

# **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: -2020-2990

9/9/2020

### 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:

Special Exception

X Variance from the terms of the Zoning Ordinance of the Township of Bensalem

Appellant Name:	Terry's 1302 Rty Invest LP			
Address:	1302 Gibson Road			
_	Bensalem, PA 19020			
Phone No.	267-825-0805			
E-Mail Address:	edburger@outlook.com			
Owner's Name:	Same as applicant.			
Address:				
_				
Phone No.				
E-Mail Address:				
Attorney Name: _	Michael J. Meginniss, Esquire			
Address:	680 Middletown Boulevard			
_	Langhorne, PA 19047			
Phone No.	215-750-0110			
Interest of appellant,	if not owners (agent, lessee, etc.): N/A			

1. Application relates to the following:

Check it	ems if applicable:		
	Use		Lot Area
	Height		Yards
	Existing Building	X	Proposed Building
	Occupancy		
	Other: (describe)		

## 2. Brief description of Real Estate affected:

Tax Parcel Number:	02-054-013						
Location:	1302 Gibson Road, Bensalem, PA 19020						
Lot Size:	15.376 Acres						
Present Use:	Manufactured Home Park						
Proposed Use:	Manufactured Home Park with accessory storage shed						
Present Zoning Classification:	MHP- Manufactured Home Park						
Present Improvement upon Land:	Total of 60+ acres of mobile homes, together with limited outdoor storage						
Deed recorded at Doylestown in D	eed Book 4013 Page 1967						
N/A 4. If this is an Appeal from action	n of the Zoning Administrative Officer then complete the following:						
Date Determination was made:July 16, 2020							
Your statement of alleged error of Zoning Administrative Office:							
Applicant's proposed pole barn will be used for storage for the entire 60+ acre mobile home park, which							
comprises three (3) total parcels	. The proposed accessory structure will be less than 25% of the footprint						
of the existing mobile homes pre	esent in the mobile home park.						

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):

Section 232-6 - Accessory Structure

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

Applicant requests a variance from Section 232-6 to allow for an accessory structure greater than 25% of the footprint of the principal structure. Applicant is the operator of a 60+ acre mobile home park, and the requested pole barn would service the entire park, the units of which would be the applicable principal structures serviced by the pole barn.

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.

Presently, Applicant stores heavy machinery and materials for use in the 60+ acre mobile home park outdoors on the subject parcel. The proposed structure would replace the existing outdoor storage and would be a more efficient and aesthetically pleasing method of storage that would bring up the neighborhood and be a benefit to the surrounding properties.

4. Has previous appeal or application for special exception or variance been filed in connection with these premises?

YES	Х	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.

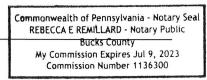
Appellant's or Owner's Signature

9/3/20 Date

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

Sworn to and subscribed before me this

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

DETACHED GARAGE 7/16/2020 Project: DETATCHED GARAGE 1302 GIBSON RD 132 **Project Address:** BENSALEM, PA 19020 TERRYS 1302 RTY INVEST LP 1302 GIBSON RD 02054013 Tax Parcel: BENSALEM, PA 19020 Permit Number: 2019-4339 APPLICATION DENIED Permit Status:

#### 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.

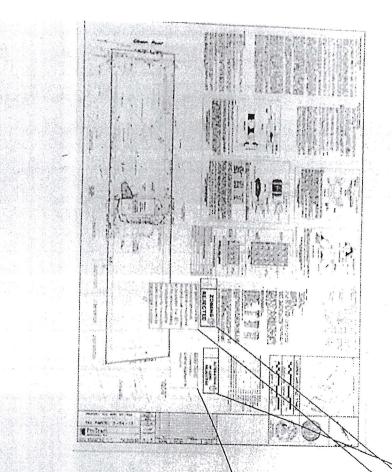
Respectfully,

CC: PIONEER POLE BUILDERS INC 716 S RT 183 SCHUYLKILL HAVEN, PA 17972 dmarr@pioneerpolebuildings.com

