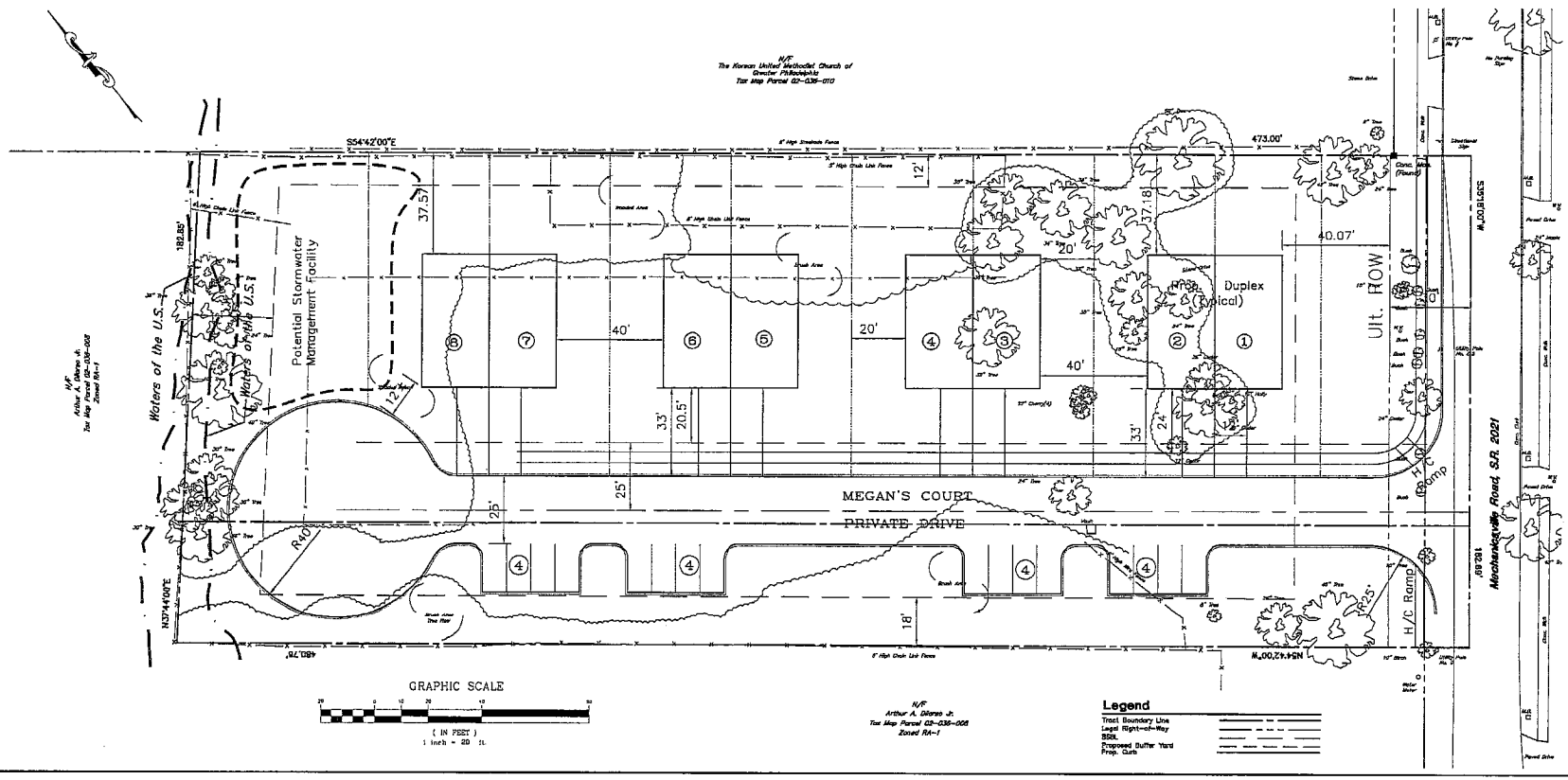
Dimensional & Design Requirements	Required	Proposed
Min Lot Area	20,000 SF	81,650 SF (1.87 AC) (to Ultimate Right-of-way)
Min Lot Width	80 ft	182 ft on Mechanicsville Rd 41 ft on Private Drive
Yard Set Back Requirements***		
Min Front Yard	35 ft	40 ft from Mechanicsville ROW
Min Side Yard	12 ft min /30 ft agg *	12 ft min /30 ft agg *
Min Rear Yard	30 ft	40 ft
Max Building Cover Ratio	30% 20%	18% Overall 36% Individual lots
Max. Impervious Surface Ratio	35% 35%	44% Overall 50% Individual lots
Max Building Height	35 ft	35 ft
Parking	2 / unit=16	18 excluding spaces in driveway & garage

