



BENSALEM TOWNSHIP

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

CHECK OFF LIST FOR ZONING HEARING BOARD APPEAL

The items listed below are **requirements** of the application process for the Zoning Hearing Board.

Check off the items that accompany this appeal. If item is deemed not applicable put N/A in place of a check mark. If any box is not marked with either a check mark or N/A, the application will be considered incomplete and will not be accepted.

<input checked="" type="checkbox"/>	13 copies of Appeal (pages 4 thru 6)
<input checked="" type="checkbox"/>	13 copies of Plot Plan
<input checked="" type="checkbox"/>	13 copies of Zoning Officers rejection
<input checked="" type="checkbox"/>	13 copies of Tax Map
<input checked="" type="checkbox"/>	13 copies of deed
<input type="checkbox"/>	13 copies of agreement of sale or lease agreement <i>N/A</i>
<input checked="" type="checkbox"/>	13 copies of detailed plan of proposed structure
<input type="checkbox"/>	13 copies of deed searches if your application is for certification of non-conforming use <i>N/A</i>
<input type="checkbox"/>	13 copies of exhibits which would include but are not limited to pictures, diagrams, and changes.
<input checked="" type="checkbox"/>	Application must be notarized. Original must be submitted.
<input checked="" type="checkbox"/>	Applications and all required material as described must be placed in packet form as follows:
<input checked="" type="checkbox"/>	Must submit copy of application and plan(s) on a disc in .pdf file format or email same to jmryan@bensalempa.gov
<input checked="" type="checkbox"/>	Appeal
<input checked="" type="checkbox"/>	Plot plan
<input checked="" type="checkbox"/>	Zoning officers rejection
<input checked="" type="checkbox"/>	Tax map
<input checked="" type="checkbox"/>	Deed
<input type="checkbox"/>	Agreement of sale or lease agreement if applicable <i>N/A</i>
<input checked="" type="checkbox"/>	Detailed plan of proposed structure
<input type="checkbox"/>	Deed searches, if applicable <i>N/A</i>
<input checked="" type="checkbox"/>	Exhibits <i>NARRATIVE, TRANSCRIPT</i>
<input type="checkbox"/>	Notify all adjoining owners by certified mail. Township will provide a list of adjoining properties. to be notified)

The Zoning Hearing Board Clerk is not authorized to fill out your Zoning hearing Board application, correlate the above items or answer technical questions. If you are not sure how to go about appealing to the zoning hearing board, it is advised that you obtain an attorney to help you.

Attached to this checklist is the appeal and instructions on how to fill out the appeal form.

Plot plans may be hand drawn as long as all information is accurate. It must contain all pertinent zoning information. It must contain the names, addresses and tax parcel numbers of all adjoining owners.

To obtain the Zoning Officers rejection notice you must first submit an application or occupancy permit. You will receive your rejection notice in the mail.



BENSALEM TOWNSHIP

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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: SQUIRE HOME BUILDERS, LLC

Address: 134 REDSTONE DR.
WARRINGTON PA 18976

Phone No. 267-221-0427 TOM HUGHES

Owner's Name: SAME AS ABOVE

Address: _____

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 type="checkbox"/> | Yards |
| <input type="checkbox"/> | Existing Building | <input type="checkbox"/> | Proposed Building |
| <input type="checkbox"/> | Occupancy | | |
| <input checked="" type="checkbox"/> | Other: (describe) | <u>STREET FRONTAGE</u> | |

2. Brief description of Real Estate affected:

Tax Parcel Number: 2-7-156-1

Location: KAY AVE

Lot Size: 9,611 SF

Present Use: VACANT

Proposed Use: SINGLE FAMILY HOME

Present Zoning Classification: R-2

Present Improvement upon Land: NONE

Deed recorded at Doylestown in Deed Book 6039 Page 1440

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 232-107. AREA REGULATIONS R-2

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

VARIANCE FOR LOT FRONTAGE, R-2 REQUIRES 75', LOT IS 29.04' IN CURRENT STATE. WOULD BE INCREASED TO 50' WITH PROPOSED PECD EASEMENT

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.