E-mail Address

Russell Benner Township Engineer RB/va

Enclosures



# Page: 6

Author, Ibenner Subject, AUT OF UAHO REJECTED Date: 77/5/2020 11:01:13:424

where the existing trailer homes would be the principal structures

Bucks County Conservation District Approval is required

JEFFREY P. GARTON **DOUGLAS C. MALONEY** THOMAS J. PROFY, IV\*† FRANCIS X. DILLON JOHN A. TORRENTE\* STEVEN M. JONES STEPHEN A. CORR\* MICHAEL J. MEGINNISS **BREANDAN Q. NEMEC\* BRENDAN M. CALLAHAN\*** SIOBHAN TIMMERMAN<sup>†</sup> SARAH C. BRUCIE AIMEE E. SCHNECKER **BRYCE H. McGUIGAN\*** BRADLEY R. CORNETT\* **KATHARINE J. WEEDER\* TRACY L. CASSEL-BROPHY\*** 

\*Member of PA & NJ Bars †Master of Laws (Taxation)



680 MIDDLETOWN BOULEVARD P.O. BOX 308 LANGHORNE, PENNSYLVANIA 19047-0308 TELEPHONE: 215.750.0110 FAX: 215.750.0954

MICHAEL J. MEGINNISS, ESQUIRE <u>mmeginniss@begleycarlin.com</u>

September 3, 2020

Bensalem Township Building and Planning Department 2400 Byberry Road Bensalem, PA 19020 ATTN: Ken Farrall, Director

### RE: 1302 Gibson Road 132 – Bensalem, Pennsylvania

Dear Mr. Farrall:

Please accept for filing on behalf of Terry's 1302 RTY Invest LP, the enclosed application for variances regarding the proposed pole barn on the above-referenced location. Accordingly, enclosed please find thirteen (13) copies of the Application and Plan with related documents, along with our client's check in the amount of \$1,200.00 which I understand represents the filing fee.

If anything further is required, please let me know.

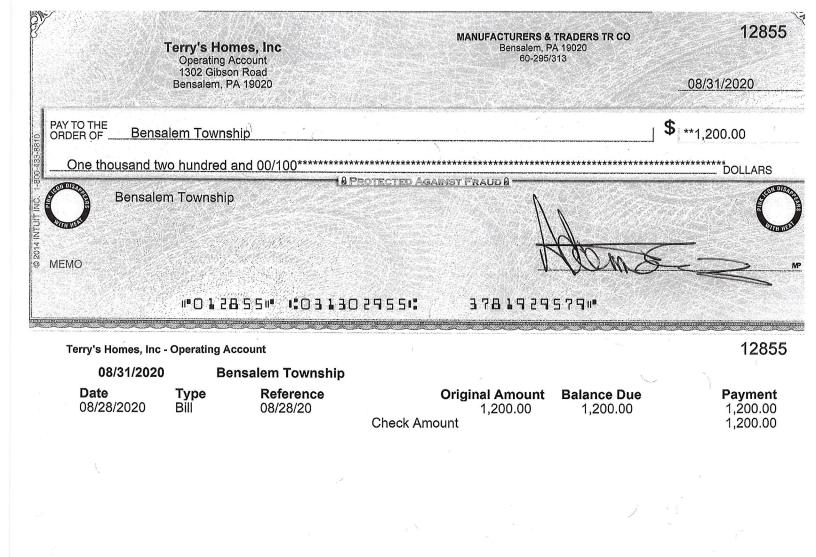
As always, thank you for your consideration.