* Side setbacks taken from Property line

The following Variances to the Bensalem Township Zoning Ordinance are requested:

Section:	Request:
232-57.a.1	To permit 94% disturbance of woodlands
232-59.a.2.a	To permit greater disturbance of steep slopes than otherwise permitted 1 85% of 8-15% in lieu of 40% otherwise required 2 95% of 15-25% in lieu of 30% otherwise required 3 86% of 25% & greater in lieu of 15% otherwise required
232-124	To permit the use of duplexes in the R-A-1 District
232-125(a)	To permit a lot area of 4,000 sf for each duplex in lieu of the 20,000 sf otherwise required
232-125 (b)	To permit a lot width of 40' in lieu of the 80' otherwise required
232-125 (c)	To permit the individual lots to have a building coverage of 40% in lieu of the 30% otherwise required, the overall building coverage is 20%
232-125(d)	To permit the individual lots to have an impervious surface ratio of 58% and the overall lot to have an impervious surface ratio of 44% in lieu of the 35% otherwise required.
232-125(e)(1)(a)	To permit a 20' front yard setback from the of the street line of the Private Drive and 12' from the curb line of the cul-de-sac in lieu of the 30' otherwise required
232-125(e)(2)(a)	To permit a side yard of 0' in lieu of the 12' otherwise required.





Legend

- Tract Boundary Line
- Legal Right-of-Way
- BSBL
- Proposed Buffer Yard
- Prop. Curb

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PCS Pickering Corts & Summerson
Consulting Engineers & Land Surveyors
Jenkintown, PA Washington, NJ Princeton Junction, NJ
642 Newtown-Yardley Road
Suite 300
Newtown, Pennsylvania 18940
tel: (215) 968-5300 fax: (215) 968-3498
www.pcs-cls.com

Zoning Variance Plan
TMP 2-36-9
Mechanicsville Road

Bensalem Township, Bucks County, Pennsylvania

Revision	Description

Zoning Variance Plan

SCALE 1"=20'	JOB NO. 2013101110
DRAWN PCS	DATE Jan. 6, 2014
REVIEWED MAH	DRAWING NO. 1-1436 L
TAX MAP NO. 02-036-009	SHEET NO. 1 of 2

Natural Resource Chart

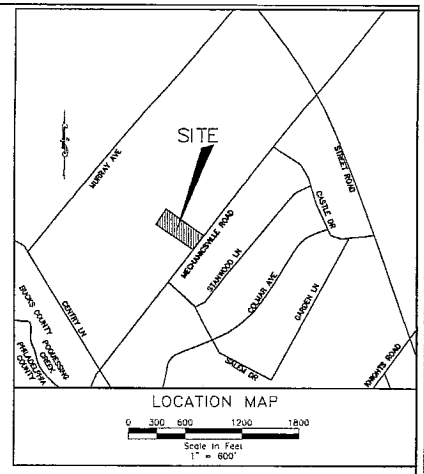
	Existing Area	Allowable Disturbance	Proposed Disturbance
8–15% Slopes	2,146 SF	40% (858 sf)	85% (1,800 sf)
15–25% Slopes	1,035 SF	30% (311 sf)	95% (975 sf)
>25% Slopes	2,467 SF	15% (307 sf)	86% (2,117 sf)
Woodlands	23,475 SF	50% (11,738 sf)	94% (21,859 sf)

Natural Resources Legend

	Manmade Slopes		
8–15% Slopes	1,580 S.F.	Manmade Slopes	
15–25% Slopes	895 S.F.		
>25% Slopes	713 S.F.	Woodlands	

