



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: _____

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: JEFFREY S & JAYNE E DAVIS

Address: 1160 TREELINE DR
BENSALEM, PA 19020

Phone No. _____

Owner's Name: JEFFREY S & JAYNE E DAVIS

Address: 1160 TREELINE DR
BENSALEM, PA 19020

Phone No. _____

Attorney Name: _____

Address: _____

Phone No. _____

Interest of appellant, if not owners (agent, lessee, etc.): _____

1. Application relates to the following:

Check items if applicable:

- | | |
|---|--|
| <input type="checkbox"/> Use | <input type="checkbox"/> Lot Area |
| <input type="checkbox"/> Height | <input checked="" type="checkbox"/> Yards |
| <input checked="" type="checkbox"/> Existing Building | <input type="checkbox"/> Proposed Building |
| <input type="checkbox"/> Occupancy | |
| <input type="checkbox"/> Other: (describe) _____ | |

2. Brief description of Real Estate affected:

Tax Parcel Number: 02073064-012
Location: 1160 TREELINE DR., BENSALEM, PA 19020
Lot Size: 24,525.18 sq. ft.
Present Use: RESIDENTIAL
Proposed Use: RESIDENTIAL
Present Zoning Classification: R-A-1
Present Improvement upon Land: SHED, SUNROOM, ABOVE GROUND POOL, DECK, SPA
Deed recorded at Doylestown in Deed Book 0282 Page 0119-0122

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

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

Date Determination was made: _____

Your statement of alleged error of Zoning Administrative Office: _____

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):

SECTION 232-125(e)(2)a

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

A variance is requested for the shaded area of the deck adjacent to plot location reference N58°57'00"W by S31°03'00"E. A review is requested regarding the locations of the pool, deck, and shed, of which, their locations on the property were approved by permits.

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.

Please see Attachments A, B, and C.

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.

5-6-2015
Date

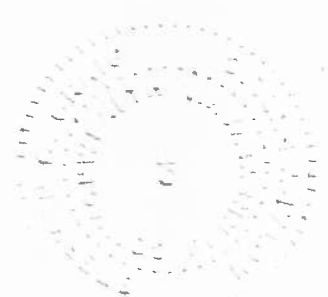
Sworn to and subscribed before me this

6 day of May 20 15

Notary Public

My commission expires _____

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Stephen G. Craig, Notary Public
Goussalem Twp., Bucks County
My Commission Expires March 27, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES



1. Initial design process:

The deck was originally designed to maintain a fifteen foot setback (Reference Field Copy dated SEP 16 2009). On October 29th, 2009, a failure of the deck footing inspection prompted a redesign of this portion of the deck referenced on Attachment B. It became necessary during the construction phase to research the maintaining of code compliance for this change.

2. Redesign process:

We referenced Section 232-301 (a) (4) which listed a minimum side yard setback of five feet for single family detached dwelling lots. With this reference at hand, the redesigned portion, or corner of the deck, resulted in a setback of eight feet and three inches from the side yard property line. (Reference Attachment B, blueprint overlay). This redesign was necessary to maintain overall structural strength, stability, and safety. The deck footing inspection was passed on April 20th, 2010 and the construction proceeded in accordance with our research into maintaining code compliance. As noted in File No. 0907.0999.00, the final inspection for the above referenced permit quoted Section 232-125[e](2)a; that the minimum setback for our district is twelve feet, not five feet. Upon receipt of this information from the Township Engineer, we discovered that we incorrectly sourced the regulation during the redesign process.

3. Location review:

The shed location remains unchanged since the original permit was approved in 2003 (Reference copy of permit #43724 application approval and plot plan approval dated July 3, 2003). Original blueprints and site location of the shed specified the exact location with regard to the entire property; with special attention given to the detention basin. The design for the pool and deck footprints are located within our self-imposed boundary line of the rear facing wall of the shed, which current location was previously approved under permit # 43724. At no time during the permit and inspection process of the shed in 2003 and the pool/deck/spa in 2009 did Bensalem Township Building and Planning reference an easement agreement requirement prior to or during construction.

