



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: Victoria L. Shaup

Address: 5441 Flushing Rd.
Bensalem PA 19020

Phone No. _____

Owner's Name: Victoria L. Shaup

Address: 5441 Flushing Rd.
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 type="checkbox"/> Yards |
| <input type="checkbox"/> Existing Building | <input type="checkbox"/> Proposed Building |
| <input type="checkbox"/> Occupancy | |
| <input checked="" type="checkbox"/> Other: (describe) <u>Addition</u> | |

2. Brief description of Real Estate affected:

Tax Parcel Number: 02-084-030-005

Location: 5441 Flushing Road

Lot Size: 165.12' x 35.72' x 165.51' x 31.11

Present Use: house - single

Proposed Use: house - single

Present Zoning Classification: R1

Present Improvement upon Land: house

Deed recorded at Doylestown in Deed Book 4125 Page 2327

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):

See attached papers

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

See attached papers

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 papers

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.

Appellant's or Owner's Signature

/

7/14/16

Date

Sworn to and subscribed before me this

14th day of *July* 20*16*

Notary Public

My commission expires:

6/18/2018

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
David M. Zane, Notary Public
Bensalem Twp., Bucks County
My Commission Expires June 18, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

1. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based.

Ordinance 2015-01 Section 5.03A –No fill is permitted in the 100-year flood plain

2. Action desired by appellant or applicant – According to the FEMA flood map (included), there is about 18 feet behind my house, which is in the 500-year flood plain. Beyond that is the 100-year flood plain. Could we apply for a variance that allows us to go 22 feet out, just 4 feet into the 100-year flood plain? The area on the bottom level would not be used as a living space, only to possibly store things that could not be ruined in a flood.

1. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based. Section 232-153 (d)1 – Impervious surface would be more than 40%.

2. Action desired by appellant or applicant – Instead of the original 24 x 16.5, we'd like to only go 23.5 feet out but go the entire width of the house, which is 19 feet. This would still be an impervious area over 40% but only by a little over 300 sq. ft. and less than 46% impervious surface. The appellant would like for the impervious surface increase to be accepted.

1. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based. Section 232-153 (e)(2) – The setbacks on side and back are less than required.

2. Action desired by appellant or applicant – The side setbacks have been that way since the houses were built about 100 years ago. The width of the house would not increase beyond what is currently there. I was hoping to be grandfathered in because of that. The back setback would be fixed by only going out 23.5 feet, which would fit, into the side setback instead of the originally proposed 24 ft.

3. Reasons appellant believes board should approve desired action.

Existing structures in the floodplain 7-c-8 states that fill can be used if it follows the guidelines written.

Ordinance 9 g on variances states that the Zoning Hearing Board shall consider

- 1 . Good and sufficient cause - I have lived by myself in this house since I purchased it. I recently got married to a man with a daughter. A house that is less than 1,200 square feet is not big enough all of us.

2. Exceptional hardship – My elderly parents live 1.1 miles from me right now. There are many times that I have to get there to take care of things they are not able to do themselves. I need to quickly and easily be able to get to them because of their declining health.