Legend

Tract Boundary Line
Legal Right-of-Way
BSBL
Proposed Buffer Yard
Prop. Curb

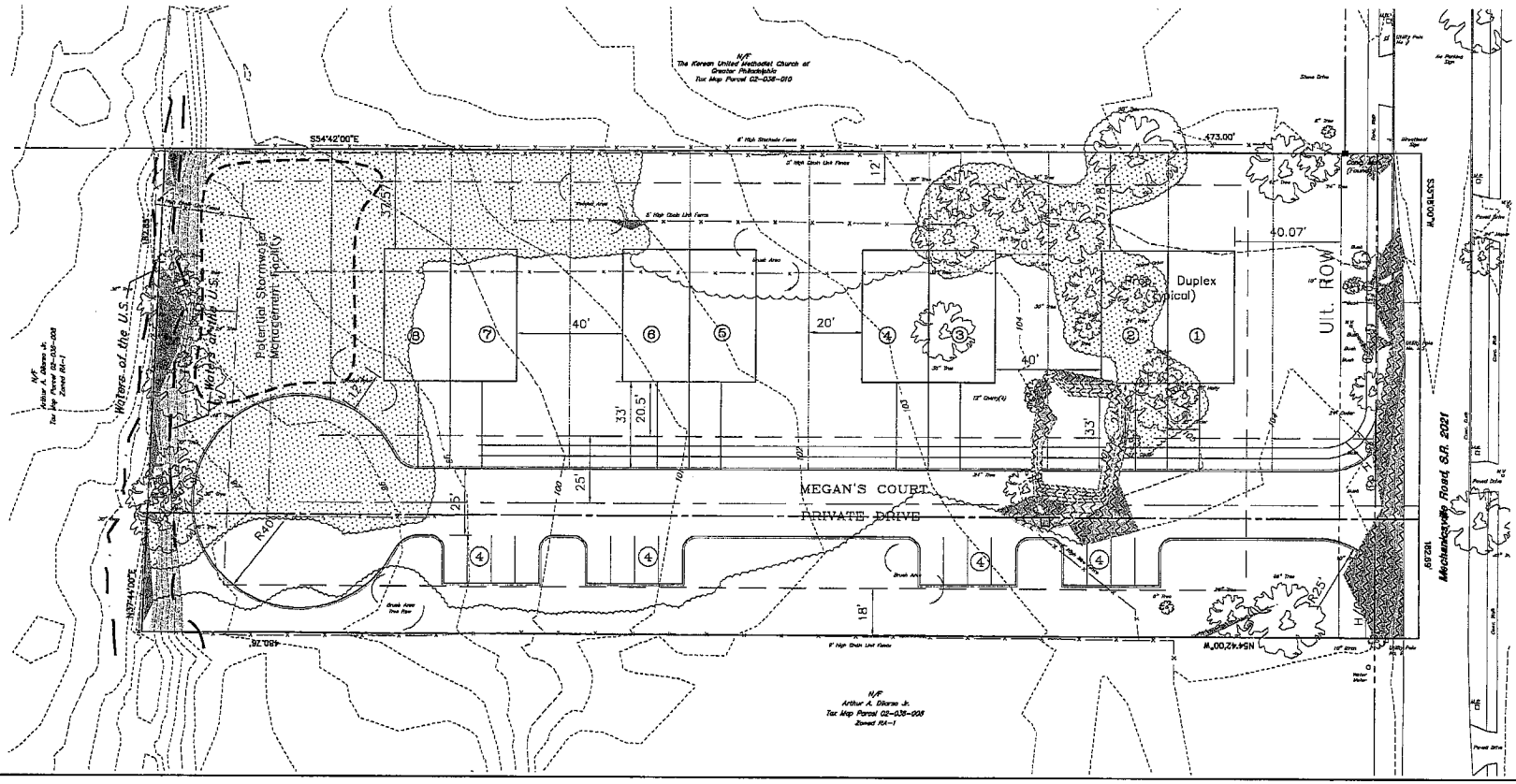


LOCATION MAP

0 300 600 1200 1800
Scale in Feet
1" = 600'

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.