PECD HAS AGREED TO GRANT ACCESS EASEMENT TO PARCEL WHICH WOULD BRING STREET FRONTAGE TO 50'

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.

[Handwritten Signature]

Appellant's or Owner's Signature

11-13-15

Date

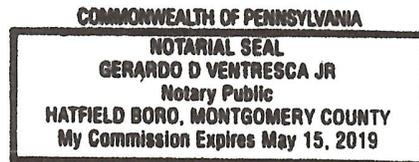
Sworn to and subscribed before me this

13th day of November 2015

[Handwritten Signature]

Notary Public

My commission expires: May 15, 2019



AREA TO BE DEDICATED
196 sq. ft.
0.004 acres

KAY AVENUE

2100'E
100.00'

N41°02'00"E
EXIST. LEGAL RIGHT-OF-WAY LINE
94.45'

75' ULTIMATE RIGHT-OF-WAY LINE

NEW HOME (EXISTING)

DRIVEWAY EXISTING

2605 KAY AVE
1 STY FRAME

TMP #2-7-155
N. CARRIE LEE FARMER
13,250 S.F.

DEMOLISHED HOME

548.58'00"E
132.50'

125.00'

LOT 1
PORCH GROSS AREA
9,807 S.F. 0.22 AC.
NET AREA
9,611 S.F. 0.22 AC.

LOT 2
GROSS AREA
24,321 S.F. 0.56 AC.

DRIVEWAY PROPOSED

PROPOSED EASEMENT

PROPOSED DELIMITATION

02'00"E
100.00'

N41°02'00"E
124.73'

CONG. MON TO BE SET

N/A PECC

TMP





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

October 15, 2015

Thomas Hughes
134 Redstone Dr
Warrington, PA 18976

Project:	Single Family Dwelling
Project Address:	Kay Avenue Trevose, PA 19053
Tax Parcel:	02-007-156-001
Property Owner:	Squire Home Builders, LLC
Permit Status:	application denied

Dear Sir/Madam:

A review was conducted on the application for the referenced project pursuant to the *Code of the Township of Bensalem*, Chapter 232 ZONING. Please be advised the application submitted for the above captioned project has been rejected due to the following reason(s):

- **Proposed frontage width of 29.04 feet is less than the required 75 feet per zoning ordinance. [Section 232-167(b)]**

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 appeals to the Zoning Hearing Board can be obtained at the Building and Planning Department located in the Municipal Building at 2400 Byberry Road, Bensalem.

Respectfully,

Harold Gans, P.E. P.L.S
Township Engineer
215-633-3652

tpughes7@comcast.net
email address

HWG/lva

SU

BUCKFIELD TER

SOMERTON RD

EDAR AVE

PARIS AVE

KAY AVE

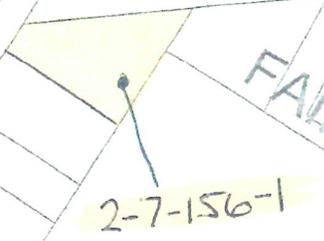
ERPLEX DR

FAIRVIEW AVE

CENTRAL AVE

OLD LINCOLN HWY

2-7-156-1



Prepared by:
PECO Energy Company
2001 Market Street, N2-9
Philadelphia, PA 19103
(215) 841-5388

Return to:
Direct Abstract
272 Titus Ave. Ste. 316
Warrington Pa 18994

CERTIFIED PROPERTY IDENTIFICATION NUMBERS		
02-007-044--001	-	BENSALEM TWP
02-007-044--002	-	BENSALEM TWP
02-007-044--003	-	BENSALEM TWP
02-007-076--001	-	BENSALEM TWP
02-007-076--002	-	BENSALEM TWP
02-007-076--003	-	BENSALEM TWP
02-007-076--004	-	BENSALEM TWP
02-007-115-	-	BENSALEM TWP
02-007-116--001	-	BENSALEM TWP
02-007-124--001	-	BENSALEM TWP
02-007-124--002	-	BENSALEM TWP
02-007-156--001	-	BENSALEM TWP
02-007-156--002	-	BENSALEM TWP

Tax Parcel: 02-007-044-001, 02-007-044-002, 02-007-044-003, & 02-007-076-001,
02-007-076-002, 02-007-076-003, 02-007-076-004, & 02-007-115,
02-007-116-001, & 02-007-124-001, 02-007-124-002, & 02-007-156-001,
02-007-156-002.