4. Since we were the designer and builder of this deck project, substantial effort was made to follow all codes during all phases of the deck construction process. The inadvertent error in sourcing for the side yard setback of the deck corner results in a minimal impact with regard to location, square footage, and adjacent structures. This redesign was necessary to maintain overall structural strength, stability, and safety. As per the language of the letter from the Bensalem Township Engineering Inspector, we are requesting a zoning variance for this to remain (Reference shaded area of Attachment B, blueprint overlay). Additionally, we request that the zoning board consider a revision to the language in Section 232-301(a) which matches the style of section 232-125(a) in that the Residential Code (i.e. R-1-A, R-65) should be stated in Section 232-301(a). Also, the design submitted for the pool/deck/spa under permit # 2009-00066572 maintained the boundaries set forth in the original design with regard to rear-facing limits; the same limits known and approved under permit # 43724 in 2003 for the existing shed. Referring to the statement made by the Bensalem Township Engineering Inspector that [the pool, deck, and existing shed appear to be within the detention basin easement], please note that the building location approvals with respect to the detention basin boundaries were obtained prior to construction as stated on the original plot plan blueprints submitted under permits 43724 and 2009-00066572. Thank you in advance for your time, attention, and consideration.

Jeffrey S. & Jayne E. Davis
1160 Treeline Drive
Bensalem, PA 19020

07/03/03

02073064-012

Attachment B

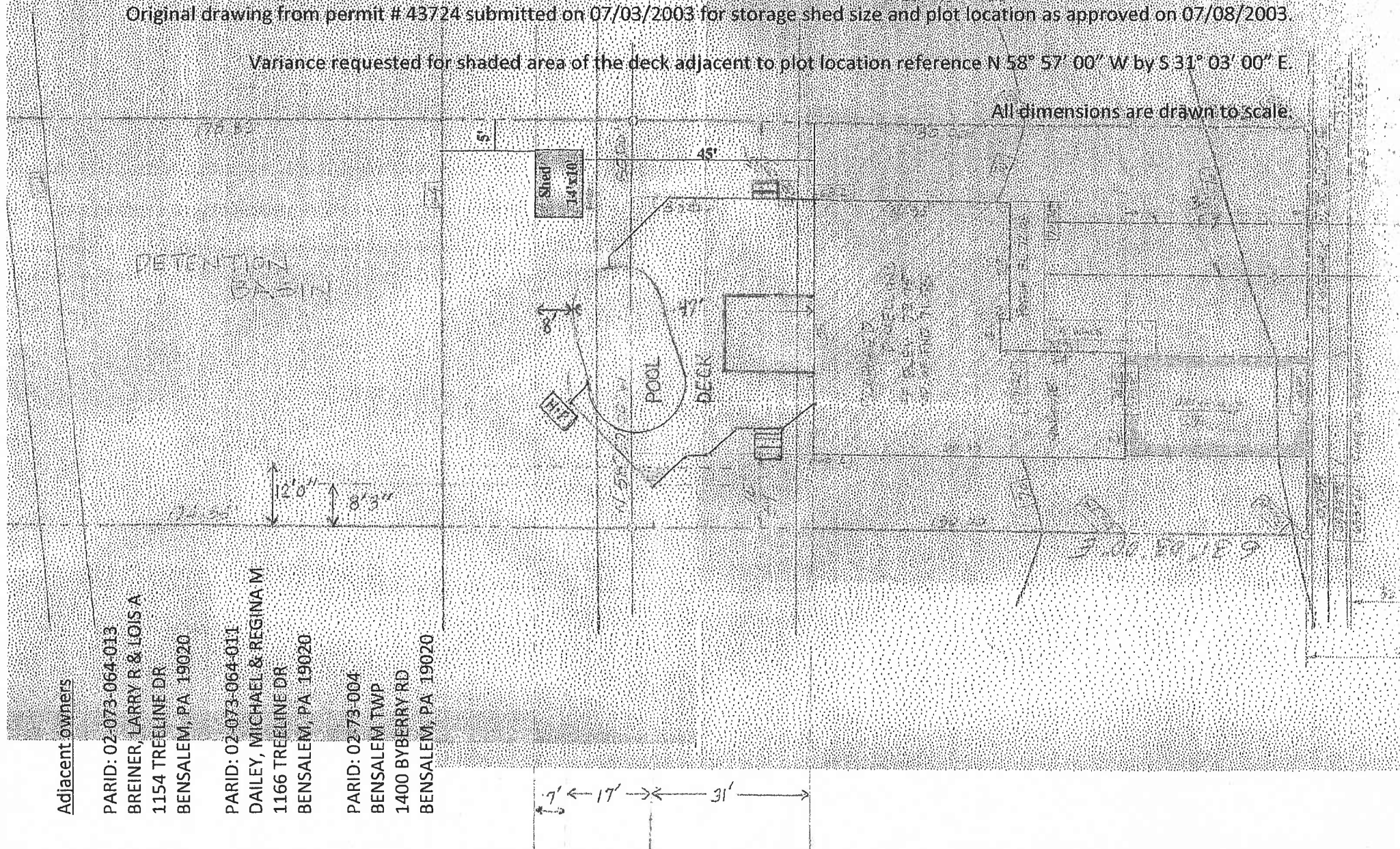
Davis, 1160 Treeline Dr., Bensalem, PA 19020. Tax Parcel # 02073064-012

