



# 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:** Mar Mar Builders, Inc.

Address: 400 Crossings Drive  
Bristol, PA 19007

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

**Owner's Name:** 1186 Byberry Road, LP

Address: 400 Crossings Drive  
Bristol, PA 19007

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

**Attorney Name:** Charles O. Marte, Jr.

Address: 344 S. Bellevue Ave.  
Langhorne, PA 19047

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

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

Applicant and legal owner are entities owned by the same shareholders and partners.

Applicant is their building company; Owner is their real estate holding company.

1. Application relates to the following:

Check items if applicable:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Use   | <input checked="" type="checkbox"/> Lot Area |
| <input type="checkbox"/> Height   | <input checked="" type="checkbox"/> Yards    |
| <input type="checkbox"/> Existing Building  | <input type="checkbox"/> Proposed Building   |
| <input type="checkbox"/> Occupancy  |  |
| <input checked="" type="checkbox"/> Other: (describe) <u>Woodlands disturbance, lot width, impervious surface</u> |  |

2. Brief description of Real Estate affected:

Tax Parcel Number: 02-074-110

Location: 1186 Byberry Road

Lot Size: 150,072 sq. ft. (3.45 acres)

Present Use: Vacant

Proposed Use: Twin homes

Present Zoning Classification: R-A-1 Residential

Present Improvement upon Land: Vacant

Deed recorded at Doylestown in Deed Book \_\_\_\_\_ Page \_\_\_\_\_

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

N/A

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: \_\_\_\_\_

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):

232-57(a)(1)b, 232-124, 232-125(a), 232-125(b), 232-125(d)(1), 232-125(e)(1)á, 232-125(e)(2)a

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.

X

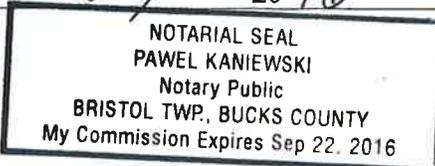
Appellant's or Owner's Signature  
**Mar Mar Builders, Inc.**  
**President**

2/16/16  
Date

Sworn to and subscribed before me this

16 day of February 20 16

Notary Public  
My commission expires: \_\_\_\_\_



BEFORE THE BENSALEM TOWNSHIP ZONING HEARING BOARD

IN RE: Application of Mar Mar Builders, Inc.

PREMISES: 1186 Byberry Road  
Bensalem, PA

TAX PARCEL: 02-074-110

6. Action Desired by Applicant:

Applicant is requesting the following variances from the following sections:

- 232-57(a)(1)b to permit 75% disturbance of woodlands in lieu of the 50% otherwise required.
- 232-124 to permit the use of twin homes in the R-A-1 zoning district.
- 232-125(a) to permit a lot area of 4,500 square feet for each twin home in lieu of the 20,000 square feet otherwise required.
- 232-125(b) to permit a lot width of 45 feet in lieu of the 80 feet otherwise required.
- 232-125(d)(1) to permit and overall impervious surface ratio of 38% and an individual lots to have an impervious surface ratio of 45% in lieu of the 35% otherwise required.
- 232-125(e)(1)a to permit a 20 foot front yard setback from the street line of the Private Drive and 15 feet from the curb line of the cul-de-sac in lieu of the 35 feet otherwise required.
- 232-125(e)(2)a to permit a side yard of 0 feet instead of the 12 feet otherwise required.

7. Reasons Applicant believes Board should approve desired action:

The present Application requests similar variances to those requested and granted for a similar property at 2776 Mechanicsville Road by this Board in order to erect twin homes in an R-A-1 zoning district by this same Applicant. The scope and extent of the variances being requested herein are less than those requested in the prior application.