SPECIAL WARRANTY DEED

THIS DEED made the *30th* day of *October* 2008
between PECO ENERGY COMPANY, a Pennsylvania corporation (the "Grantor"), and
SQUIRE HOME BUILDERS, LLC (the "Grantee").

WITNESSETH, that in consideration of the sum of [REDACTED]
[REDACTED] paid by
the Grantee to the Grantor, the receipt whereof is hereby acknowledged, Grantor grants
and conveys to Grantee, its successors and assigns,

ALL THOSE THIRTEEN (13) CERTAIN lots or parcels of ground situate in
Bensalem Township, Bucks County, Pennsylvania, as described on Exhibit "A"
attached hereto.

BEING as to part, BEING part of the same premises which Electric Realty
Corporation granted and conveyed, in fee, unto Philadelphia Electric Company by
Indenture dated June 5, 1931, and recorded in the Office for Recording of Deeds, in
and for said Bucks County, in Deed Book No. 600, page 266.

BEING as to the remaining part, BEING part of the same premises which Electric
Realty Corporation granted and conveyed, in fee, unto Philadelphia Electric Company
by Indenture dated May 23, 1933, and recorded in the Office aforesaid in Deed Book
No. 619, page 577.

AND Philadelphia Electric Company is now known as PECO Energy Company.

TOGETHER with all and singular the improvements and appurtenances belonging thereto and all the estate, right, title, interest, property, claim and demand whatsoever of the Grantor, in law, equity, or otherwise of, in and to the same and every part thereof (collectively with the land described above the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its successors and assigns, to and for the only proper use and benefit of the Grantee, its successors and assigns, forever.

UNDER and SUBJECT to easements, rights, covenants, conditions and restrictions of record, if any, or otherwise visible.

EXCEPTING and RESERVING unto Grantor, its successors and assigns, the right as often as Grantor, its successors and assigns, shall deem necessary to cut down, trim and remove from the parcels of ground above described any trees which may endanger the safety of, interfere with the use of, or be a menace to any facilities or structures constructed or which may be constructed by Grantor, its successors and assigns, upon Grantor's remaining ground adjoining the parcels of ground. **TOGETHER** with the right of ingress and egress to, from and over the parcels of ground for the purposes above reserved.

ALSO EXCEPTING and RESERVING unto Grantor, its successors and assigns, the full, free and uninterrupted right, liberty and privilege to erect, construct, install, use, operate, maintain, repair, renew, add to, relocate, replace and remove facilities, including poles, cross arms, wires, cables, fiber optics, guy wires, anchor guys, conduits, manholes, gas mains, gas service pipes, and appurtenances (the "Facilities"), as now existing and as shall be necessary for the transmission and distribution of electricity, gas and communications within the legal right of way limits of public highways known as, Buffalo (Brown) Avenue, Cedar Avenue, Paris Avenue, Linconia Avenue, Kay Avenue and Warren (Walnut) Avenue on both sides thereof, (subject to such deviations as may be necessary due to construction conditions) as now existing or as may be hereafter established, abutting the parcels of ground above described together with the right of ingress and egress across the parcels of ground to and from the Facilities and the right to cut down, remove, trim and keep trimmed, in a workmanlike manner, all trees, branches of trees, roots and brush, to the extent deemed necessary by the Grantor to provide sufficient clearance for the protection of the Facilities. **AND** the Grantor further reserves the right to locate the Facilities outside the limits of said highways but immediately adjacent thereto; **AND ALSO** the further right to install outside the limits of said highways such guy wires and anchor guys as may be necessary to stabilize the poles.