Edited drawing on 01/04/2015 in reference to items 1 and 2 from file # 0907.0999.00 dated October 7, 2014.

Original drawing from permit # 43724 submitted on 07/03/2003 for storage shed size and plot location as approved on 07/08/2003.

Variance requested for shaded area of the deck adjacent to plot location reference N 58° 57' 00" W by S 31° 03' 00" E.

All dimensions are drawn to scale.



Adjacent owners

PARID: 02-073-064-013
BREINER, LARRY R & LOIS A
1154 TREELINE DR
BENSALEM, PA 19020

PARID: 02-073-064-011
DAILEY, MICHAEL & REGINA M
1166 TREELINE DR
BENSALEM, PA 19020

PARID: 02-73-004
BENSALEM TWP
1400 BYBERRY RD
BENSALEM, PA 19020





PHILADELPHIA, PA | BETHLEHEM, PA | MOUNTAINSIDE, NJ

PRINCIPALS

Anthony F. Naccarato, PE, SECB
President

Nick Cinalli, PE, SECB -*President Emeritus*

Mark W. Lunden, PE, SECB

Dennis V. Mordani, PE, SECB

Margaret A. Hart, CFO

Paul P. Panzarino, PE

Glenn S. DeHaven

FOUNDERS

William F. O'Donnell, PE -*Retired*

Peter A. Naccarato, PE -*Retired*

October 7, 2014

Jeffrey & Jayne Davis
1160 Treeline Drive
Bensalem, PA 19020

RE: 1160 Treeline Drive – A/L
File No. 0907.0999.00

On September 30, 2014 we visited the above referenced property for a final inspection of the above referenced permit regarding the new above ground pool and deck. The inspection has failed for the following reasons:

1. As per the as built plan that was submitted in the field and measurements taken, it appears that the deck has a side yard setback of +/- 7'. The minimum setback for your district is 12'. This is in violation of Section 232-125(e)(2)a. A zoning variance is required for this to remain.
2. It appears that the pool, deck and existing shed are located within the detention basin easement of the property. An easement agreement with Bensalem Township must be submitted and approved by both parties.

Based on the above listed zoning deficiency, your permit has been rejected. In order to proceed with this application, you are required to obtain a variance from the Bensalem Township Zoning Hearing Board. Applications for appeals to the Zoning Hearing Board can be obtained in the Building and Planning Department located in the Bensalem Township Municipal Complex at 2400 Byberry Road, Bensalem Township.

If you have any questions, or wish to schedule inspections, please contact me at 215-633-3652 or email at qnearon@bensalempa.gov.

O'Donnell & Naccarato, Inc.