Very truly yours,

Michael J. Meginniss

MJM/erg Enclosures cc(w/enc): Loretta V. Alston (via email - lalston@bensalempa.gov) OF COUNSEL THOMAS J. PROFY III JOHN P. KOOPMAN JAMES A. DOWNEY, III SCOTT A. PETRI FRANK A. FARRY THOMAS E. HORA ALLEN W. TOADVINE

<u>NEW HOPE OFFICE</u> 123 W. BRIDGE STREET NEW HOPE, PA 18938 215.862.0701



**Checking - Operating** 

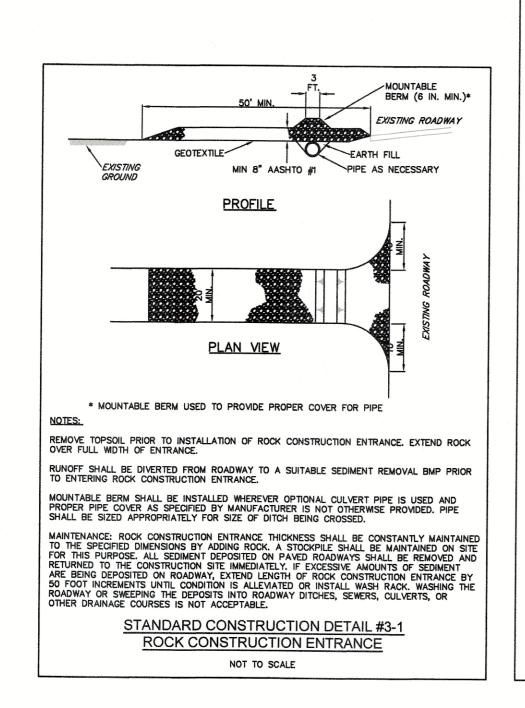
1,200.00

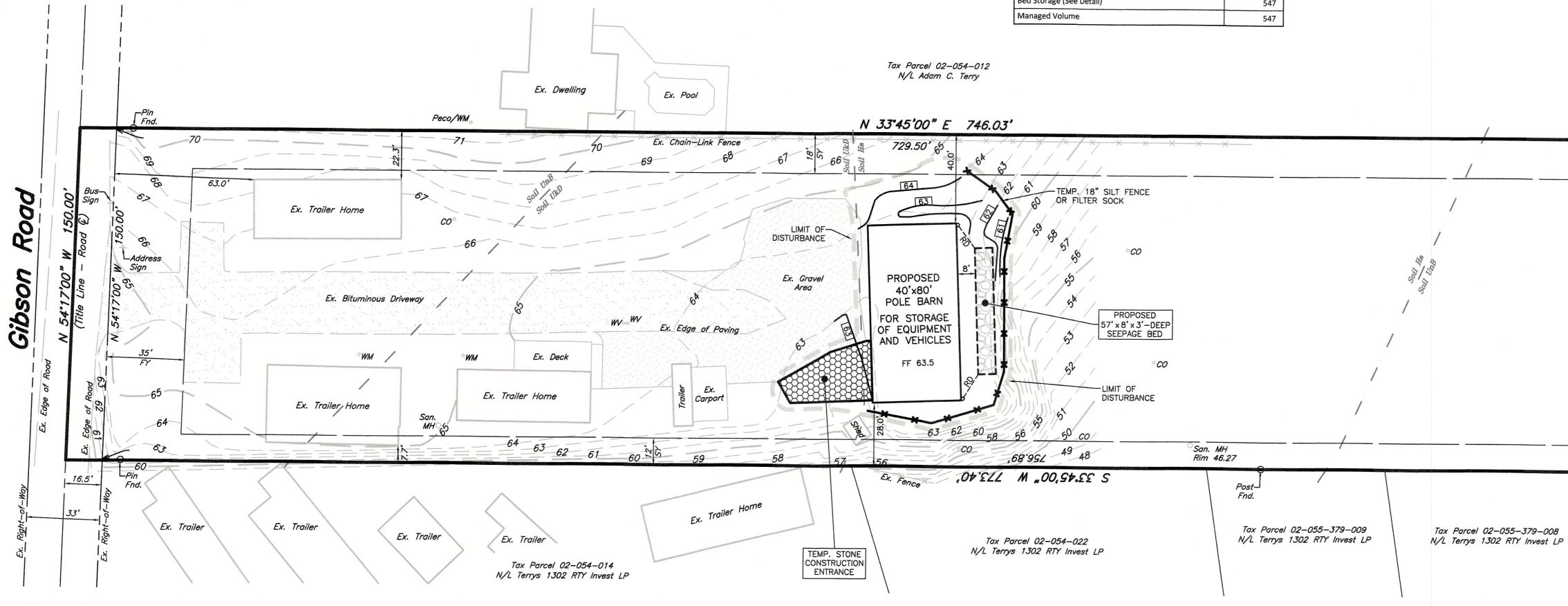
GENERAL EROSION AND SEDIMENT CONTROL NOTES TOTAL DISTURBED AREA = 0.2 ACRES

- STOCKPILE HEIGHTS MUST NOT EXCEED 35 FEET. STOCKPILE SLOPES MUST NOT EXCEED 2:1
- THE OPERATOR/RESPONSIBLE PERSON (O/RP) SHALL ASSURE THAT THE APPROVED EROSION AND SEDIMENT CONTROL PLAN IS PROPERLY AND COMPLETELY **MPLEMENTED**
- IMMEDIATELY UPON DISCOVERING UNFORESEEN CIRCUMSTANCES POSING THE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION, THE OPERATOR SHALL IMPLEMENT APPROPRIATE BEST MANAGEMENT PRACTICES TO
- ELIMINATE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION. THE OPERATOR SHALL ASSURE THAT AN EROSION AND SEDIMENT CONTROL PLAN HAS BEEN PREPARED, APPROVED BY THE COUNTY CONSERVATION DISTRICT, AND IS BEING IMPLEMENTED AND MAINTAINED FOR ALL SOIL AND/OR ROCK SPOIL AND BORROW AREAS, REGARDLESS OF THEIR LOCATIONS.
- ALL PUMPING OF SEDIMENT LADEN WATER SHALL BE THROUGH A SEDIMENT CONTROL BMP, SUCH AS A PUMPED WATER FILTER BAG DISCHARGING OVER UNDISTURBED AREAS.
- 6. A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN MUST BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES. EROSION AND SEDIMENT BMPS MUST BE CONSTRUCTED, STABILIZED, AND FUNCTIONAL BEFORE SITE DISTURBANCE BEGINS WITHIN THE TRIBUTARY AREAS OF
- THOSE BMPS AFTER FINAL SITE STABILIZATION HAS BEEN ACHIEVED, TEMPORARY EROSION AND SEDIMENT BMPS CONTROLS MUST BE REMOVED. AREAS DISTURBED DURING REMOVAL OF THE BMPS MUST BE STABILIZED IMMEDIATELY.
