



# 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: 2023-4516

### Township of Bensalem, Bucks County, Pennsylvania Notice of Appeal

Appeal is hereby made by the undersigned from the action of the Zoning Officer.

**RECEIVED**

Check applicable item(s):

**DEC 13 2023**

BENSALEM TOWNSHIP  
BUILDING AND PLANNING

- Certification of Non-Conforming Use
- Application for Validity Challenge
- Administrative Officer in refusing my application for a building permit dated: MAY 1, 2023
- Special Exception
- Variance from the terms of the Zoning Ordinance of the Township of Bensalem

**Appellant Name:** RICHARD S. HANNYE

Address: 2123 KEVIN ROAD

BENSALEM, PA 19020

Phone No. 215-309-1775

E-Mail Address: HANNYE@HANNYE.PRO

**Owner's Name:** SAME

Address: \_\_\_\_\_

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

E-Mail Address: \_\_\_\_\_

**Attorney Name:** SAME

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 |

Occupancy

Other: (describe) PERMIT FOR CONCRETE WORK  
AT 2123 NEVER ROAD, BENSALTEM, PA.

**2. Brief description of Real Estate affected:**

Tax Parcel Number: 02-064-123

Location: 2123 NEVER ROAD BENSALTEM, PA 19020

Lot Size: 16,146 SQ. FT.

Present Use: RESIDENTIAL

Proposed Use: RESIDENTIAL

Present Zoning Classification: RESIDENTIAL

Present Improvement upon Land: 4811 SQ FT

Deed recorded at Doylestown in Deed Book \_\_\_\_\_ Page INSTRUMENT # 2015065189

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

NO

**4. If this is an Appeal from action of the Zoning Administrative Officer then complete the following:**

Date Determination was made: NOVEMBER 13, 2023

Your statement of alleged error of Zoning Administrative Office: SEE ATTACHED STATEMENT

- 1) Did the Zoning Administrative Office err when it calculated the 1000 sq.ft. of impervious coverage permitted by Sec. 196-33(b) of the Bensalem Floodwater Management ordinance?

Suggested Answer: Yes the Zoning Administrative Office found impervious coverage of 1,193 by adding new impervious coverage and refusing to give credit for 1,000 sq.ft of impervious coverage removed by appellant as part of the same project.

- 2) Did the Zoning Administrative Office err when it held that wood decks are not impervious?

Suggested Answer: Yes, the Zoning Administrative Office erred when it held that decks are not impervious. The Bensalem Maximum Impervious Surface Calculation Sheet, Section F, includes "Decks or Covered Porches" as impervious coverage and the Zoning Administrative Office has no authority to change this common sense rule; tongue and groove decks are impervious, decks with concrete below are impervious and no deck is 100% pervious.

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): VARIANCE SOUGHT FROM SEC 196.33(B) OF THE FLOOD WATER MANAGEMENT ORDINANCE TO ALLOW 193 SQ FT + IN EXCESS OF THE 1,000 SQ FT ARBITRARILY PERMITTED

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

VARIANCE IS REQUESTED BASED ON HARSHED IN REMOVING 193 SQ FT + OF VERY EXPENSIVE CONCRETE DRIVEWAY OR STAMPCRETE WHICH ADDS FUNCTIONALITY AND FINANCIAL VALUE TO 2123 REVER ROAD

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.

A) THE ZONING ADMINISTRATIVE OFFICE ERRORED IN CALCULATING THE 1,000 FEET OF IMPAVIOUS COVERAGE PERMITTED BY SEC 196-33(B)

B) THE ZONING ADMINISTRATIVE OFFICE ERRORED WHEN IT HELD THAT WOOD DECKS WERE NOT IMPAVIOUS.

