



# 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:** James and Carol Fischer

**Address:** 557 Trappe Lane

Langhorne, PA 19047

**Phone No.** [REDACTED]

**Owner's Name:** Same as above

**Address:** \_\_\_\_\_

**Phone No.** \_\_\_\_\_

**Attorney Name:** Timothy B Fenningham, Esq.

**Address:** 5 Neshaminy Interplex, Suite 315

Trevose, PA 19053

**Phone No.** [REDACTED]

**Interest of appellant, if not owners (agent, lessee, etc.):** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Check items if applicable:

- |                                     |                          |   |                          |
|-------------------------------------|--------------------------|---|--------------------------|
| <input type="checkbox"/>            | <b>Use</b>               | <input type="checkbox"/>  | <b>Lot Area</b>          |
| <input type="checkbox"/>            | <b>Height</b>            | <input type="checkbox"/>  | <b>Yards</b>             |
| <input checked="" type="checkbox"/> | <b>Existing Building</b> | <input type="checkbox"/>  | <b>Proposed Building</b> |
| <input type="checkbox"/>            | <b>Occupancy</b>         |   |                          |
| <input checked="" type="checkbox"/> | <b>Other:</b> (describe) | <u>Request for variance for rear yard setback for existing wooden deck.</u> |                          |

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

Tax Parcel Number: 02-097-131

Location: 6029 Snapdragon Court

Lot Size: Bensalem, PA 19020

Present Use: Residential - Single Family

Proposed Use: Residential - Single Family

Present Zoning Classification: R-2

Present Improvement upon Land: Single Family Home - Existing Deck

Deed recorded at Doylestown in Deed Book 248 Page 22

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

Request for variance for rear yard setback for existing wooden deck. Applicant does not challenge 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: \_\_\_\_\_

Request for variance for rear yard setback for existing wooden deck. Applicant does not allege Zoning Administration error.

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 232-167(e)(3)a and relief sought pursuant to Section 232-781(e).

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

Applicant requests rear yard setback variance of thirteen (13) feet for existing wooden deck.

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 statement.

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.

[Redacted Signature]

Appellant's or Owner's Signature

9-3-14

Date

Sworn to and subscribed before me this

3 day of September 20014

Notary Public

My commission expires: Mar 26, 2018



Applicants for Zoning Variance: James and Carol Fischer

Property: 6029 Snapdragon Court, Bensalem, PA 19020

Response to Question 7

7. The variance should be allowed under Section 232-781(e) of the Bensalem Township Code of Ordinances as Section 232-167(e)(3)a inflicts unnecessary hardship upon applicants for the following reasons:

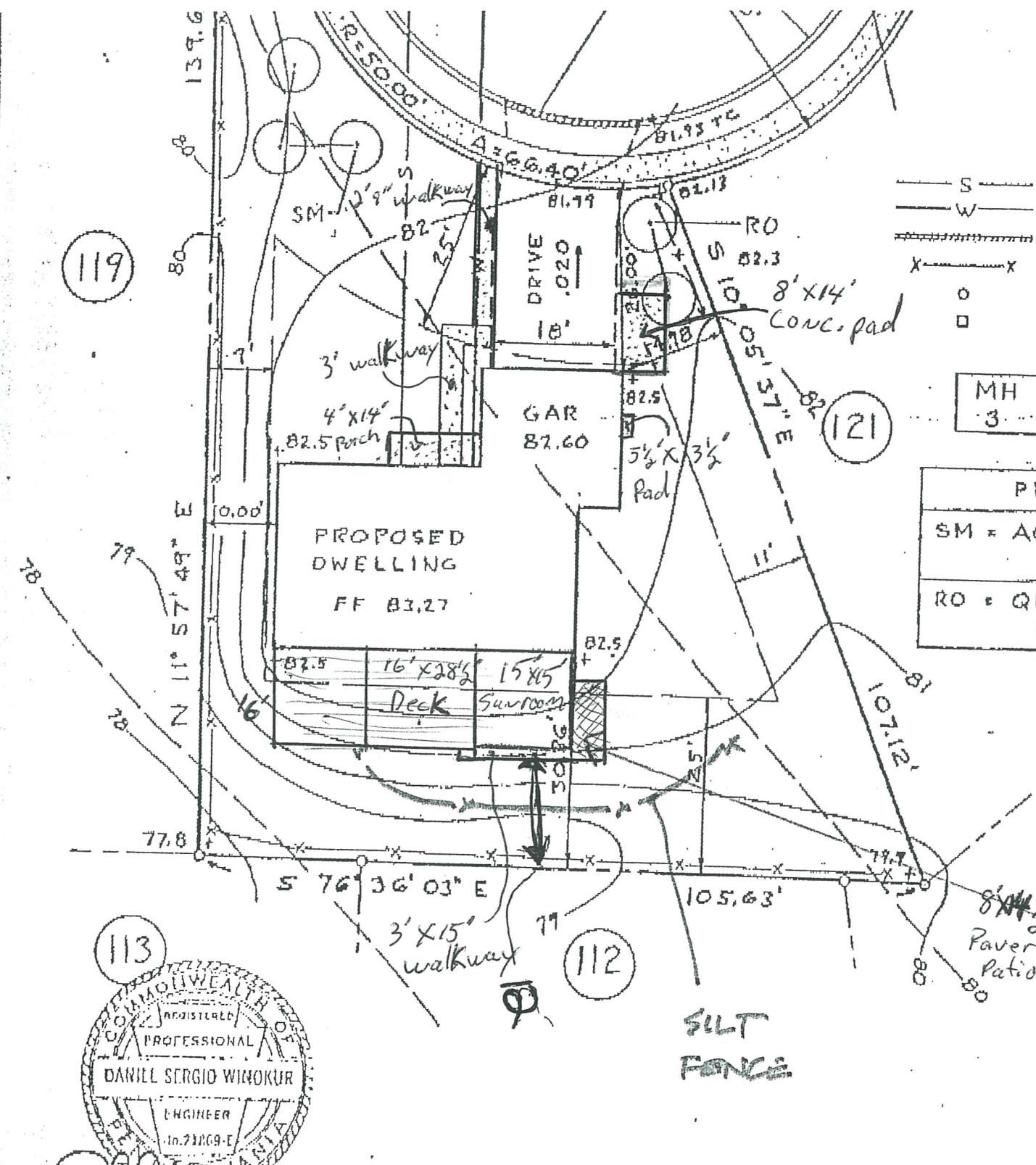
(a) The subject property is irregularly shaped due its location on a cul de sac and because of the position of the property lines of the adjacent properties. The majority of the open space on the property extends outward from the house at an angle that is not conducive to the construction of a deck and the reasonable use of the property. The unnecessary hardship is due to such conditions;