- AT LEAST 7 DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, THE AT LEAST / DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, THE O/RP SHALL INVITE ALL CONTRACTORS INVOLVED IN THOSE ACTIVITIES, THE LANDOWNER, ALL APPROPRIATE MUNICIPAL OFFICIALS, THE EROSION AND SEDIMENT CONTROL PLAN PREPARER, AND THE COUNTY CONSERVATION DISTRICT TO AN ON-SITE MEETING. ALSO, AT LEAST 3 DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, ALL CONTRACTORS INVOLVED IN THOSE ACTIVITIES SHALL NOTIFY THE PENNSYLVANIA ONE CALL SYSTEM INCORPORATED AT 1-800-242-1776 FOR BURIED UTILITIES LOCATIONS.
- 10. IMMEDIATELY AFTER EARTH DISTURBANCE ACTIVITY CEASES, THE O/RP SHALL STABILIZE ANY AREAS DISTURBED BY THE ACTIVITY. DURING NON-GERMINATING PERIODS, MULCH MUST BE APPLIED AT THE SPECIFIED RATES. DISTURBED AREAS THAT ARE NOT AT FINISHED GRADE AND WHICH WILL BE REDISTURBED WITHIN ONE YEAR MUST BE STABILIZED IN ACCORDANCE WITH TEMPORARY VEGETATIVE STABILIZATION SPECIFICATIONS. DISTURBED AREAS THAT ARE AT FINISHED OR WHICH WILL NOT BE REDISTURBED WITHIN ONE YEAR MUST STABILIZED IN ACCORDANCE WITH THE PERMANENT VEGETATIVE STABILIZATION SPECIFICATIONS
- AN AREA SHALL BE CONSIDERED TO HAVE ACHIEVED FINAL STABILIZATION WHEN IT HAS A MINIMUM UNIFORM 70 PERCENT VEGETATIVE COVER OR OTHER PERMANENT NON-VEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED SURFACE EROSION AND SUBSURFACE CHARACTERISTICS SUFFICIENT TO RESIST SLIDING AND OTHER MOVEMENTS.
- 12. UNTIL A SITE IS STABILIZED, ALL EROSION AND SEDIMENT BMPS MUST BE MAINTAINED PROPERLY. MAINTENANCE MUST INCLUDE INSPECTIONS OF ALL EROSION CONTROL BMPS AFTER EACH RUNOFF EVENT AND ON A WEEKLY BASIS. THE OPERATOR WILL MAINTAIN AND MAKE AVAILABLE TO THE COUNTY CONSERVATION DISTRICT COMPLETE, WRITTEN INSPECTION LOGS OF ALL THOSE NSPECTIONS. ALL PREVENTATIVE AND REMEDIAL MAINTENANCE WORK, INCLUDING CLEANOUT, REPAIR, REPLACEMENT, RE-GRADING, RE-SEEDING, RE-MULCHING AND RE-NETTING MUST BE PERFORMED IMMEDIATELY. IF EROSION AND SEDIMENT CONTROL BMPS FAIL TO PERFORM AS EXPECTED, REPLACEMENT BMPS, OR MODIFICATIONS OF THOSE INSTALLED, WILL BE REQUIRED.