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

Date 12-13-23

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

Sworn to and subscribed before me this

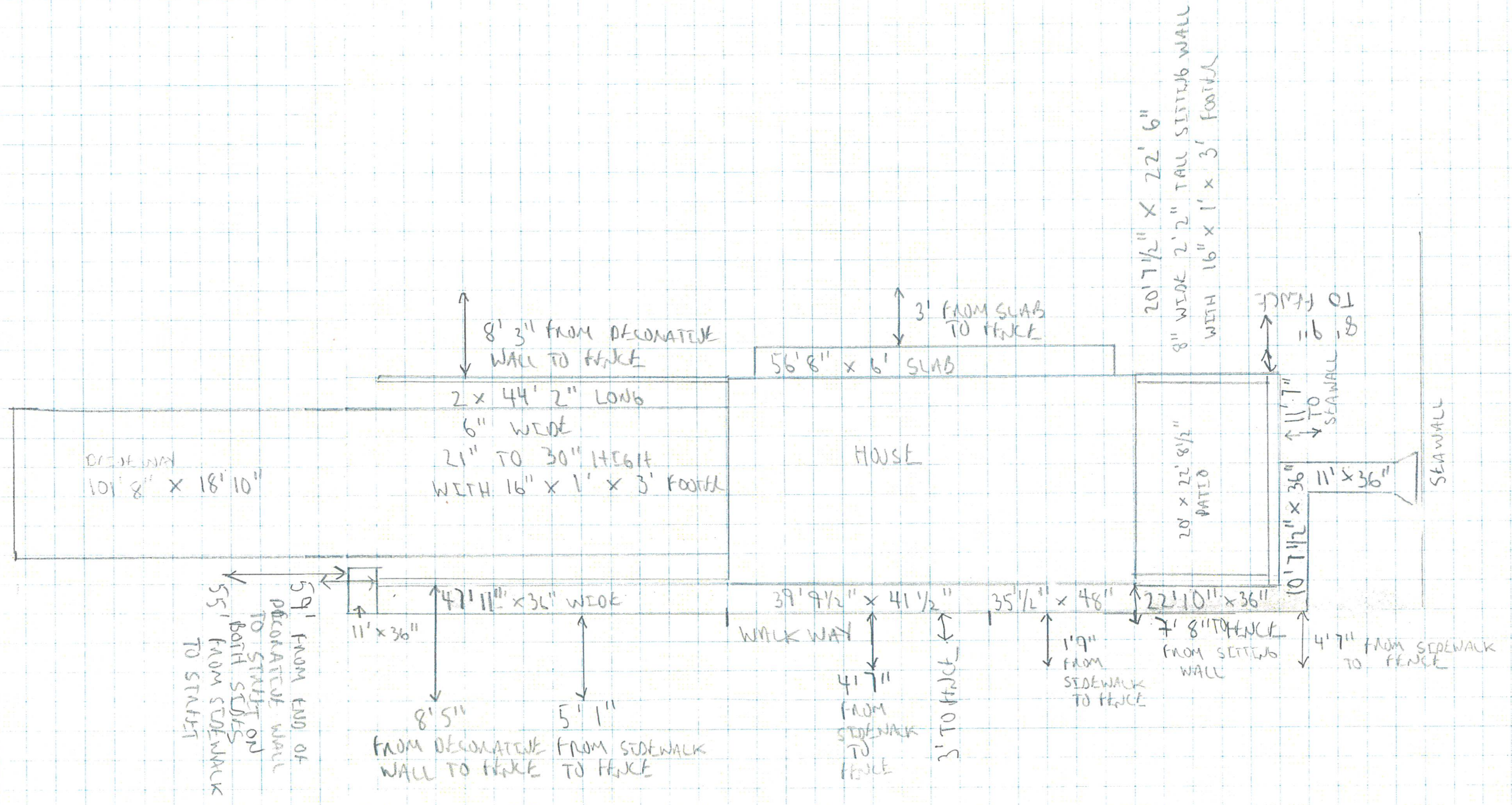
13 day of December S.C.J. 200-2023

Commonwealth of Pennsylvania - Notary Seal  
Stephen C. James, Notary Public  
Bucks County  
My commission expires March 27, 2024  
Commission number 1268064  
Member, Pennsylvania Association of Notaries