PROVIDED that neither the Grantor nor Grantee, their respective heirs, successors, and assigns, shall be liable or obliged to construct or maintain any fences between the parcels of ground and the remaining ground of Grantor adjoining the parcels of ground.

PROVIDED further that no right or means of ingress, egress, regress or passageway to or from the parcels of ground is granted specifically or by implication and neither the Grantor, nor its successors and assigns, shall be liable or obliged to obtain for the Grantee, its successors and assigns, such means of ingress, egress, regress or passageway.

AND the Grantor covenants and agrees that it will, Subject, Reserving and Provided as aforesaid, warrant specially the property hereby conveyed.

EXECUTED the day and year first above written.

PECO ENERGY COMPANY



ATTEST:

[Signature]
Assistant Corporate Secretary

BY: [Signature]
Director, Real Estate & Facilities

COMMONWEALTH OF PENNSYLVANIA:
: SS.
COUNTY OF PHILADELPHIA :

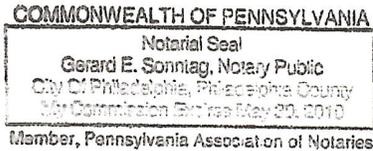
On this, the 20th day of October 2008, before me, a Notary Public, the undersigned officer, personally appeared M. A. Williams who acknowledged himself to be Director, Real Estate & Facilities of PECO ENERGY COMPANY, a corporation, and that he as such Director, Real Estate & Facilities, being authorized to do so executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Director, Real Estate & Facilities.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

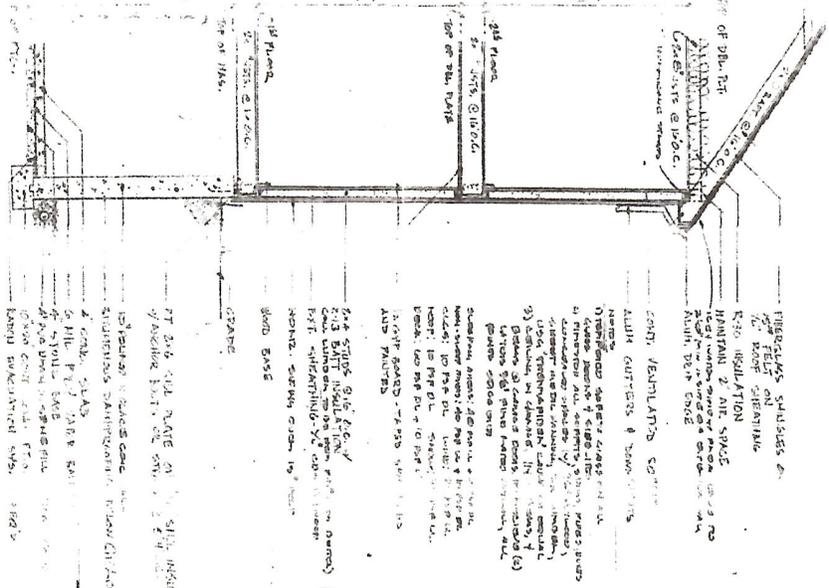
[Signature]
Notary Public

File Nos. PE 732-9, PE 785-16
GES/mm

Grantee address:
134 Redstone Drive
Warrington Pa 18976
[Signature]
Asst



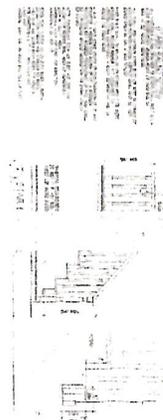
PROJECT NO.	1000
DATE	10/1/73
SCALE	1/4" = 1'-0"
DESIGNER	J. H. ...
CLIENT	...
LOCATION	...
DESCRIPTION	...