- 13. SEDIMENT REMOVED FROM BMPS SHALL BE DISPOSED OF IN LANDSCAPED AREAS OUTSIDE OF STEEP SLOPES, WETLANDS, FLOODPLAINS OR DRAINAGE SWALES AND IMMEDIATELY STABILIZED OR PLACED IN TOPSOIL STOCKPILES.
- 14. ALL BUILDING MATERIALS AND WASTES MUST BE REMOVED FROM THE SITE AND RECYCLED OR DISPOSED OF IN ACCORDANCE WITH THE DEP'S SOLID WASTE REGULATIONS (25 PA CODE 260.1 ET SEQ., 271.1 ET SEQ., AND 287.1 ET SEQ), AND/OR ANY ADDITIONAL LOCAL, STATE OR FEDERAL REGULATIONS. NO BUILDING MATERIALS (USED OR UNUSED) OR WASTE MATERIALS SHALL BE BURNED, BURIED, DUMPED, OR DISCHARGED AT THE SITE.
- CONSTRUCTION SEQUENCE:
- 1. INSTALL STONE CONSTRUCTION ENTRANCE FOR TIRE CLEANING AT THE ACCESS-EXIT POINT FROM THE EARTH DISTURBANCE AREA AS SHOWN ON THE EROSION CONTROL PLAN. 2. INSTALL COMPOST FILTER SOCK AS SHOWN ON PLAN.
- 3. CLEAR AND GRUB ONLY THOSE AREAS NECESSARY FOR DRIVEWAYS, BUILDINGS, AND RELATED CONSTRUCTION AND FOR PROPER GRADING.
- 4. STRIP TOPSOIL AND ROUGH GRADE DRIVEWAY AND BUILDING AREAS TO THE PROPOSED SUBGRADE ELEVATION. GRADING AWAY FROM THE WALL SECTIONS OF BUILDINGS WILL BE AT A MINIMUM SLOPE OF TWO PERCENT (2%) TOWARD A PROPER POINT OF COLLECTION. 5. INSTALL THE STORMWATER SEEPAGE BED. CONSTRUCTION EQUIPMENT SHALL, AS
- FAR AS IS PRACTICABLE, BE EXCLUDED FROM THE SEEPAGE BED AREA. TEMPORARY CONSTRUCTION FENCES AROUND THE BEDS AS SHOWN ON THE PLAN. AFTER SEEPAGE BED STONE IS IN PLACE IT SHALL BE PROTECTED FORM THE INGRESS OF SILT AND DEBRIS. 6. INSTALL NECESSARY UNDERGROUND UTILITIES INCLUDING, STORM SEWER, WATER
- ELECTRIC AND COMMUNICATIONS CABLES. 7. CONSTRUCT BUILDINGS AND DRIVEWAYS, FINISH GRADE AND ESTABLISH PERMANENT SEEDING AS SOON AS POSSIBLE. (SEE SEEDING AND MULCHING INFORMATION). IMMEDIATELY INSTALL EROSION BLANKET ON ANY STEEP SLOPES.
- AFTER FINAL SITE STABILIZATION HAS BEEN ACHIEVED REMOVE ALL TEMPORARY EROSION AND SEDIMENTATION CONTROLS. AREAS DISTURBED DURING REMOVAL OF THE CONTROLS MUST BE STABILIZED IMMEDIATELY.