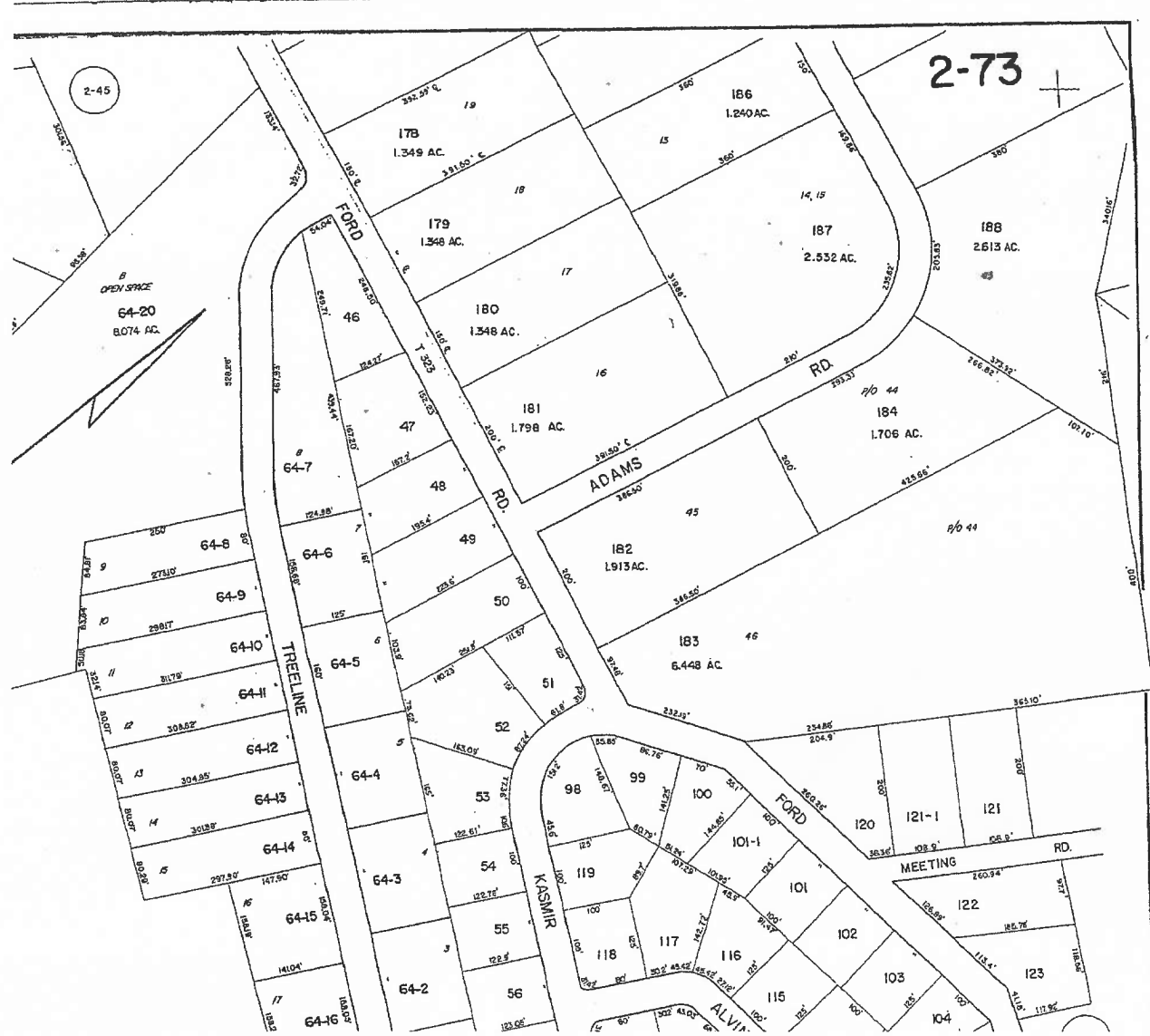
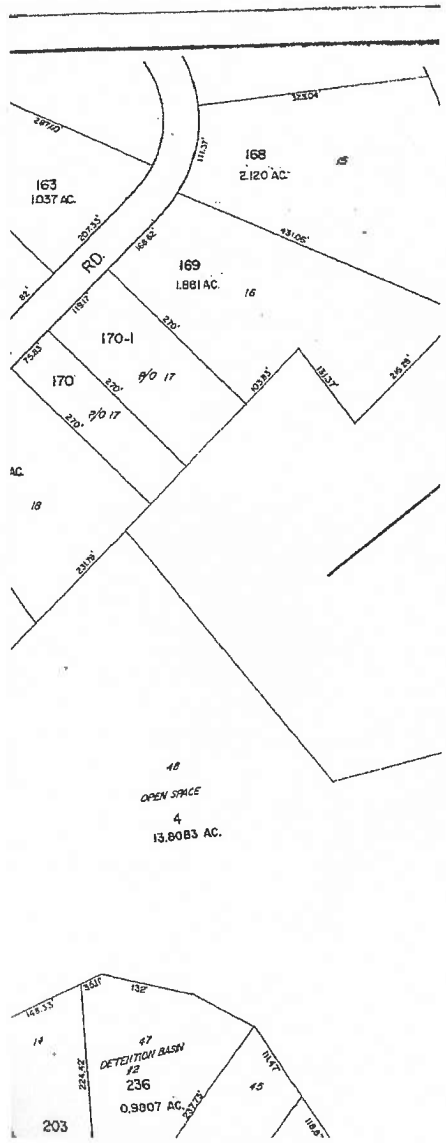
Quinton Nearon
Bensalem Township Engineering Inspector