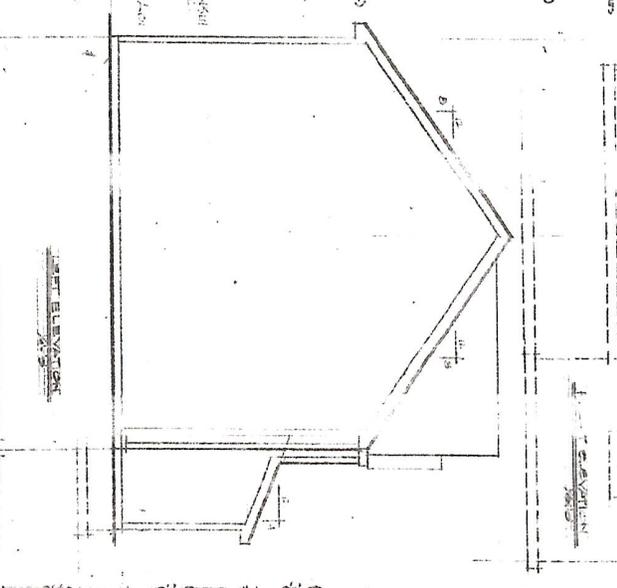
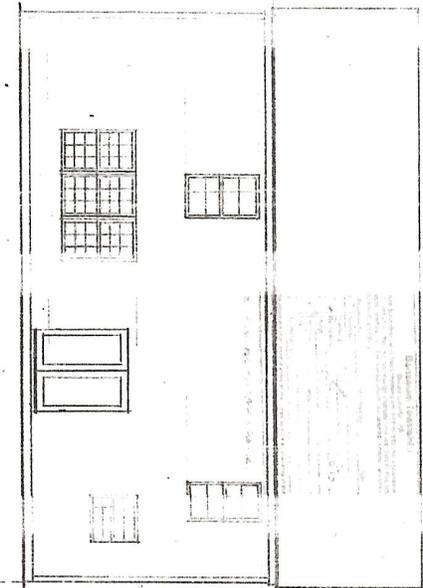
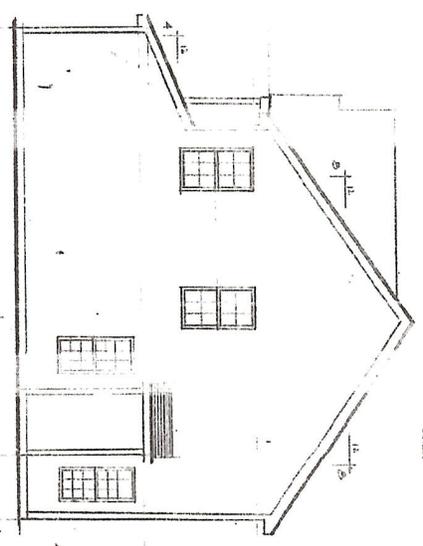
FIBERGLASS INSULATION ON ROOF SHEATHING
 HANGING & AIR SPACE
 1/2" INSULATION
 1/2" AIR SPACE
 1/2" INSULATION
 1/2" AIR SPACE
 1/2" INSULATION
 1/2" AIR SPACE

WOOD BASE
 1/2" INSULATION
 1/2" AIR SPACE
 1/2" INSULATION
 1/2" AIR SPACE
 1/2" INSULATION
 1/2" AIR SPACE

PT 2x6 JOIST RAKE ON SLIP JOIST
 1/2" INSULATION
 1/2" AIR SPACE
 1/2" INSULATION
 1/2" AIR SPACE
 1/2" INSULATION
 1/2" AIR SPACE



1. The building is to be constructed of wood frame construction.
2. The building is to be constructed of wood frame construction.
3. The building is to be constructed of wood frame construction.
4. The building is to be constructed of wood frame construction.
5. The building is to be constructed of wood frame construction.
6. The building is to be constructed of wood frame construction.
7. The building is to be constructed of wood frame construction.
8. The building is to be constructed of wood frame construction.
9. The building is to be constructed of wood frame construction.
10. The building is to be constructed of wood frame construction.



FIELD COPY

PROVIDED further that no right or means of ingress, egress, regress or passageway to or from the parcels of ground is granted specifically or by implication and neither the Grantor, nor its successors and assigns, shall be liable or obliged to obtain for the Grantee, its successors and assigns, such means of ingress, egress, regress or passageway.

AND the Grantor covenants and agrees that it will, Subject, Reserving and Provided as aforesaid, warrant specially the property hereby conveyed.