The subject premises is a relatively narrow lot with 254 feet of frontage on Byberry Road and is L shaped with a rear lot width of 406 feet. The property is 515 feet deep. The irregular shape of the property prevents it from being developed in accordance with the R-A-1 zoning regulations. 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 dimensional 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 from Section 232-57(a)(1)b to permit an 75% disturbance of woodlands is justified. The main portion of the woodlands being disturbed is in the center of the property and prevents the development of the property. The remaining woodlands to be disturbed are along the rear property line and along the western and northern portion of the “L” at the rear of the property. The disturbance at the rear of the property and along the foot of the “L” is limited and a 15 foot buffer of woodlands would remain all along that area. A majority of the trees in the “woodlands” are dead. The areas being disturbed are mainly for the construction of the street, parking areas and cul-de-sac along with the stormwater management facilities in order to handle stormwater runoff.
- A variance from Section 232-124 to permit the use of twin homes in the R-A-1 zoning district. The irregular shape of the subject premises due to its narrowness and depth and “L” shape make it impractical to use as a development for single family detached dwellings or any of the other permitted uses in Section 232-124. The proposed use of the property for twin homes as was similarly requested for the Applicant’s property at Mechanicsville Road is a reasonable and efficient use of this property which still maintains its residential use. There would be no additional burden on the Township to maintain the roadway serving the property since the maintenance and snow plowing, etc. would be the responsibility of the Homeowners Association.
- Under Section 232-125(a) a minimum lot size of 20,000 square feet has been set for single family detached dwellings. In zoning districts for twin homes, such as R-33 and R-3A, minimum lot sizes are permitted of 2,000 square feet. Hence, Applicant is providing 4,500 square feet as the minimum lot size for each of the proposed dwelling units which is more than twice the area that is required in other zoning districts permitting twin homes.
- Section 232-125(b) – Applicant is proposing a lot width of 45 feet for each dwelling unit. This is more than one-half of the 80 foot required in an R-A-1 zoning district, and once again, in the R-33 and R-3A zoning districts of Bensalem Township, the lot width required for a twin home is 20 feet. Hence, the Applicant is providing a lot width more than twice that which is required in other zoning districts permitting this use.
- A variance from Section 232-125(d)(1) to permit an overall impervious surface ratio of 38% and the individual lots to have an impervious surface ratio of 45% instead of the required maximum of 35% in an R-A-1 zoning district. However, once again, when comparing this to the zoning districts in which twin homes are permitted, such as the R-33 and R-3-A zoning districts, the maximum impervious surface ratio is 60%. Hence, the proposed impervious surface by the Applicant is significantly less than that required elsewhere for twin homes in the Township.
- A variance from Section 232-125(e)(1)(a) to permit a 20 foot front yard setback from the street line of the Private Drive and 15 feet from the curb line of the cul-de-sac in

lieu of the 35 feet otherwise required. In the R-3-A zoning district a front yard of 20 feet measured from the street right of way line is required. There is no public street in this proposed development only a private drive. The front yard setback being requested is 20 feet from the street line of the Private Drive and 15 feet from the curb line of the cul-de-sac. That 15 foot front yard is only for building number 8 where the side of the cul-de-sac is located 15 feet from the front left corner of building number 8. The actual distance between the proposed twin homes and the curb line directly in front of these homes is 30 feet although the distance from the front of the homes to the right of way line is 20 feet. Once again, I point out that this is a private drive and not a street which would be dedicated to the Township. It would be cared for and maintained by the Homeowners Association. Due to the lot width of 254 feet along Byberry Road 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 an R-A-1 zoning district.

- A variance from 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 dwelling units. Otherwise, a minimum side yard of 20 feet with a minimum aggregate side yard of 40 feet between buildings is being provided. Once again, the required side yard for the non-common wall in an R-3-A zoning district is 15 feet. The Applicant is proposing a minimum of 20 feet.

In essence, Applicant is requesting a use variance to permit twin homes and then asking that the Applicant be granted variances from certain Sections set to regulate detached single family homes in order to use the area regulations which are applicable to twin homes on its proposed building plan for these 16 dwelling units. In fact, in most, if not all cases, the Applicants are exceeding the area regulations applicable to twin homes in Bensalem Zoning Ordinance. 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.



# 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

February 2, 2016

Mark Havers, P.E.  
642 Newtown-Yardley Rd  
Suite 300  
Newtown, PA 18940

<b>Project:</b>	<b>TWIN TOWN HOMES</b>
<b>Project Address:</b>	<b>1186 BYBERRY RD BENSALEM, PA 19020</b>
<b>Tax Parcel:</b>	<b>02-074-110</b>
<b>Property Owner:</b>	<b>1186 BYBERRY ROAD, LP</b>
<b>Permit Status:</b>	<b>APPLICATION DENIED</b>

## Electronic Review Status

Dear Sir/Madam:

A review was conducted on the application for the referenced project pursuant to Chapter 232 ZONING, **(AS LISTED ON SUBMITTED PLAN)**. 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,

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

Email Address \_\_\_\_\_

HWG/lva  
Enclosures



BUCKS COUNTY TAX MAP

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SEE 2-70

SEE 2-84

SEE 2-84

2-78

PARCELS