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

QN:HWG:tar

cc: Matthew Takita, Director of Building and Planning, Bensalem Township

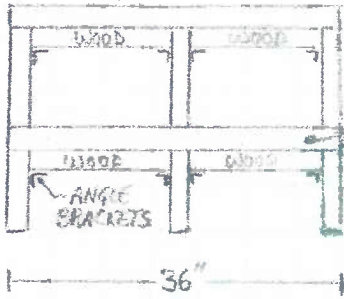
T:\Bensalem\BENSALEM\0907999\LTS\1160 treeline drive failed final.docx



RECEIVED

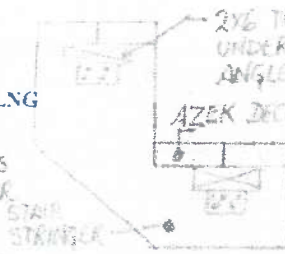
SEP 16 2009

FIELD COPY



BENSALEM BLDG & PLNG

AZEK DECK TREADS ATTACHED TO STRINGERS USING 2 SPS/S STRINGER



STEP #1 - 11' 39"
Rise: 7 7/8"
Run: 11"
STEP #2 - 41' 47"
Rise: 7 7/8"
Run: 11"

c/c Pool

DECK ELEVATION ≈ 54" A.G.

APPROVED AS PER 2006 T.A.C. 4-17-07 J. B...

DECK ELEVATION × ≈ 48" A.G.

POST ILLUMINATION FOR STEPS

STEP 2 3' 16"

POST SPACING 81" TYPICAL

DOUBLE 2x10 BEAM SPACING 138" TYPICAL

SUNROOM

ALL MEASUREMENTS TO BE FIELD VERIFIED AT INSTALLATION

SPA TO BE SET AT ON GRADE LEVEL ON CONCRETE SLAB 6" THICK MIN.

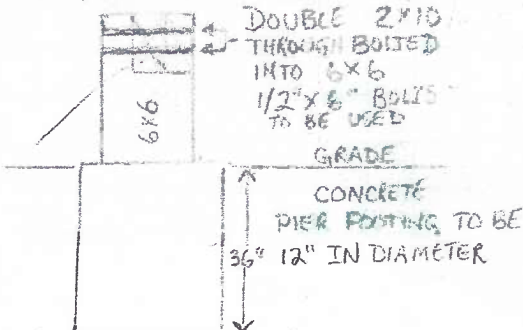
2x8 JOIST SPACING 4' 16" O.C. TYPICAL

DECK ELEVATION ≈ 33" A.G.

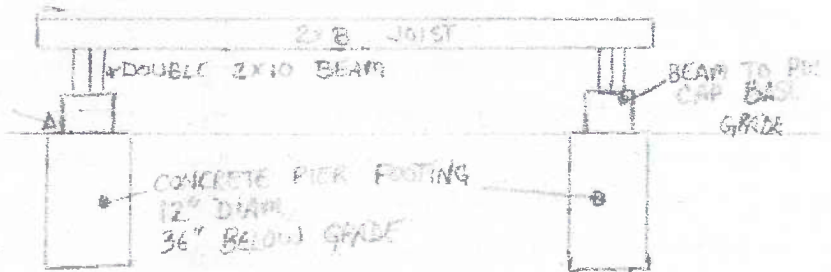
HOUSE

DECK TO BE SELF SUPPORTING NO HOUSE OR SUNROOM ATTACHMENTS

POST/BEAM CONNECTION



UTILIZE POST TO CONCRETE COLUMN BASE FOR ALL POSTS



DECK STRUCTURE DETAILS

DAVIS 1160 TREELINE DR BENSALEM PA

• Sec. 232-125. - Area regulations.