EXECUTED the day and year first above written.

PECO ENERGY COMPANY



ATTEST:

[Signature]
Assistant Corporate Secretary

BY: [Signature]
Director, Real Estate & Facilities

COMMONWEALTH OF PENNSYLVANIA:
: SS.
COUNTY OF PHILADELPHIA :

On this, the 20th day of October 2008, before me, a Notary Public, the undersigned officer, personally appeared M. A. Williams who acknowledged himself to be Director, Real Estate & Facilities of PECO ENERGY COMPANY, a corporation, and that he as such Director, Real Estate & Facilities, being authorized to do so executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Director, Real Estate & Facilities.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public

File Nos. PE 732-9, PE 785-16
GES/mm

Grantee address:
134 Redstone Drive
Warrington Pa 18976

[Signature]

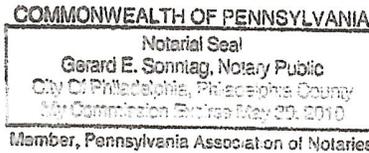


EXHIBIT "A"

ALL THOSE TWO (2) CERTAIN lots or parcels of ground, Situate in Bensalem Township, Bucks County, Pennsylvania, being that portion of lands PECO Energy Company to be conveyed to Squire Home Builders, LLC, as shown on, and generally described in accordance with, Minor Subdivision Plan With Lot Line Change of TMP #2-7-156, prepared by TEI Consulting Engineers, Inc., 720 Second street Pike, Southampton, Pennsylvania, last revised May 28th, 2008, said plan being recorded in Plan Book Page and being bounded and described as follows to wit:

PARCEL 2: BEGINNING at a point on the Southwesterly side of Kay Avenue right-of-way (35 feet wide) being a corner on line dividing this parcel to be conveyed to Squire Home Builders, LLC (Lot 1 on said plan) and the remaining lands of PECO Energy Company (2-7-156) being the Southerly right-of-way line of PECO Energy Company's 75 feet wide transmission right-of-way, thence extending along the same South 86 degrees 24 minutes 00 seconds East 166.87 feet to a point a corner of land now or late of S.C.I. PA Funeral Services (TMP 2-7-156.1), thence extending along the same South 41 degrees 02 minutes 00 seconds West 124.73 feet to a point a corner on the lands now or late of Carrie Lee Farmer (TMP 2-7-155), thence extending along the same North 48 degrees 58 minutes 00 seconds West 132.50 feet to a point a corner on the Kay Avenue right-of-way (35 feet wide), thence continuing along the same North 41 degrees 02 minutes 00 seconds East 23.21 feet to the first mentioned point and place of beginning.