(b) Due to this irregularity of shape there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and thus the authorization of a variance is necessary to enable the reasonable use of the property;

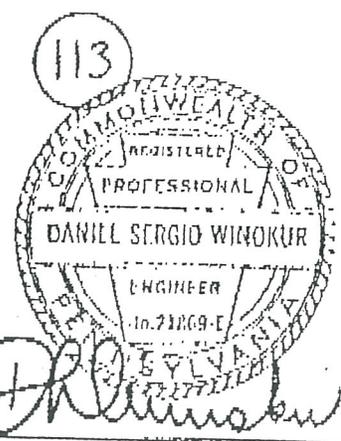
(c) The hardship was not created by the applicants. In fact, the deck was constructed approxiametly twenty (20) years prior to applicants' purchase of the property. Applicants are the fourth owners of the property since the construction of the deck;

(d) The variance, if authorized, will not alter the essential character of the neighborhood or in any way impair the use of the adjacent properties. The adjacent neighbors have comparable decks and are sufficiently screened from the property by privacy fencing and landscaping. Moreover, the deck has existed for twenty (20) years and, to the best of applicants' knowledge, the neighbors have never lodged a complaint concerning it; and

(e) The variance would offer the minimum variance and represent the least modification possible of the regulation in issue. For instance, the deck only encroaches on the rear yard set back a de minimis amount past the line of an adjoining sun room previously approved by Bensalem Township.



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|---------|---|
| MH      | 3 |
| PL      |   |
| SM = AC |   |
| RO = QU |   |



NOTE: DRIVEWAY WILL BE COVERED WITH AGGREGATE IMMEDIATELY UPON EXC

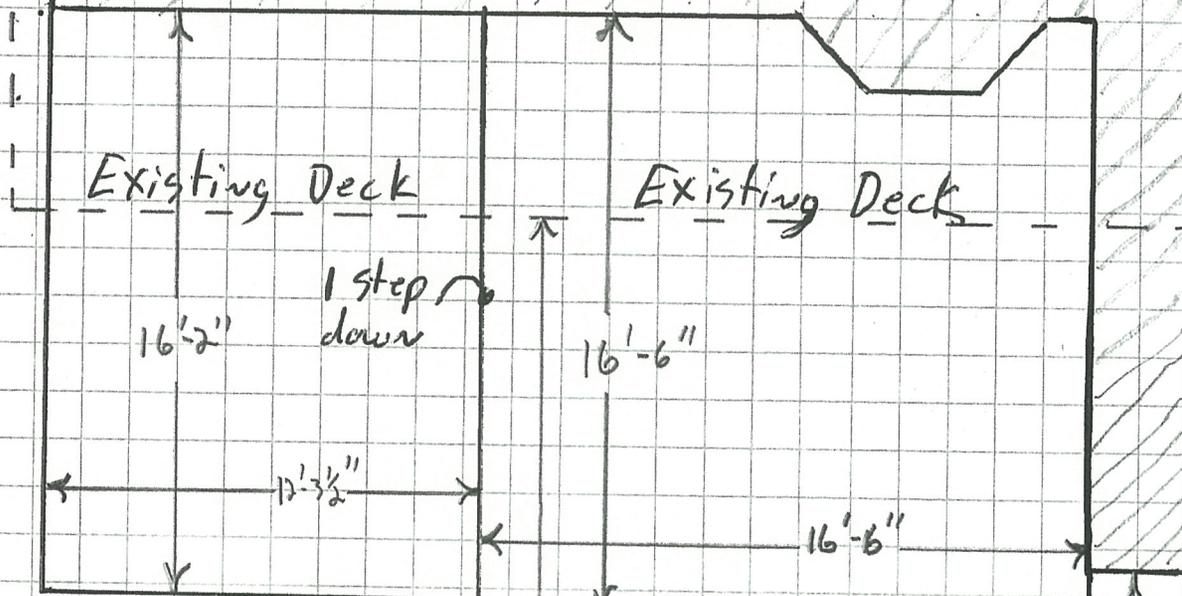
HOUSE TYPE: 116	SALEM FARM	LOT AREA:
ELEVATION: B	PERMIT PLAN	ZONING:
FLANKER: 08	LOT N° 120	SOIL CLA

<b>D.S. WINOKUR Associates, Inc.</b> ENGINEERS · PLANNERS · SURVEYORS 400 Market Street Philadelphia, Pa 19106	DRAWN BY: DD CHECKED BY: JD SCALE: 1" = 20'	DRAWING NO. 4802.120 SHEET NO.
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6029 S Napdragou Ct.

Existing House

10' side yard setback line



Scale 3/16" = 1'

25' rear setback line

14'-4"

14'

12'

15'-6"

Property Line