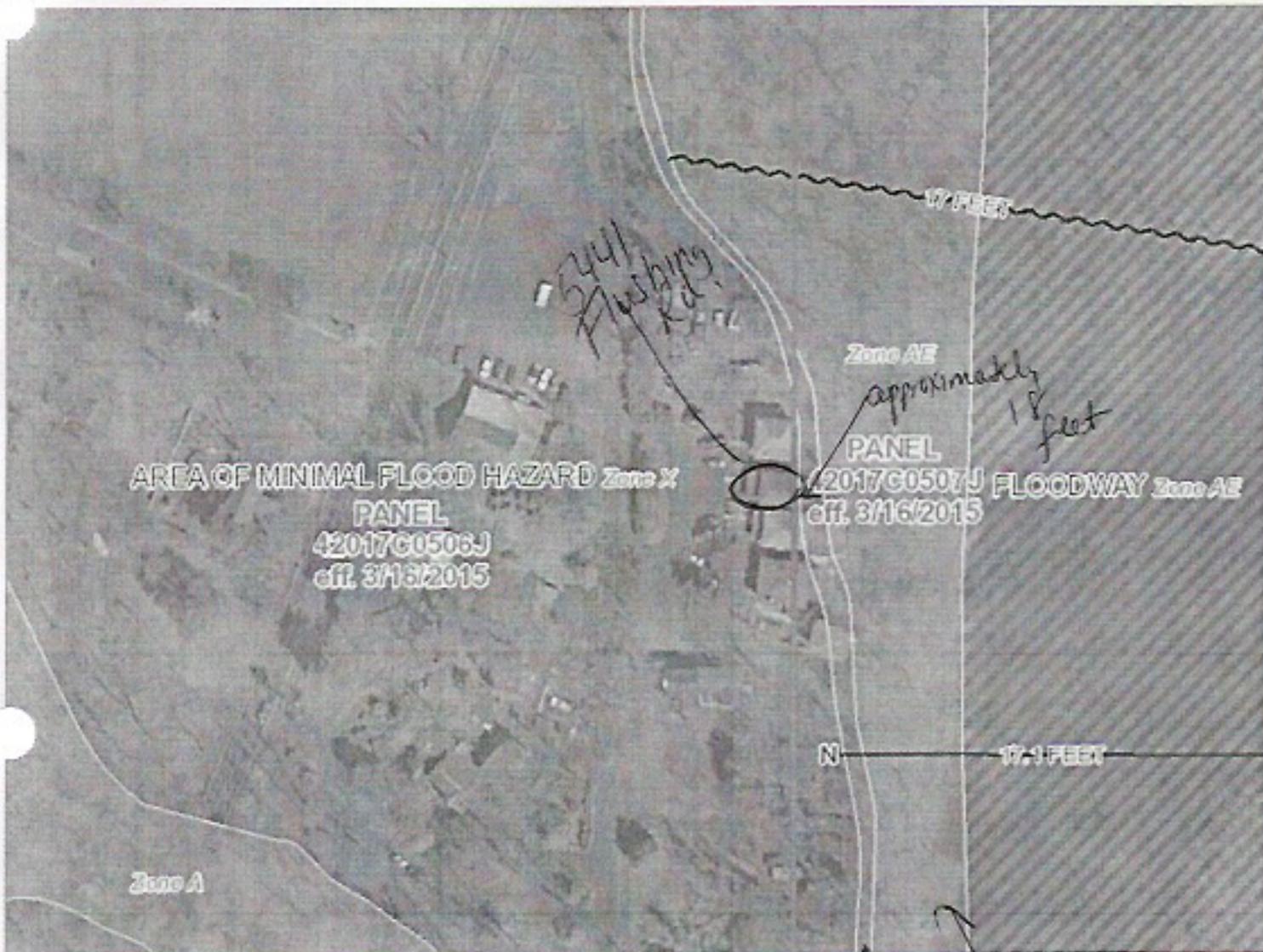
2. Exceptional hardship again – With the lack of space, we would be forced to move. My husband just retired and is 58 years old. We cannot afford to start all over again with another 30-year mortgage.
3. This variance would not result in an increase in flood heights; pose any threats to public safety or cause extraordinary public expense. Nor would it create nuisances, cause fraud on or victimize the public or conflict with any other applicable state statute or regulation or local ordinance or regulation to my knowledge.

Lastly, I do not want to move. I have lived in Bensalem for most of my 49 years. I have been teaching in the school district for 27 years with a long history of Bensalem teachers in my family who also live or lived in the district. I run a women's soccer league in Bensalem. My contacts are here - many of my doctors, my dentist, my car mechanic, my accountant, just about everything I need is here. I am an advocate for Bensalem and I don't want to leave. Please consider my appeal.

Thank you,
Victoria Shaup

FEMA's National Flood Hazard Layer (Official)

Data from Flood Insurance Rate Maps (FIRMs) where available digitally. New NFHL FIRMette Print app available: <http://tinyurl.com/j4xwp5e>



National Geospatial-Intelligence Agency (NGA); Delta State University; Esri | scott.mcafee@fema.dhs.gov

CROSSED STREET TO
ACR SINALA-AMER
2 1/2 CAL.

N 00° 25' 00" E

Road

125.00'

TAPERED CURB SECTIONS (P.P.)
SEE DET. THIS SHEET

APPROX. LOCATION OF
6" CIP WATER LINE

STOP SIGN
R1-1 ONE WAY
DO NOT ENTER
24' GREEN ASH

S 88° 42' 58" E

T.M.P. 2-84-

N/L BENSLEM

EXISTING
2-STORY
STUCCO
HOUSE

EXISTING
2-STORY
STUCCO
HOUSE

EXISTING
2-STORY
STUCCO
HOUSE

3

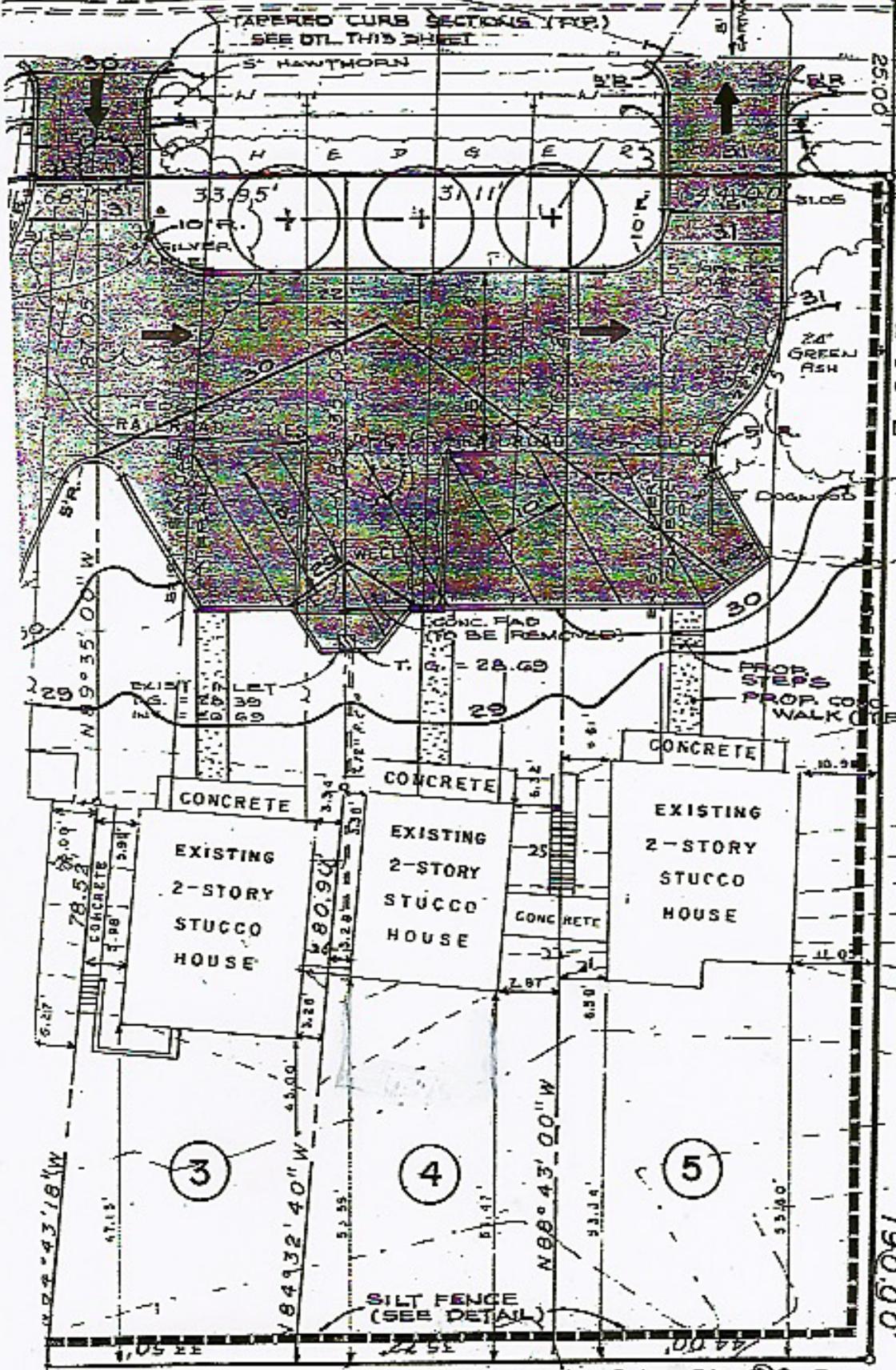
4

5

SILT FENCE
(SEE DETAIL)

S 00° 15' 40" W

190.00'





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

July 12, 2016

VICTORIA L. SHAUP
5441 FLUSHING RD
BENSALEM, PA 19020

Project:	ADDITION
Project Address:	5441 FLUSHING RD BENSALEM, PA 19020
Tax Parcel:	02-084-030-005
Property Owner:	SAME AS ADDRESSED
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):

- **The lot appears to be located in the 100 year flood plain. No fill is permitted in the 100 year flood plain. [Ord. 2015-01, Section 5.03 A.]**
- **It appears that the proposed 24 ft by 16.5 ft addition results in an impervious surface coverage greater than allowable 40%. [Section 232-153(d)1]**
- **The proposed side yard setbacks of 3 ft and 8 ft are less than the required 12 ft minimum and 30 ft aggregate. [Section 232-153(e)(2)]**

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,

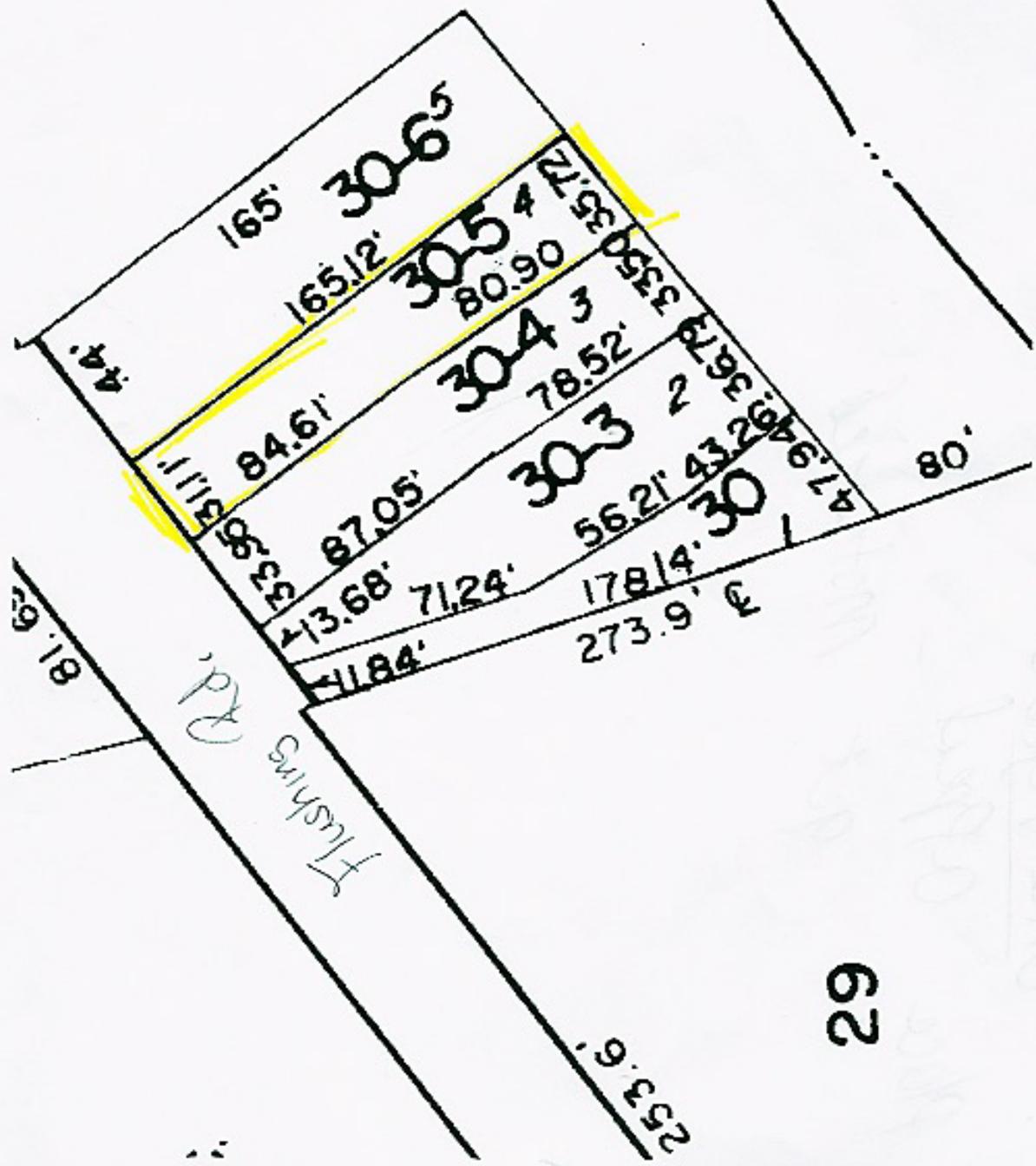
Harold Gans, P.E. P.L.S.
Township Engineer
215-633-3652

email address

HWG/lva

Tax Map

144
put
2nd
floor
in?
Duffine



29

ONE-FOUR-ONE
ONE-FOUR-ONE