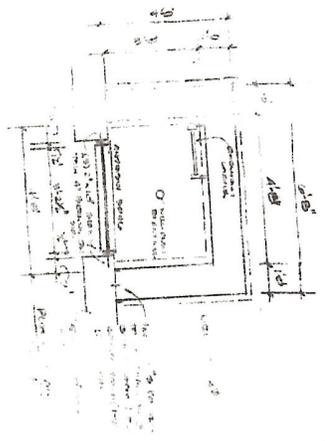
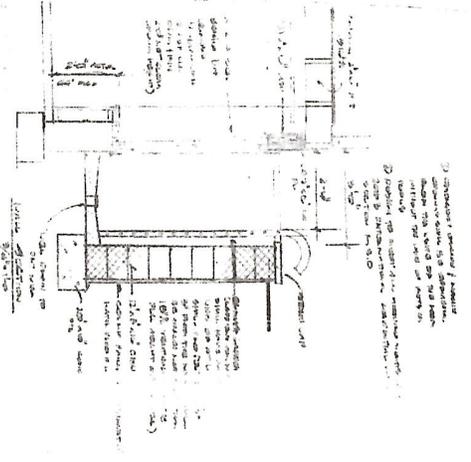
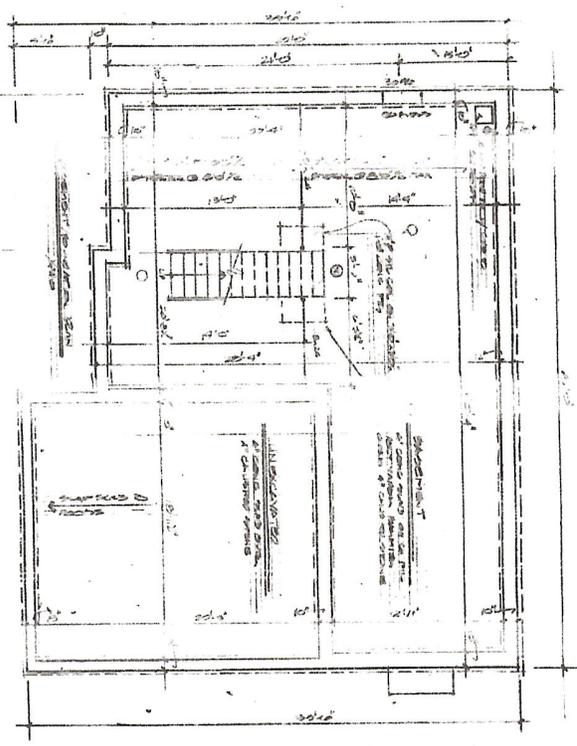
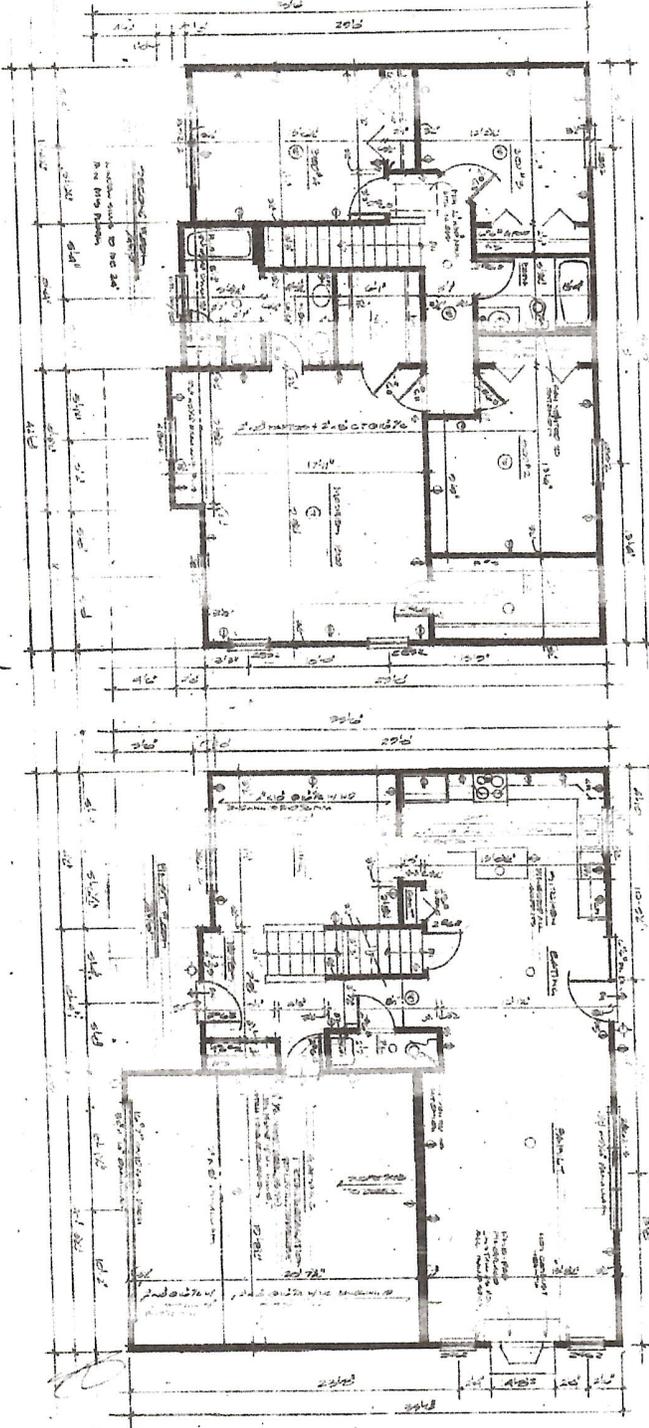
CONTAINING 9807 square feet of land or .22514 acres being the same more or less.

BEING Lot 1 on said plan.

PARCEL 3: BEGINNING at a point on the Southwesterly side of Kay Avenue right-of-way (35 feet wide), being a corner on line dividing this parcel to be conveyed to Squire Home Builders, LLC (Lot 3 on said plan), and land now or late of Squire Home Builders, LLC (TMP 2-7-157), thence extending along the same South 48 degrees 58 minutes 00 seconds East 132.50 feet to a point a corner of land now or late of Upper Southampton Township Independent Development (TMP 2-7-166), thence extending along the same South 41 degrees 02 minutes 00 seconds West 30.82 feet to a point a corner on the Northerly right-of-way line of PECO Energy Company's 75 feet wide transmission line right-of-way, thence extending along the same North 38 degrees 04 minutes 00 seconds West 132.07 feet to a point a corner on Kay Avenue right-of-way (35 feet wide) thence extending along the same North 41 degrees 02 minutes 00 seconds East 132.34 feet to the first mentioned place and point of beginning.

CONTAINING 10,803 square feet of land or .248002 acres being the same more or less.

BEING Lot 3 on said plan.





Squire Home Builders, LLC
134 Redstone Drive
Warrington, PA 18976

To: Bensalem Township Zoning Board

From: Squire Home Builders, LLC

Re: TMP 2-7-156-1, Kay Avenue Zoning Variance Application

Date: December 22, 2015

.....
Dear Zoning Board Members,

This lot on Kay Avenue in Linconia Park was denied a variance for street frontage in November 2013. A copy of that transcript is with this application. Current R-2 zoning requires 75 feet of frontage and average width. While the average width of the parcel exceeds the zoning requirement, the width at the ultimate right of way on Kay Avenue is 29.04 feet. Peco has agreed to sell us the strip at the street which would be dedicated to Bensalem Township (highlighted in pink). This would bring the right-of-way to the full ultimate right-of-way which will reduce the encroachment at front of the lot. They are also allowing an access easement for a driveway to access the property, no building structure to be allowed on easement (highlighted in orange). The access easement will add an additional 21 feet of frontage bringing total frontage to 50'. Attached is the sketch plan from Peco which illustrates these proposed changes.

This proposal seems to address the concerns from the original appeal including that the frontage is less than the 50 feet which nearly half of all the lots in Linconia Park have, most of which have homes on them. Some of these lots have had had homes built in recent years including 2530 Buffalo Avenue, 2364 Paris Avenue, 2647 Kay Avenue, and 4233 Master Avenue which is a corner property and currently under construction by another builder. These lots are also under the required 7,500 minimum square feet needed to conform to R-2 Zoning, this lot is not. The total square footage exceeds 9,600 square feet, not including the proposed easement. Other concerns raised were that we didn't bring this lot for variance with all of the other lots subdivided because there is an easement on the property, or there was some other factor making it unbuildable other than the street frontage. As we stated in the original variance hearing, the adjacent property owner was supposed to buy this lot and she then declined. The record plan validates this intention and also that the only easement is Peco tree trimming rights which is standard for all lots subdivided adjacent to theirs. The adjacent property owner, Ms. Carrie Farmer, was in attendance at the meeting and did not contest she agreed to buy the lot and I would hope she can attend this meeting to clarify. We even built her new home where she would be conforming to all zoning should she have chosen to move her lot line 25 feet and apply for approval of building lot next door in the future. I have also done an additional search in Doylestown for any easements on this property and found none. No easements were reported in the original transaction when the property was purchased. We sincerely appreciate your time in hearing this appeal and hope this proposal satisfies your concerns.

Respectfully,
Tom Hughes
Squire Home Builders, LLC