Notary Public

My commission expires: 03-27-2024







# 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

11/13/2023

RICHARD S. HANNYE  
2123 RIVER RD  
BENSALEM, PA 19020

<b>Project:</b>	<b>STAMPCRETE PATIO, WALKWAY, SETTING WALLS, AND PAD FOR DOCK STORAGE</b>
<b>Project Address:</b>	<b>2123 RIVER RD BENSALEM, PA 19020</b>
<b>Tax Parcel:</b>	<b>02064123</b>
<b>Permit Number:</b>	<b>2023-2624</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. 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: RICHARD S. HANNYE  
2123 RIVER RD  
BENSALEM, PA 19020

hannye@hannye.pro

E-mail Address

Zach Bucksar  
Township Engineer  
ZB/lva

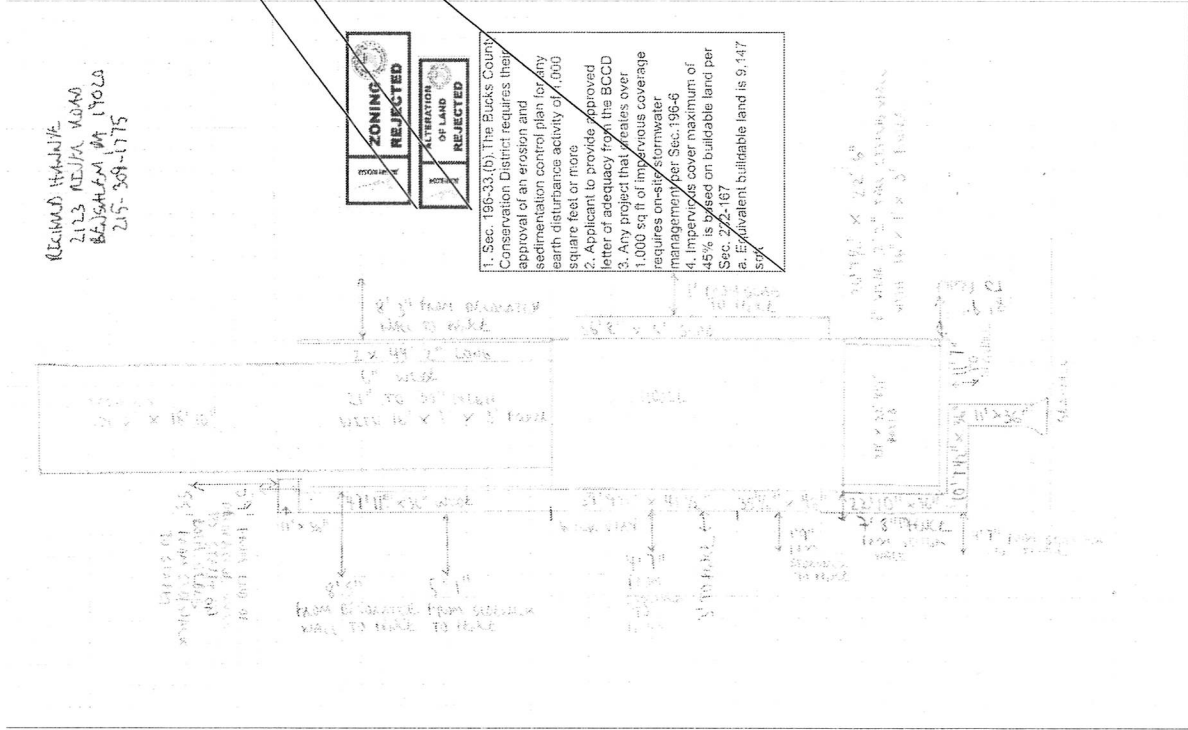
Enclosures

Author: zbucksar Subject: zoning rejected Date: 11/13/2023 3:53:11 PM

Author: zbucksar Subject: LA denied Date: 11/13/2023 3:55:01 PM

Author: zbucksar Subject: Text Box Date: 11/13/2023 3:53:40 PM

1. Sec. 196-33.(b). The Bucks County Conservation District requires their approval of an erosion and sedimentation control plan for any earth disturbance activity of 1,000 square feet or more
2. Applicant to provide approved letter of adequacy from the BCCD
3. Any project that creates over 1,000 sq ft of impervious coverage requires on-site stormwater management per Sec. 196-6
4. Impervious cover maximum of 45% is based on buildable land per Sec. 232-167
  - a. Equivalent buildable land is 9,147 sqft