Zoning Variance Plan
TMP 2-36-9
Mechanicsville Road
Bensalem Township, Bucks County, Pennsylvania

PCS Pickering Corts & Summerson
Consulting Engineers & Land Surveyors
642 Newtown-Yardley Road
Suite 300
Newtown, Pennsylvania 18940
tel: (215) 968-9300 fax: (215) 968-3648
www.pcs-civil.com

Revision	Description

Zoning Variance Plan
Ex. Features

SCALE 1"=20'	JOB NO. 201310110
DRAWN PCS	DATE Jan. 8, 2014
CHECKED MAH	DRAWING NO. 1-1436 L
TAX MAP NO. 02-036-009	SHEET NO. 2 of 2

BENSALEM TOWNSHIP

Building and Planning Department
Office 215-633-3644 • Fax 215-633-3753
Matthew K. Takita
Director of Building and Planning
2400 Byberry Road • Bensalem, PA 19020

March 13, 2014

Pickering Corts & Summerson
642 Newtown-Yardley Rd, Ste 300
Newtown, PA 18940

Project:	ZONING PERMIT
Project Address:	2776 Mechanicsville Rd Bensalem, PA 19020
Tax Parcel:	02-036-009
Property Owner:	Same as addressed
Permit Status:	Application Denied

Electronic Review Status

Dear Sir/Madam:

A review was conducted on the application for the referenced project pursuant to Chapter 232 ZONING. The attached sheets show what was found during the review and this information is required to complete the permit application for the above referenced project.

The review process utilizes Adobe Acrobat allowing reviewers to make their comments directly on the plan pages. These comments are tracked throughout the review and a printed summary serves as the basis for a rejection on the project until required changes have been made. The attached sheets will show an image of the plan page including its associated comments with connector lines. Only those pages of the plans that require a revision have been generated and included.

You are required to resubmit plans with revisions and will need to burn the **complete** set of plans with revisions to a new disc. Return it to the Building & Planning Department. You are to include a summary list of **all** changes that were made to the plans including those required by the Township. For each change made to the plans, note the sheet number, drawing title, and a brief description of the change made. Please label the disc with the project address, date and revision number to distinguish it from any earlier submissions.

It is our intent that you receive as few rejections as possible and provide reviewers a more efficient method for completing the review by utilizing the comments summary. The print dialog box should include the following summary options:

- Layout - Document and comments with connector lines on single pages
- Font Size - Large font size
- Include - all comments
- **Clear** - the checkbox to NOT include pages containing no comments

It is possible that upon receipt of the revised plans, additional items for compliance may be required. This letter shall serve as formal notice that your permit application has been rejected for said project until such time as the requested information has been provided.

You have the right to appeal this rejection letter. Applications for the Zoning Hearing Board can be obtained from the Building and Planning Department located in the Municipal Building at 2400 Byberry Road, Bensalem.

Respectfully,

[redacted]

Harold W. Gans, P.E., P.L.S.
Township Engineer

[redacted]
Email address

HWG/lva
Enclosures

[redacted]

Summary of Comments on G:\SUBDIV\2013-Projects\201310110 \Drawing Set\Zoning Variance Plan Zoning Plan (1)

Page: 1

Number: 1 Author: rgans Subject: ZONING REJECTION Date: 3/13/2014 2:11:38 PM

Number: 2 Author: rgans Subject: Text Box Date: 3/13/2014 2:14:21 PM

We are in agreement with the required variances listed below

ioord Plan Notes:

ELEVATIONS AND CONTOURS BASED ON NATIONAL GEODETIC VERTICAL DATUM (NGVD 19xx).

- OWNER OF RECORD:
  REGENCY ESTATES, INC.
  5801 BEAVER DAM ROAD
  BRISTOL, PA 19007

  APPLICANT:
  MAR MAR BUILDERS
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- THE LOCATION OF EXISTING UNDERGROUND UTILITIES CONTAINED ON THESE PLANS HAVE BEEN DEVELOPED FROM UTILITY AS-BUILTS AND SUPPLEMENTED WITH FIELD LOCATIONS WHERE POSSIBLE. COMPLETENESS OR ACCURACY CANNOT BE GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL EXISTING SITE CONDITIONS, SURFACE AND SUBSURFACE, AND SHALL NOTIFY THE ENGINEER IN THE EVENT OF DISCREPANCIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY UNDERGROUND UTILITY USERS FOR COMPLIANCE WITH PENNSYLVANIA ACT 1996-287, AS AMENDED BY ACT 181 OF 2006.

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0. ALL INTERNAL ROADWAYS SHALL BE PRIVATE ROADS, OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

1. THE DEVELOPMENT IS PROPOSED TO BE A CONDOMINIUM CONSISTING OF UNITS, COMMON FACILITIES, LIMITED COMMON FACILITIES AND CONTROLLED FACILITIES. FEE SIMPLE LOTS WILL NOT BE PROVIDED.

