

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: 2020-3006

9/11/2020

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: June 8, 2020
- ☐ Special Exception
- ☒ Variance from the terms of the Zoning Ordinance of the Township of Bensalem

Appellant Name: Raymond L. Richardson, for R & R Produce & Garden Center, Inc. ("R & R Produce")

Address: 6950 Emilie Road
Levittown, Pennsylvania 19057

Phone No. (215) 852-8103

E-Mail Address: rrprogarden1@aol.com

Owner's Name: Same as above

Address: _____

Phone No. _____

E-Mail Address: _____

Attorney Name: Kenneth D. Federman, Esquire, Rothberg & Federman, P.C.

Address: 3103 Hulmeville Road, Suite 200
Bensalem, Pennsylvania 19020

Phone No. (215) 244-4224

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

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 checked="" type="checkbox"/> Proposed Building |
| <input type="checkbox"/> Occupancy | |
| <input checked="" type="checkbox"/> Other: (describe) <u>Seek approval of changes to existing non-conformities (impervious surface, minimum yards, and off-street parking), or, in the alternative, seek variances for same.</u>
<u>Seek variance for sign relocation. Review stormwater management. See Exhibit "A" attached hereto for additional details.</u> | |

2. Brief description of Real Estate affected:

Tax Parcel Number: 02029422

Location: 1215 Bristol Pike Bensalem, Pennsylvania 19020

Lot Size: Appx. 15,000 sf

Present Use: Garden Center and Produce

Proposed Use: Garden Center and Produce

Present Zoning Classification: GC - General Commercial

Present Improvement upon Land: Storefront, Greenhouse, Walk-in Refrigerator, & Parking Lot.

Deed recorded at Doylestown in Deed Book _____ Page _____ Instrument No. 2020013061

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: June 8, 2020

Your statement of alleged error of Zoning Administrative Office: Zoning Officer did not make an error, per se. In line with the attached rejection letter, Appellant is now submitting an updated surveyed plan.

Through discussions with the Zoning Officer, Appellant was informed that he should apply via Appeal to the Zoning Hearing Board so that all relief sought may be viewed and heard at one time.

1. 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 Exhibit "A" attached hereto.

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

See Exhibit "A" attached hereto.

3. 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 Exhibit "A" attached hereto.

4. 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

Ray Rutish

Date

9/10/2020

A SIGNED COPY OF THIS APPLICATION IS REQUIRED UPON SUBMISSION OF DOCUMENTS

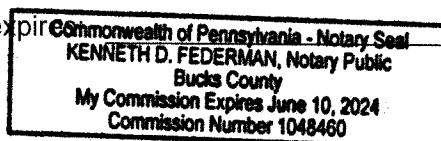
Sworn to and subscribed before me this

10th day of *September* ~~200~~ *2020*

Kenneth D. Federman

Notary Public

My commission expires





BENSALEM TOWNSHIP

Building and Planning Department
Office 215-633-3644 - Fax 215-633-3753
Kenneth V. Farrall

Director of Building and Planning
2400 Byberry Road - Bensalem, PA 19020

6/8/2020

RAY RICHARDSON
6950 EMILIE RD
LEVITTOWN, PA 19057

Project:	ROOF, PARKING LOT AND LIGHTS
Project Address:	1215 BRISTOL PK BENSALEM, PA 19020
Tax Parcel:	02029422
Permit Number:	2020-1589
Permit Status:	APPLICATION DENIED

Electronic Review Status

Dear Sir/Madam:

A review was conducted on the application for the referenced project pursuant to Chapter 232 ZONING. The attached sheets lists the reason for rejection and this information is required to complete the permit application for the above referenced project. This letter shall also serve as a formal rejection of your building permit application pursuant to 2009 UCC Section 403.62a(b).

You are required to resubmit plans with revisions and will need to send a new **complete** set of plans. 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 the revision number to distinguish it from any earlier submissions.

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,

CC: JAN V EDELMAN, ESQ
3103 HULMEVILLE RD, SUITE 200
BENSALEM, PA 19020

JEDELMAN@ROTHBERGFEDERMAN.COM

E-mail Address

Russell Benner
Township Engineer
RB/lva

Enclosures

Author: thirdparty Subject: NEC 2014 Date: 6/8/2020 10:24:13 AM

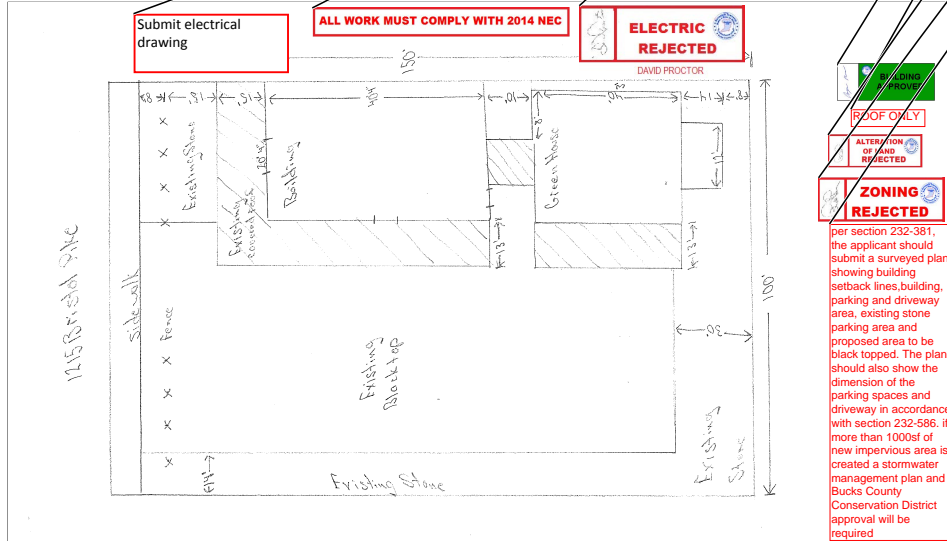
Author: thirdparty Subject: Text Box Date: 6/8/2020 10:25:04 AM

Author: codeinspections Subject: BUILDING APPROVED Date: 6/2/2020 6:15:00 AM

ROOF ONLY

per section 232-381, the applicant should submit a surveyed plan showing building setback lines, building, parking and driveway area, existing stone parking area, and proposed area to be black topped. The plan should also show the

dimension of the parking spaces and driveway in accordance with section 232-586. If more than 1000sf of new impervious area is created a stormwater management plan and Bucks County Conservation District approval will be



ALL WORK MUST COMPLY WITH 2014 NEC

ELECTRIC
REJECTED

DAVID PROCTOR

ROOF ONLY

**ALTERATION
OF LAND
REJECTED**

**ZONING
REJECTED**

per section 232-381, the applicant should submit a surveyed plan showing building setback lines, building, parking and driveway area, existing stone parking area and proposed area to be black topped. The plan should also show the dimension of the parking spaces and driveway in accordance with section 232-586. If more than 1000sf of new impervious area is created a stormwater management plan and Bucks County Conservation District approval will be required

BUCKS COUNTY RECORDER OF DEEDS

55 East Court Street
Doylestown, Pennsylvania 18901
(215) 348-6209

Instrument Number - 2020013061

Recorded On 3/2/2020 At 12:17:01 PM

* Total Pages - 5

* Instrument Type - DEED

Invoice Number - 1062395 User - KGB

* Grantor - DISTAJO, GREGORIO A JR

* Grantee - RICHARDSON, RAYMOND L

* Customer - SIMPLIFILE LC E-RECORDING

*** FEES**

STATE TRANSFER TAX	\$500.00
RECORDING FEES	\$81.75
BENSALEM SCHOOL	\$250.00
DISTRICT REALTY TAX	
BENSALEM TOWNSHIP	\$250.00
TOTAL PAID	\$1,081.75

Bucks County UPI Certification
On March 2, 2020 By SHY

This is a certification page

DO NOT DETACH

**This page is now part
of this legal document.**

RETURN DOCUMENT TO:
BOLTON ABSTRACT, INC.
107 MISTY MDW
PERKASIE, PA 18944-5406

I hereby CERTIFY that this document is
recorded in the Recorder of Deeds Office
of Bucks County, Pennsylvania.



Robin M. Robinson

Robin M. Robinson
Recorder of Deeds

* - Information denoted by an asterisk may change during
the verification process and may not be reflected on this page.

1669B4



Prepared by and Return to:

Bolton Abstract, Inc.
107 Misty Meadow
Perkasie, PA 18944
215-257-7179

File No. BA98

UPI # 02-029-422

CERTIFIED PROPERTY IDENTIFICATION NUMBERS		
02-029-422-	-	BENSALEM TWP
CERTIFIED 03/02/2020 BY SHY		

This Indenture, made the 28th day of February, 2020,

Between

GREGORIO A. DISTAJO, JR. AND GEORGE W. WERNER

(hereinafter called the Grantors), of the one part, and

RAYMOND L. RICHARDSON

(hereinafter called the Grantee), of the other part,

Witnesseth, that the said Grantors for and in consideration of the sum of **Fifty Thousand And 00/100 Dollars (\$50,000.00)** lawful money of the United States of America, unto them well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee, as sole owner

ALL THAT CERTAIN lot or piece of ground, **SITUATE** in the Township of Bensalem, County of Bucks and State of Pennsylvania, described according to a survey and plan of "Andalusia Gardens Home Sites", made by Edward Pickering, 3rd, Surveyors, on 10/31/1947 and recorded in Plan Book 3, page 39, as follow s, to wit:-

SITUATE on the Southeasterly side of Frankford and Bristol Turnpike (60.00 feet wide) at the distance of 250.00 feet Northeastwardly from the Northeastly side of Ann Street (40.00 feet wide); thence extending along the Southeasterly side of Frankford and Bristol Turnpike North 46 degrees, 07 minutes East, 100.00 feet to a point; thence extending South 27 degrees, 26 minutes East, 150.00 feet to a point; thence extending South 46 degrees, 07 minutes West, 100.00 feet to a point; thence extending North 27 degrees, 26 minutes West 150.00 feet to a point on the Southeasterly side of Frankford and Bristol Turnpike ,the first mentioned point and place of beginning.

BEING Lot No. 26 and 27 on said plan.

BEING the same premises which Maria M. Fusaro, a/k/a Tracy Maria Fusaro, Executrix of the Estate of John J. Fusaro, deceased by Deed dated 11/18/2014 and recorded 12/5/2014 in Bucks County in Instrument # 2014067743 conveyed unto Gregorio A. Distajo, Jr. and George W. Werner, in fee.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said grantors, as well at law as in equity, of, in and to the same.

To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, to and for the only proper use and behoof of the said Grantee, his heirs and assigns, forever.

And the said Grantors, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, his heirs and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, his heirs and assigns, against them, the said Grantors, and their heirs, will **WARRANT SPECIALLY** and defend against the lawful claims of all persons claiming by, through or under the said Grantors but not otherwise.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered
IN THE PRESENCE OF US:

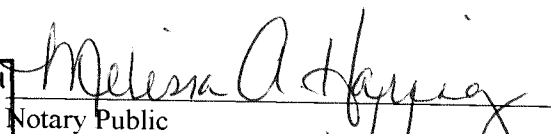
 {SEAL}
 Gregorio A. Distajo, Jr.

 {SEAL}
 George W. Werner

Commonwealth of Pennsylvania } ss
 County of Bucks

This record was acknowledged before me on February 28, 2020 by Gregorio A. Distajo, Jr.
and George W. Werner.

Commonwealth of Pennsylvania - Notary Seal
 MELISSA A. HARING, Notary Public
 Montgomery County
 My Commission Expires November 1, 2021
 Commission Number 1057725


 Notary Public
 My commission expires 11/1/2021

The precise residence and the complete post office
address of the above-named Grantee is:

6950 Bristol Emilie Rd
Lerittown, PA 19057

Melvin A. Haring
On behalf of the Grantee

COPY

Deed

UPI # 02-029-422

Gregorio A. Distajo, Jr. and George W.
Werner

TO

Raymond L. Richardson

Bolton Abstract, Inc.
107 Misty Meadow
Perkasie, PA 18944

EXHIBIT “A”

Statement of Relief Requested

Bensalem Township Zoning Hearing Board Notice of Appeal

Appellant: Raymond L. Richardson, for R & R Produce

Property Address: 1215 Bristol Pike, Bensalem, PA 19020

Zoned: General Commercial District

Tax Parcel Number: 02029422

Appellant, Raymond L. Richardson, on behalf of R & R Produce (“Appellant”), submits this Notice of Appeal to the Bensalem Township Zoning Hearing Board (the “Board”) seeking approval of certain improvements to his property located at the above listed address and with the above listed tax parcel number (the “Property”) (images of the Property is attached to this Exhibit “A” for your reference). Many of the proposed improvements are to existing, non-conformities (see the Schematic Improvement Plan attached hereto). The Appellant seeks approval of said improvements as well as one variance for the relocation of a sign. If the Board disagrees with the Appellant’s proposed improvements under the existing, non-conformities, the Appellant also seeks variances for same.

The proposed improvements, which include said existing non-conformities and may or may not require variances, identified with reference to the applicable sections of the Bensalem Township Zoning Code (the “Code”), are more fully described below.

1. Section 232-381(2) – Area and height regulations. – Building area.

- a. The Appellant intends to replace stone areas on the Property with blacktop in order to move parking further away from the building so that patrons have more room to maneuver their vehicles.
- b. *The Code allows for a maximum impervious surface coverage of 60 percent. However, the impervious surface coverage on the Property already is 98.2% (an existing non-conformity). The Appellant’s blacktop plans will not alter this existing non-conformity.*
 - i. *Note: There is already stormwater management on the Property and anecdotal evidence indicates that there are no flooding problems associated with the Property. The Appellant plans to have the existing stormwater management tested and will make any improvements that are needed. The Appellant is agreeable to any suggestions made by the Board in this regard.*

2. Section 232-381(3) – Area and height regulations. – Yards.

- a. Front:

- i. A covered porch currently exists on the front of the building. The Appellant intends to fully close off the porch and add a doorway to use this area as a formal entranceway for the building.
 - ii. *The Code allows for a minimum of 75 feet for a front yard. As it currently exists, the front yard is 10.84 feet to the existing porch and 25.03 feet to the existing building, both existing non-conformities. The Appellant does not intend to alter the dimensions of the current building and porch in any way. Therefore, the Appellant only seeks approval of the existing, non-confirming 10.84-foot front yard.*
- b. Rear:
 - i. A walk-in refrigerator currently sits at the back of the building. The Appellant intends to relocate the refrigerator, creating greater yardage in the rear.
 - ii. *The Code allows for a minimum of 35 feet for a rear yard. The rear yard is currently 5.92 feet (an existing non-conformity). The proposed improvement (refrigerator relocation) will add to the rear yard making it 18.24 feet.*
- c. Side:
 - i. The Appellant does not intend to change the east side yard, however there is an existing non-conformity.
 - ii. *The Code requires a minimum of 8 feet for side yards. The east side yard is currently 0.55 feet. The west side is compliant with the Code.*

3. Section 232-586(c)(3) - Off-street parking, Parking space requirements. – Parking for all other uses.

- a. The Appellant intends to increase the existing, non-conforming off street parking from 9 to 10.
- b. *For a Greenhouse/Nursery use, the Code requires 5 parking spaces per 1,000 square feet of indoor and/or outdoor space devoted to patron use and display of stock. The Appellant intends to create the maximum number of spots possible on the Property given the unique layout of the Property.*

4. Section 232-714(b)(2) – Signs, Permitted uses by zoning district. - Commercial Zoning Districts.






- a. The Appellant intends to move the existing freestanding sign 10 feet closer to the street, inline with the signage of the surrounding businesses. This will allow more room for patrons to enter the building in the front and create a better general use and flow on the Property. The new sign location can be seen on the attached Schematic Improvement Plan. The sign will be 8 ft by 4 ft.
- b. *The Code requires freestanding signs to be at least 25 feet from all property edges and 25 feet from any buildings. This is not possible with the existing layout and improvements on the Property.*

The Appellant believes that the above requested relief is necessary to enable the reasonable use of the Property and if approved, said improvements will better align the Property with the character of the neighborhood. Furthermore, if approved, many of the requested improvements will bring the Property closer to compliance with the Code. Lastly, if approved, the relief requested will not impair the use or development of adjacent properties and will not be contrary to public interest.

R&R Produce Garden Center

Write a description for your map.

Legend

-  1215 Bristol Pike
-  Bristol Pk &
-  David Michael's Salon
-  Feature 1
-  Verizon Wireless



NJ TOMATOES 2LB 3.00
BLACKBERRIES .99
STRAWBERRIES .99
GRAPES 99.LB
MUMS CELOSIA

JERSEY
SWEET
WHITE
CORN
GRAPES

Ritas
ice - custard - happiness
OPEN
12 - 9:00

\$4.99
4-\$19.00



WAY

way 3



NJ TOMATOES 2LB 3.00
BLACKBERRIES .99
STRAWBERRIES .99
GRAPES .99.LB
MUMS CELOSIA

Jersey
Sweet
White
Corn
Grapes

Rita's
Ice - custard - happiness
OPEN
12 - 9 00

\$4.99
4-\$19.00

R & R
PRODUCE
&
GARDEN
CENTRE