- (a) *Lot area.* An R-A-1 lot of not less than 20,000 square feet shall be provided for every building hereafter erected or used in whole or in part as a dwelling.
- (b) *Lot frontage and width.* Each lot shall have a minimum street frontage and an average width of not less than 80 feet, subject to the provisions of article XV.
- (c) *Building area.*
 - (1) Not more than 30 percent of the area of each lot may be occupied by building area.
- (d) *Impervious cover.*
 - (1) Not more than 35 percent of the net lot area may be covered by impervious cover including the building area.
- (e) *Yards.* Where a building is erected on an R-A-1 lot, front, side and rear yards shall be provided on each lot as follows:
 - (1) *Front yard.*
 - a. One yard, not less than 35 feet in depth.
 - (2) *Side yards.*
 - a. Two yards, not less than 30 feet in aggregate width, and neither less than 12 feet, except that in the case of a corner lot, the frontage on both streets shall be considered front yards.
 - (3) *Rear yard.*
 - a. One yard, not less than 30 feet in depth.
- (f) *Height regulations.* No building or structure in an R-A-1 district shall exceed 35 feet in height, provided that such height limits may be exceeded by one foot for each foot by which both the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of 50 feet.

(Ord. No. 96-05, Art. V(501.2), 6-3-96)

• **Sec. 232-301. - Area and yard regulations.**

(a)

Single-family detached dwelling lots.

(1)

Minimum lot area = 12,000 square feet.

(2)

Minimum lot width at building line = 90 feet.

(3)

Minimum front yard = 30 feet.

(4)

Minimum side yard = 5 feet minimum, 30 feet aggregate with minimum distance between dwellings no less than 20 feet.

(5)

Minimum rear yard = 35 feet.

(6)

Maximum building height = 35 feet.

(b)

Multi-family buildings.

(1)

Maximum number of units per building = 12.

(2)

Minimum building spacing = 50 feet.

(3)

Minimum building setback:

a.

Property lines = 50 feet.

b.

Ultimate right-of-way = 50 feet.

c.

Pennsylvania Turnpike = 75 feet.

d.

Access drives = 20 feet.

e.

Parking = 20 feet.

(4)

Maximum number of stories = 3.

(5)

Maximum building height = 45 feet.

(Ord. No. 2006-01, Art. I, 1-23-06)

APPLICATION

ZONING PERMIT

Permit No. 43724

Fee:

PROPERTY OWNER

APPLICANT

NAME: FERRY DAVIS
ADDRESS: 1403 FREELINE DR, BENSALERM PA 19020
PHONE:

NAME:
ADDRESS:
PHONE: ()

SITE INFORMATION

Location: 1403 FREELINE DR Bensalem Existing Use: R1A
Tax Parcel No.: 02073064-012 Proposed Use: Storage
What are you Building? PRE-FAB SHED

ZONING INFORMATION

Zoning District:

Table with 2 columns: Property details (Square footage, S.F. of existing/proposed bldg, Lot dimensions, Side yards, Front/Rear yard setback) and Zoning requirements (Height, No. of parking spaces, No. of tenants/units, Impervious surface cover, Natural green state, S.F. patron/office use, Sign permit).

I/We do declare under the penalties of perjury that this application has been examined by me/us; and to the best of my/our knowledge and belief it is true, correct, and complete.

I/We hereby certify and agree that, if a permit is issued, all of the provisions of the building, housing, zoning, and fire codes of the Township of Bensalem will be complied with whether herein specified or not; and I/We hereby agree to save, indemnify, and keep harmless the Township of Bensalem against all liabilities, judgements, costs, and expenses which may in any way accrue against said Township of Bensalem in consequence of the granting of the permit or from the use or occupancy of any building, sidewalk, street or curb sidewalk placed by virtue thereof and will in all things strictly comply with the conditions of the permit.

Date: 7/2/03

Owner [] Applicant [] Agent

ZONING OFFICER DECISION

[X] Approval [] Denial

Denied under Bensalem Township Zoning Ordinance:

Article Sec. Subsec.

[] See attachments

Zoning Officer

Date

ZONING HEARING BOARD APPROVAL:

Appeal No.

Decision Date:

Note: Any stipulations or conditions imposed by the Zoning Hearing Board are incorporated in this permit.

RECEIVED

JUL 03 2003

BENSALEM BUILDING AND PLANNING

Davis
1160 Treeline Dr.
Bensalem, PA 19020

Proposal for shed
14' x 10'
positioned 45' from dwelling,
5' feet from side property line,
& 155' from back property line.

07/03/03
02073064-012