Legend

- Tract Boundary Line
- Legal Right-of-Way
- BSBL
- Proposed Buffer Yard
- Prop. Curb

Zoning Requirements

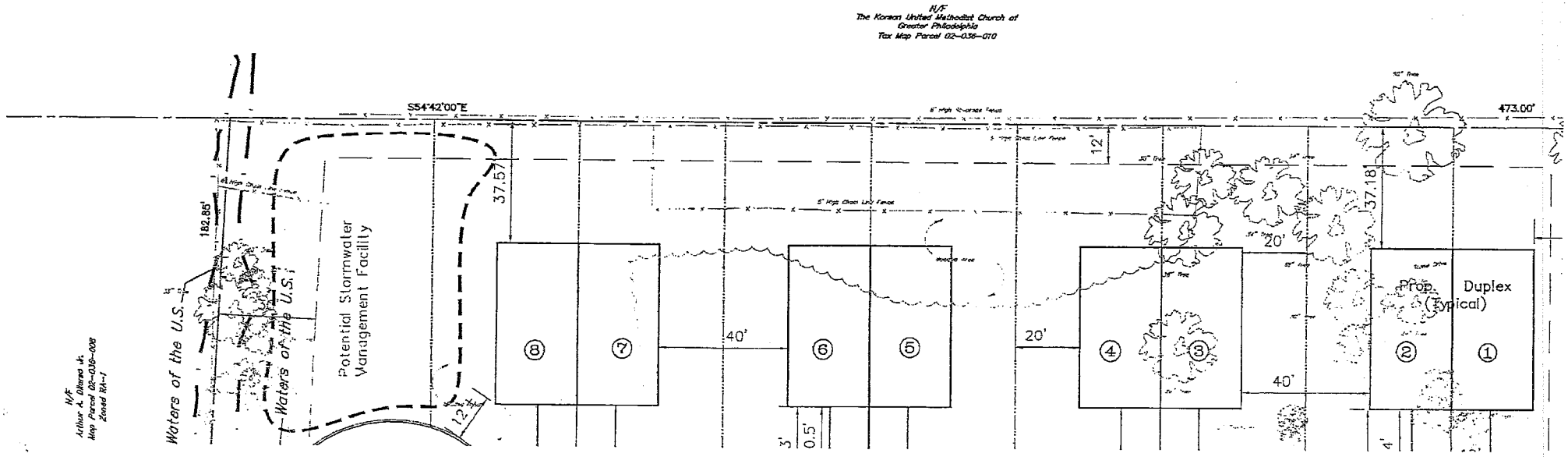
Zoned: R-A1 -Residential District

Dimensional & Design Requirements	Required	Proposed
Min. Lot Area	20,000 SF	81,650 SF (1.87 Ac.) (To Ultimate Right-of-Way)
Min. Lot Width	80 ft.	182 ft. on Mechanicsville Rd. 41 ft. on Private Drive
Yard Set Back Requirements***		
Min. Front Yard	35 ft.	40 ft. from Mechanicsville ROW
Min. Side Yard	12 ft. min./30 ft. agg.*	12 ft. min./30 ft. agg.*
Min. Rear Yard	30 ft.	40 ft.
Max. Building Cover Ratio	30% 30%	18% Overall 36% Individual lots
Max. Impervious Surface Ratio	35% 35%	44% Overall 50% Individual lots
Max. Building Height	35 ft.	35 ft.
Parking	2 / unit=16	16 excluding spaces in driveway & garage

* Side setbacks taken from Property line

ZONING REJECTED

We are in agreement with the required variances listed below

The following Variances to the Bensalem Township Zoning Ordinance are requested:

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232-125 (b)	To permit a lot width of 40' in lieu of the 80' otherwise required
232-125 (c)	To permit the individual lots to have a building coverage of 40% in lieu of the 30% otherwise required, the overall building coverage is 20%
232-125(d)	To permit the individual lots to have an impervious surface ratio of 56% and the overall lot to have an impervious surface ratio of 44% in lieu of the 35% otherwise required.
232-125(e)(1)(a)	To permit a 20' front yard setback from the of the street line of the Private Drive and 12' from the curb line of the cul-de-sac in lieu of the 30' otherwise required.
232-125(e)(2)(a)	To permit a side yard of 0' in lieu of the 12' otherwise required.