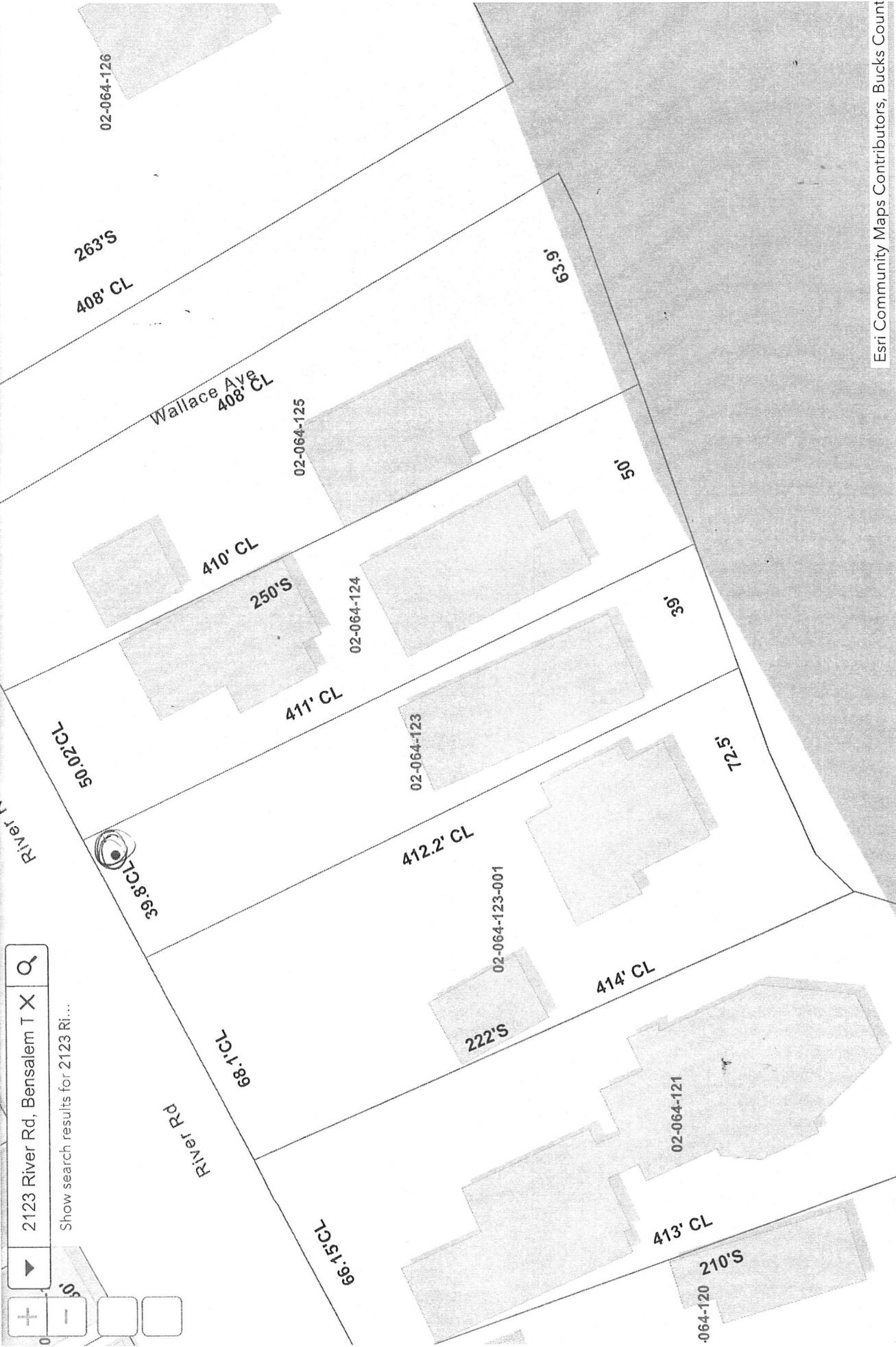
# Bucks County Parcel & Floodplain Viewer

Bucks County Bucks County

2123 River Rd, Bensalem T X Q

Show search results for 2123 Ri...

Map navigation controls: zoom in (+), zoom out (-), and other interactive buttons.



40ft

-74.946 40.066 Degrees

Esri Community Maps Contributors, Bucks Count



**BUCKS COUNTY RECORDER OF DEEDS**

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

Instrument Number - 2015065189

Recorded On 10/22/2015 At 11:28:24 AM

\* Total Pages - 5

\* Instrument Type - DEED

Invoice Number - 758465

User - SMC

\* Grantor - R T H E N T L L C

\* Grantee - HANNYE, RICHARD S

\* Customer - SIMPLIFILE LC E-RECORDING

\* FEES

STATE TRANSFER TAX	\$3,000.00
RECORDING FEES	\$77.00
BENSALEM SCHOOL	\$1,500.00
DISTRICT REALTY TAX	
BENSALEM TOWNSHIP	\$1,500.00
TOTAL PAID	\$6,077.00

Bucks County UPI Certification On October 22, 2015 By TF
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**This is a certification page**

**DO NOT DETACH**

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

**RETURN DOCUMENT TO:**  
FIRST PLATINUM ABSTRACT, LLC  
2416 BRISTOL ROAD  
BENSALEM, PA 19020

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



Joseph J. Szafran, Jr.  
Recorder of Deeds

TRUE AND CORRECT COPY  
OF ORIGINAL RECORDED  
IN BUCKS COUNTY  
RECORDER OF DEEDS OFFICE

DATE 10-27-15

*Ceyshela Rose*

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



CERTIFIED PROPERTY IDENTIFICATION NUMBERS  
02-064-123- - BENSALEM TWP  
CERTIFIED 10/22/2015 BY TF

Prepared by and Return to:

First Platinum Abstract, LLC  
2416 Bristol Road  
Bensalem, PA 19020  
215-741-2000

File No. 17878-FPA

UPI # 02-64-123

**This Indenture**, made the 21st day of October, 2015,

**Between**

**RTH ENTERPRISES, LLC**

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

**RICHARD S. HANNYE**

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

**Witnesseth**, that the said Grantors for and in consideration of the sum of **Three Hundred Thousand And 00/100 Dollars (\$300,000.00)** 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

Street Address: **2123 River Road, Bensalem, PA 19020**

ALL THAT CERTAIN lot or piece of land situate in the Township of Bensalem, County of Bucks and State of Pennsylvania, being known and designated as Lot 3 on Map or Plan of Echo Beach No. S, Section "C" as recorded in the Office for the Recording of Deeds at Doylestown in and for the County of Bucks in Plan Book No. 2 page 88 and more particularly bounded and described as follows:

BEGINNING at a point in the center line of Sycamore Avenue now known as River Road as laid out on said Plan adjoining Lot 4 on said Plan; thence by said Lot 4 South 21 degrees 15 minutes East 412.5 feet more or less to a low water mark of the River Delaware; thence along the same Northeasterly by the various courses and distance thereof, 49.1 feet more or less to Lot 2 on said Plan; thence by the same North 21 degrees 09 minutes West 411.00 feet more or less to the center line of Sycamore Avenue; thence along the same, South 66 degrees 57 minutes West 50.3 feet more or less to the place of beginning.

EXCEPTING THEREOUT AND THEREFROM that portion of Lot #3 conveyed in Deed Book 1917 page 887.

COUNTY PARCEL NUMBER 2-64-123

BEING known as 2123 River Road

BEING the same premises which Edward J. Rooney and Shirley Rooney, his wife, by deed dated March 30, 2007, and recorded April 24, 2007, in the Office of the Recorder of Deeds in and for the County of Bucks, Pennsylvania, in Land Book 5364 Page 479 granted and conveyed unto RTH Enterprises, LLC, 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 successors and assigns, 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 successors and assigns, 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 successors and assigns, will warrant 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 signed and sealed these presents or caused these presents to be executed in their respective names and their respective common and corporate seals to be hereunto affixed by their proper officers thereunto duly authorized. Dated the day and year first above written.

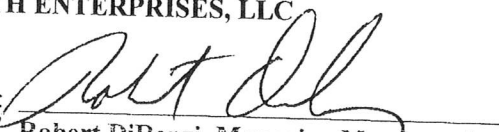
ATTEST:



{SEAL}

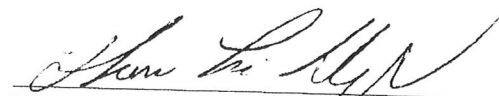
RTH ENTERPRISES, LLC

By:

  
Robert DiRenzi, Managing Member

RTH ENTERPRISES, LLC

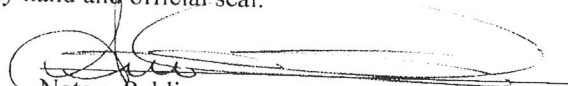
By:

  
Thomas McDonough, Member

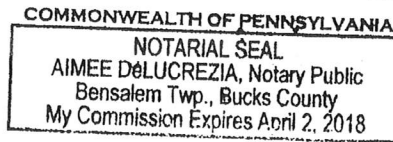
Commonwealth of Pennsylvania }  
County of Bucks } ss

AND NOW, this 21st day of October, 2015, before me, the undersigned Notary Public, appeared **Robert DiRenzi**, who acknowledged himself to be the **Managing Member** of **RTH Enterprises, LLC**, a corporation, and he, as such **Managing Member** being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as **Managing Member**.

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

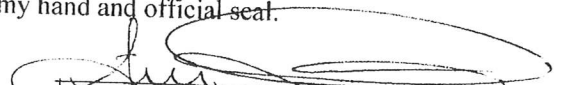
  
Notary Public  
My commission expires 4/2/18

Commonwealth of Pennsylvania }  
County of Bucks } ss



AND NOW, this 21st day of October, 2015, before me, the undersigned Notary Public, appeared **Thomas McDonough**, who acknowledged himself to be the **Member** of **RTH Enterprises, LLC**, a corporation, and he, as such **Member** being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as **Member**.

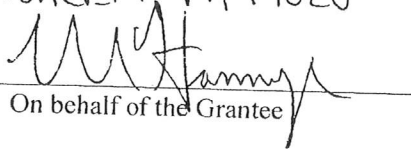
IN WITNESS WHEREOF, I hereunder set my hand and official seal.

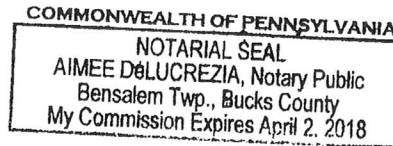
  
Notary Public

My commission expires 4/2/18

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

2123 NEWA ROAD  
BENSALEM, PA 19020

  
On behalf of the Grantee





# Deed

UPI # 02-64-123

RTH Enterprises, LLC  
TO

Richard S. Hannye

Premises :  
2123 River Road  
Bensalem, Pa 19020

First Platinum Abstract, LLC  
2416 Bristol Road  
Bensalem, PA 19020  
Phone 215-741-2000 Fax 215-741-1440



# BENSALEM TOWNSHIP

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

## MAXIMUM IMPERVIOUS SURFACE & MAXIMUM BUILDING COVERAGE CALCULATION SHEET

All permit application for building additions, sheds, pools or other accessory structures must be accompanied by a plot plan indicating all structures and impervious surfaces that exist on the property including the proposed new addition.

In order to accurately calculate the impervious coverage for your particular project you need to know the Zoning Classification for the property. There are varying percentages used depending on the district. The calculation shown below is only an example depicting the process used for determining impervious coverage.

Please complete the following, where applicable.

A.	Lot Area	16146 x .4= 6458.4
B.	Square footage of house, including additions.	1440/1440
C.	Square footage of carport/garage.	Included in B
D.	Square footage of pool.	N/A
E.	Square footage of shed or detached garage.	96/96
F.	Square footage of deck or covered porch.	1000/0
G.	Square footage of proposed addition.	N/A
H.	TOTAL SQUARE FOOTAGE OF BUILDING (A+B+C+D+E+F)	2536/1536
I.	Square footage of driveway.	1914/1914
J.	Square footage of sidewalk (including around pools)	222/501
K.	Square footage of patio, DOCK STONABLE, SLITW6 WALLS	0/860
L.	TOTAL SQUARE FOOTAGE OF IMPERVIOUS COVERAGE (G+H+I+J - C)	4672/4811

NOTE: A/B = A BEFORE PERMIT; B AFTER PERMIT.

### EXAMPLE CALCULATION:

To compute the maximum square footage of building coverage allowed on a lot, multiply 0.35 X the total square footage of the lot. (example: A lot measuring 7200 SQ. FT. would have a maximum allowable building coverage of 2,520 SQ. FT.)

To compute the maximum square footage of impervious surface allowed on a lot, multiply 0.40 X the total square footage of the lot. (example: A lot measuring 7200 SQ. FT. would have a maximum allowable impervious surface of 2880 SQ. FT.)