SEEDING AND MULCHING INFORMATION: 1. TEMPORARY SEEDING AND MULCHING

- A. SITE PREPARATION: APPLY 1 TON/ACRE AGRICULTURAL GRADE LIMESTONE AND 150 LB. /ACRE OF 10-10-10 FERTILIZER. WORK IN AS DEEPLY AS POSSIBLE. B. SEEDING AND MULCHING: APPLY 1 LB./1000 SF OF ANNUAL RYE
- GRASS AND 3 TON/ACRE OF HAY OR STRAW MULCH. ANCHOR MULCH WITH COMMERCIALLY AVAILABLE NETTING OR ASPHALT EMULSION OR CUTBACK ASPHALT AT 150 GALLONS/ACRE. PERMANENT STABILIZATION OF ALL EXPOSED EARTH SURFACES AFTER THE
- COMPLETION OF THE SITE GRADING AND IMPROVEMENTS SHALL BE ACCOMPLISHED BY THE FOLLOWING METHODS AND MATERIALS. A. AFTER INSTALLATION OF SURFACE WATER CONTROL MEASURES, PERFORM ALL CULTURAL OPERATIONS AT RIGHT ANGLES TO THE
- B. APPLY 3 TON/ACRE AGRICULTURAL GRADE LIMESTONE AND 930 LB. ACRE OF 10-20-20 FERTILIZER. WORK IN AS DEEPLY AS POSSIBLE
- C. SMOOTH AND FIRM SEEDED AREAS WITH CULTIPACKER, OR OTHER SIMILAR EQUIPMENT, PRIOR TO SEEDING.
- D. APPLY SEED UNIFORMLY AT THE RATE OF 5 LB. /1,000 SF: 60% FINE LEAF FESCUE/30% PERENNIAL RYE/10% ANNUAL RYE. E. COVER GRASS SEED WITH 1/4 INCH OF TOPSOIL WITH SUITABLE
- EQUIPMENT. F. APPLY STRAW MULCH AT A RATE OF 3.0 TON/ACRE. MECHANICALLY BY DISKING LIGHTLY, COVERING WITH LIGHT COVER
- OF TOPSOIL OR WITH ASPHALTIC OR HYDRAULIC BASED TACK. USE SOD WHERE THERE IS A HEAVY CONCENTRATION OF WATER AND IS IMPORTANT TO GET A QUICK VEGETATIVE COVER IN ORDER TO PREVENT GULLYING. USE SOD AT THE DIRECTION OF THE TOWNSHIP ENGINEER OR HIS/HER AUTHORIZED REPRESENTATIVE.
- H. HYDROSEEDING SHALL BE AN ACCEPTABLE ALTERNATIVE TO THE ABOVE SEEDING WHEN PERFORMED IN ACCORDANCE WITH PENNDOT PUB 408 SECTIONS 804 AND 805 AND APPROVED BY THE ENGINEER. EROSION CONTROL BLANKET: NORTH AMERICAN GREEN S75BN OR
- EQUAL. ALL EROSION CONTROL BLANKET IS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS.





NOTES:

