

DATE OF DECISION: 11/20/2023

DATE OF MAILING: 11/20/23

**BEFORE THE NEW BRITAIN TOWNSHIP
ZONING HEARING BOARD**

**RE: APPLICATION OF WILLIAM AND JOAN McNANEY FOR THE
PROPERTY LOCATED AT 207 JULIE ROAD, NEW BRITAIN
TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, FURTHER
IDENTIFIED AS TAX MAP PARCEL NOS. 26-28-17 AND 26-28-17-1**

FINDINGS OF FACT

1. On Thursday, September 21, 2023, at 7:00 p.m. at the New Britain Township Building, 207 Park Avenue, Chalfont, New Britain Township, the New Britain Township Zoning Hearing Board (“Board”) opened a duly noticed hearing on the application of William and Joan McNaney (the “Applicants”).

2. The Applicants are the record co-owners of the property located at 207 Julie Road, New Britain Township, also known as Bucks County Tax Map Parcel Nos. 26-28-17 and 26-28-17-1 (collectively the “Property”). The Property is the subject of the instant application.

3. Notice of the September 21, 2023, hearing was published in advance of the hearing in the Thursday, September 7, 2023, and Thursday, September 14, 2023, editions of The Intelligencer, a newspaper publication of general circulation in New Britain Township. *See* Exhibit B-7.

4. Notice of the September 21, 2023, hearing was sent by first class mail on September 14, 2023, by David Conroy (“Conroy”), the New Britain Township Director of Planning and Zoning, to (a) all record owners of properties in New Britain Township within 500 feet of the Property; and (b) to the adjoining municipality for any surrounding properties that are located in that municipality. *See* Exhibit B-10.

5. Conroy posted notice of the September 21, 2023, hearing on the Property on June 15, 2023, at 10:00 a.m. *See* Exhibit B-10.

6. At the September 21, 2023 hearing, the Applicants informed the Board that they wished to amend their application. The Board continued the hearing until October 19, 2023, and advised the Applicants that it would need to provide new public notice of the amended relief.

7. Notice of the October 19, 2023, hearing was published in advance of the hearing in the Thursday, October 5, 2023, and Thursday, October 12, 2023, editions of The Intelligencer. *See* Exhibit B-19.

8. Conroy mailed notice of the October 19, 2023, hearing to (a) all record owners of properties in New Britain Township within five hundred (500) feet of the Property; and (b) to the

adjoining municipality for any surrounding properties that are located in that municipality. *See* Exhibit B-21.

9. Conroy posted notice of the October 19, 2023, hearing on the Property on October 12, 2023, at 9:30 a.m. *See* Exhibit B-22.

10. As the record co-owners of the Property, the Applicants have the requisite standing to prosecute this zoning hearing board application.

11. The Property is located in the RR, Residential, zoning district under the New Britain Township Zoning Ordinance (the “Zoning Ordinance”).

12. The Property is improved with an existing single-family detached residential dwelling that is part of a cluster subdivision (use B2). The Applicants propose an accessory storage shed (use H2). Such uses and structures are permitted in the RR zoning district. *See* Zoning Ordinance §27-901.

13. To permit the accessory storage shed, the Applicants seek variances from §27-902.c.3 of the Zoning Ordinance to permit a rear yard setback of 0 feet and a side yard setback of 5 feet, where the required minimum setbacks are 5 feet and 15 feet, respectively.

14. Introduced as exhibits at the zoning hearing are the documents identified on Schedule A attached to this decision. Schedule A is incorporated by reference as though fully set forth herein at length.

15. Relevant to this application, the Applicants and the Property are the subject of a prior decision of the Board dated August 12, 1987 (the “1987 Decision”). The Board granted a rear yard setback variance to permit an addition to the rear of the existing dwelling. *See* Exhibit B-13, 1987 Decision.

16. William McNaney, Jr., P.E. (“William”), the Applicants’ son and a professional civil engineer, and the Applicants testified in support of the application at the hearing.

17. No other individuals appeared at the hearing to request party status, register a position, or comment or ask questions on the application before the Board. New Britain Township took no position on the application and did not participate in the hearing.

18. The Property is Lot 21 and Lot 21A of the Final Plan of Fairwoods subdivision, the plan for which was recorded on September 28, 1977, in Plan Book 160, page 35 at the Bucks County Recorder of Deeds. The Board takes judicial notice of the Fairwoods subdivision record plan. *See* 42 Pa.C.S §6102.

19. For purposes of this Decision, Lot 21 and Lot 21A are collectively referred to as the “Property.” Individually, Lot 21 is referred to as the “Premises,” and Lot 21A is referred to as the “A Lot.”

20. The Property is improved with a two-story single-family detached dwelling constructed in 1984. The Applicants acquired the Property in May 1984. *See* Exhibit B-1, Deed.

21. The Property is 11,935 square feet. The Property is served by public water and public sewer. As the minimum lot area is 12,500 square feet, the Property is a lawfully existing undersized lot. *See* Exhibit B-15, Plan; *see also* Zoning Ordinance §27-903.a.

22. The Property is shaped like a rectangle with one semi-curved side. The Premises portion is located along the linear section and bulb of the Julie Road cul-de-sac street. *See* Exhibits B-15 and B-16, Plan.

23. The Premises has 87.46 linear and curvilinear feet of frontage along Julie Road. The Premises' side lot lines are 105 feet and 130 feet long. The Premises is 80 feet wide along its rear lot line. *See* Exhibits B-15 and B-16, Plan.

24. The A Lot is shaped like a rectangle. It abuts the Premises' rear lot line and Park Avenue. It is as wide as the Premises, with each longer lot line being 80 feet in length. The shorter side lot lines of the A Lot are each 25 feet long. *See* Exhibits B-15 and B-16, Plan.

25. The A Lot functions as a large section of the Property's rear yard. Notes on the Fairwoods record plan provide that the A Lot is "deed restricted to open space" and no structures are allowed on the A Lot. *See* Exhibits B-14, Fairwoods Plan; and B-15 and B-16, Plan.

26. The dwelling's front wall is oriented toward Julie Road. A driveway leading from the dwelling's attached front-entry garage connects to the curbed section of the Premises' Julie Road frontage. *See* Exhibits B-15 and B-16, Plan.

27. Per the 1987 Decision, the dwelling's rear wall is 29 feet from rear lot line of the Premises. A drainage swale runs through the southern and central portions of the Premises' rear yard. The drainage swale then turns east into the A Lot before exiting the Property. *See* Exhibits B-15 and B-16, Plan.

28. William stated, and the Board finds, that the proposed shed will be 8 feet wide and 10 feet long. The shed will provide storage space for the Applicants' common household items. *See* Exhibits B-15 and B-16, Plan.

29. William stated, and the Board finds, that the shed will be located on the lot line shared by the rear of the Premises and the front of the A Lot. It will be 5 feet from the closest side lot line. *See* Exhibits B-15 and B-16, Plan.

30. William stated, and the Board finds, that the shed cannot be moved elsewhere on the Property to provide the requisite distances from the side and rear lot line without placing the shed in the A Lot, or adversely impacting the drainage swale. The Board does not consider those alternatives to be practical solutions. *See* Exhibits B-15 and B-16, Plan.

31. William stated, and the Board finds, that the proposed spot for the shed is the most logical place to site the structure. Due to the depth of the A Lot, the shed is effectively 25 feet from the ultimate right-of-way line of Park Avenue. *See* Exhibits B-15 and B-16, Plan.

32. The Property abuts other lots in the Fairwoods subdivision that are improved with similar style single-family detached residential dwellings. Both neighboring properties have similar size and located storage sheds. *See* Exhibits B-15 and B-16, Plan.

33. The Applicants stated, and the Board finds, that they have spoken with their neighbors about the proposed shed and its location. None of the neighbors raised an objection.

34. Due to the Property being an oddly shaped lot with a drainage swale, with a component of the Property being the restricted A Lot, the Property does not have a location to build a storage shed in compliance with the Zoning Ordinance's dimensional regulations.

35. The Property contains unique physical characteristics that support relief for the proposed accessory storage shed to be located within the within the Property's required minimum side and rear yards.

36. The Zoning Ordinance's dimensional limitation imposes a hardship on the Property and the Applicants by preventing a reasonably sized accessory storage shed on a Property with an existing detached single-family residential dwelling.

37. Subject to the conditions imposed herein, the proposed storage shed, its size and location, are harmonious with the Property's size and consistent with uses of other properties in the surrounding neighborhood.

CONCLUSIONS OF LAW

1. Required advanced public notice of the date, time and location of the September 21, 2023, and October 19, 2023, hearings was made by sufficient advanced publication, posting and mailing to affected property owners.

2. In order to show entitlement to a variance, use or dimensional, an applicant must demonstrate all the following elements:

- a. an unnecessary hardship stemming from unique physical characteristics or conditions will result if the variance is denied;
- b. because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and a variance is necessary to enable the reasonable use of the property;
- c. the hardship has not been created by the applicant;
- d. granting the variance will not alter the essential character of the neighborhood nor be detrimental to the public welfare; and
- e. the variance sought is the minimum that will afford relief.

3. The Board finds that the rear and side yard lot line variances requested are dimensional variances. A dimensional variance involves a request to adjust or vary a zoning ordinance provision by degree to be able to otherwise use a property consistent with the regulations. *See Dunn v. Middletown Township Zoning Hearing Board*, 143 A.3d 494 (Pa. Commw. 2015); *see also Constantino v. ZHB of Forest Hills Borough*, 636 A.2d 1266 (Pa. Commw. 1994).

4. An applicant can demonstrate “unnecessary hardship” for a use or dimensional variance by showing that: (a) a property’s physical characteristics are such that the property cannot be used for any permitted use or purpose; (b) the property can only conform to a permitted use or purpose at prohibitive expense; or (c) that the property has either no value or only distress value for any permitted purpose. *See Nowicki v. Zoning Hearing Board of Monaca Borough*, 91 A.3d 287 (Pa. 2014).

5. A dimensional variance is subject to a lesser standard of proof to establish unnecessary hardship than a use variance. *See Hertzberg v. Zoning Board of Adjustment of City of Pittsburgh*, 721 A.2d 43 (Pa. 1998) (when seeking a dimensional variance within a permitted use, the owner is asking only for a *reasonable adjustment* of the zoning regulations. The grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation).

6. When deciding whether a hardship has been established in dimensional variance cases, the *Hertzberg* rationale authorizes the Board to consider multiple factors, including (a) the economic detriment to the applicant if relief is denied; (b) the financial hardship created by any work necessary to bring the proposed improvements into strict compliance with the zoning requirements; and (c) the characteristics of the surrounding neighborhood. *See Hertzberg, supra*, at 47, 50.

7. Nevertheless, the reasons for granting a variance must be substantial, serious and compelling. The party seeking the variance bears the burden of proving that (a) unnecessary hardship will result if the variance is denied; and (b) the proposed use will not be contrary to the public interest. *See Wilson v. Plumstead Township Zoning Hearing Board*, 936 A.2d 1061 (Pa. 2007).

8. The Board concludes that the Property’s odd shape, drainage swale through the rear yard, and location of the restricted A Lot, establish a hardship under the *Hertzberg* standard sufficient to justify the variances requested.

9. Based on the credible testimony presented, the Board concludes that the Property’s only open area to locate the storage shed is in the rear yard along the lot line shared by the Premises and the A Lot, and within 5 feet of the side lot line. *See Exhibits B-15 and B-16, Plan*.

10. Provided the Applicants comply with the reasonable conditions attached to the relief granted herein, the Applicants have met the Zoning Ordinance and Pennsylvania law requirements for the variances, including hardship, to construct and install the accessory storage shed as shown on the definitive plan (Exhibits B-15 and B-16).

11. The approved variances will not alter the essential character of the neighborhood in which the Property is located nor substantially impair the appropriate use or development of adjacent properties.

12. The approved variances will not be detrimental to the public welfare.

13. The conditions and circumstances imposing a hardship upon the Property for the approved variances are not of the Applicants’ own doing.

14. The approved variances represent the minimum variances that will afford relief and represent the least modification of the zoning regulations under the circumstances.

DECISION

AND NOW, this 20th day of November, 2023, upon consideration of the foregoing Findings of Fact and Conclusions of Law, the New Britain Township Zoning Hearing Board hereby **GRANTS** the Applicants' request for variances from Zoning Ordinance §27-902.c.3 of the Zoning Ordinance to permit the accessory storage shed to have a rear yard setback of 0 feet and a side yard setback of 5 feet, subject to the following conditions:

1. The proposed accessory storage shed, its dimensions, size, location and appearance, shall be in accordance with the definitive plans, evidence, representations, exhibits and credible testimony made and submitted at the hearing.

2. This decision does not waive any requirements of any other applicable New Britain Township Ordinance(s); and the proposed improvement(s) and/or use(s) must meet all other applicable federal, state, county and New Britain Township regulations and codes.

The signatures of the New Britain Township Zoning Hearing Board members that appear on the following page attached hereto and incorporated herein confirm the Board's decision and order.

DocuSigned by:

By: _____
David Conroy
New Britain Township
Director of Planning and Zoning

Date: 11/20/2023

Thomas J. Walsh III, Esquire
Solicitor, New Britain Township Zoning Hearing Board
3655 Route 202, Suite 105
Doylestown, PA 18902

Note to Applicant: This Decision is NOT an authorization to build. Zoning and building permits must be obtained from New Britain Township prior to the commencement of any construction.

SCHEDULE A – TABLE OF EXHIBITS

Exhibit	Description
B-1	Zoning Hearing Board application (dated 8/12/23) Included with Application: <ul style="list-style-type: none">• Deed dated 5/25/1984• List of property owners within 500 feet
B-2	Exhibit A – Aerial Site Plan
B-3	Exhibit B – close up of Aerial Site Plan
B-4	Photo showing approximate shed location in A Lot
B-5	Letter to The Intelligencer dated 9/1/23 forwarding notice of 9/21/23 hearing for publication
B-6	Public Notice of the hearing on 9/21/23
B-7	Proof of publication of public notice in 9/7/23 and 9/14/23 editions of The Intelligencer
B-8	Letter to Applicants dated 9/6/23 providing notice of the hearing
B-9	Township list and map of the record owners of all properties within 500 feet of the Property
B-10	Affidavit of mailing to property owners on Exhibit B-9 – notice mailed on 9/14/23 by David Conroy
B-11	Affidavit of posting of public notice at property – notice posted on 9/14/23 at 1:04 p.m. by David Conroy, together with photo of posting
B-12	Bucks County Floodplain Viewer Aerial and Map of Property
B-13	ZHB Decision dated 8/12/1987
B-14	Aerial Photo of Fairwoods Subdivision
B-15	Revised Exhibit A to amended ZHB plan – Aerial Site Plan
B-16	Revised Exhibit B to amended ZHB plan – close up of revised Aerial Site Plan
B-17	Letter to The Intelligencer dated 9/29/23 forwarding notice of 10/19/23 hearing for publication

Exhibit	Description
B-18	Public Notice of Hearing on 10/19/23
B-19	Proof of publication of public notice in 10/5/23 and 10/12/23 editions of The Intelligencer
B-20	Letter to Applicants dated 10/2/23 providing notice of the hearing
B-21	Affidavit of mailing to property owners on Exhibit B-9 – notice mailed on 10/10/23 by David Conroy
B-22	Affidavit of posting of public notice at property – notice posted on 10/12/23 at 9:30 a.m. by David Conroy, together with photo of posting

New Britain Township
Zoning Hearing Board

Signature Page

Re: William and Joan McNaney
207 Julie Road
New Britain Township
TMP Nos. 26-28-17 and 26-28-17-1

Date: November 20, 2023

Chuck Coxhead, Chair

/ABSENT/

Cathy Basilio, Vice Chair

DocuSigned by:

Cathy Basilio

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Scott Fischer, Member

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Scott Fischer

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Ryan Wantz, Alternate Member

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Ryan Wantz

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DATE OF DECISION: 10/23/2023

DATE OF MAILING: 10/23/2023

**BEFORE THE NEW BRITAIN TOWNSHIP
ZONING HEARING BOARD**

**RE: APPLICATION OF ALFONSO AND HOLLY PULIDO FOR
THE PROPERTY LOCATED AT 209 WILTSHIRE DRIVE, NEW
BRITAIN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA,
FURTHER IDENTIFIED AS TAX MAP PARCEL NO. 26-7-145**

FINDINGS OF FACT

1. On Thursday, September 21, 2023, at 7:00 p.m. at the New Britain Township Building, 207 Park Avenue, Chalfont, New Britain Township, the New Britain Township Zoning Hearing Board (“Board”) held a duly noticed hearing on the application of Alfonso and Holly Pulido (the “Applicants”).

2. The Applicants are the record co-owners of the property located at 209 Wiltshire Drive, New Britain Township, also known as Bucks County Tax Map Parcel No. 26-7-145 (the “Property”). The Property is the subject of the instant application.

3. Notice of the September 21, 2023, hearing was published in advance of the hearing in the Thursday, September 7, 2023, and Thursday, September 14, 2023, editions of The Intelligencer, a newspaper publication of general circulation in New Britain Township. *See* Exhibit B-5.

4. Notice of the September 21, 2023, hearing was sent by first class mail on September 14, 2023, by David Conroy (“Conroy”), the New Britain Township Director of Planning and Zoning, to (a) all record owners of properties within New Britain Township surrounding the Property; and (b) to the adjoining municipality for any surrounding properties that are located in that municipality. *See* Exhibit B-8.

5. Conroy posted notice of the September 21, 2023, hearing on the Property on September 14, 2023, at 1:13 p.m. *See* Exhibit B-9.

6. As the record co-owners of the Property, the Applicants have the requisite standing to prosecute this zoning hearing board application.

7. The Property is located in the RR, Residential, zoning district under the New Britain Township Zoning Ordinance (the “Zoning Ordinance”).

8. The Applicants propose to construct a roof over an existing attached open deck on a property which is improved with an existing single-family detached dwelling (use B1). Such uses and structures are permitted in the RR zoning district. *See* Zoning Ordinance §27-901.

9. To permit the covered deck, Applicants seek a variance from Zoning Ordinance from §27-902.b to permit a rear yard setback of 57 feet, where the required minimum rear yard setback is 75 feet.

10. Introduced as exhibits at the zoning hearing are the documents identified on Schedule A attached to this decision. Schedule A is incorporated by reference as though fully set forth herein at length.

11. The Applicants testified in support of the application at the hearing. No other individuals appeared at the hearing to request party status, register a position, or comment or ask questions on the application before the Board. New Britain Township took no position on the application and did not participate in the hearing.

12. The Property is lot 341 of the Brittany Farms (Sections E and F) residential subdivision plan. The Property is improved with a two-story single-family detached dwelling constructed in 1963. The Applicants acquired the Property, or an interest in it, in April 2009.

13. According to the Applicants and Bucks County records, the Property is approximately .3398 acres. The Property is a non-conforming undersized lot, as the minimum lot size is 1 acre. *See Exhibit B-1, Application; see also Zoning Ordinance §27-902.b.*

14. The Property is shaped like a rectangle. The Property has 100 feet of frontage along Wiltshire Drive. The side lot lines are 148.5 and 148.02 feet long. The Property is 121.91 feet wide along its rear lot line. *See Exhibit B-2, Plan.*

15. The dwelling's front wall is oriented toward Wiltshire Drive. A driveway leading from the dwelling's front-entry garage connects to Wiltshire Drive. *See Exhibits B-2, Plan; and B-10, Viewer.*

16. The dwelling's rear wall is 73 feet from the rear lot line at its closest point. The uncovered deck abuts the dwelling's rear wall. *See Exhibits B-2, Plan; and B-10, Viewer.*

17. The uncovered deck is 16 feet in depth and 40 feet long, for a footprint of 640 feet. The edge of the existing deck is 57 feet from the rear lot line at its closest point. *See Exhibit B-2, Plan.*

18. The Applicants stated, and the Board finds, that the deck covering will be a pitched roof resting on 3 poles. There will be no walls. The roof will provide shade to the area. The roof overhang will protrude a *de minimis* amount beyond the rear edge of the existing deck. *See Exhibit B-2, Plan.*

19. The Applicants stated, and the Board finds, that the poles and roof will complement the existing dwelling's architecture. The new shingles will match those on the existing dwelling's roof.

20. The Applicants stated, and the Board finds, that the deck and roof cannot be moved elsewhere on the Property to provide the requisite 75 feet rear yard setback distance. The dwelling and deck are in lawful non-conforming locations as to the required minimum rear yard. *See Exhibit B-2, Plan.*

21. The tracts next to and behind the Property are improved with similar style single-family detached residential dwellings. The parcel on the opposite side of the Property is open space. *See* Exhibits B-2, Plan; and B-10, Viewer.

22. The Applicants stated, and the Board finds, that they have spoken with their neighbors about the project. They are agreeable to the proposed covered deck and its location.

23. Due to the Property being an undersized lot with a non-conforming dwelling, the Property does not have a location to build a covered deck in compliance with the Zoning Ordinance's rear yard setback regulations.

24. The Property contains unique physical characteristics that support relief for the proposed covered deck to be located within the required minimum rear yard.

25. The Zoning Ordinance's dimensional limitation imposes a hardship on the Property and the Applicant by preventing a reasonably sized covered deck on a Property with an existing detached single-family residential dwelling.

26. Subject to the conditions imposed herein, the proposed covered deck, its size and location, is harmonious with the Property's size and consistent with uses of other properties in the surrounding neighborhood.

CONCLUSIONS OF LAW

1. Required advanced public notice of the date, time and location of the September 21, 2023, hearing was made by sufficient advanced publication, posting and mailing to affected property owners.

2. In order to show entitlement to a variance, use or dimensional, an applicant must demonstrate all the following elements:

- a. an unnecessary hardship stemming from unique physical characteristics or conditions will result if the variance is denied;
- b. because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and a variance is necessary to enable the reasonable use of the property;
- c. the hardship has not been created by the applicant;
- d. granting the variance will not alter the essential character of the neighborhood nor be detrimental to the public welfare; and
- e. the variance sought is the minimum that will afford relief.

3. The Board finds that the rear yad setback variance requested is a dimensional variances. A dimensional variance involves a request to adjust or vary a zoning ordinance provision by degree to be able to otherwise use a property consistent with the regulations. *See*

Dunn v. Middletown Township Zoning Hearing Board, 143 A.3d 494 (Pa Commw. 2015); *see also Constantino v. ZHB of Forest Hills Borough*, 636 A.2d 1266 (Pa. Commw. 1994).

4. An applicant can demonstrate “unnecessary hardship” for a use or dimensional variance by showing that: (a) a property’s physical characteristics are such that the property cannot be used for any permitted use or purpose; (b) the property can only conform to a permitted use or purpose at prohibitive expense; or (c) that the property has either no value or only distress value for any permitted purpose. *See Nowicki v. Zoning Hearing Board of Monaca Borough*, 91 A.3d 287 (Pa. 2014).

5. A dimensional variance is subject to a lesser standard of proof to establish unnecessary hardship than a use variance. *See Hertzberg v. Zoning Board of Adjustment of City of Pittsburgh*, 721 A.2d 43 (Pa. 1998) (when seeking a dimensional variance within a permitted use, the owner is asking only for a *reasonable adjustment* of the zoning regulations. The grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation).

6. When deciding whether a hardship has been established in dimensional variance cases, the *Hertzberg* rationale authorizes the Board to consider multiple factors, including (a) the economic detriment to the applicant if relief is denied; (b) the financial hardship created by any work necessary to bring the proposed improvements into strict compliance with the zoning requirements; and (c) the characteristics of the surrounding neighborhood. *See Hertzberg, supra*, at 47, 50.

7. Nevertheless, the reasons for granting a variance must be substantial, serious and compelling. The party seeking the variance bears the burden of proving that (a) unnecessary hardship will result if the variance is denied; and (b) the proposed use will not be contrary to the public interest. *See Wilson v. Plumstead Township Zoning Hearing Board*, 936 A.2d 1061 (Pa. 2007).

8. The Board concludes that the Property’s undersized nature and the non-conforming location of the existing dwelling establish a hardship under the *Hertzberg* standard sufficient to justify the variances requested.

9. Based on the credible testimony presented, the Board concludes that locating the roof over the existing open deck is the only reasonable place on the Property to site the improvement. *See Exhibit B-2, Plan*.

10. Provided the Applicants comply with the reasonable conditions attached to the relief granted herein, the Applicants have met the Zoning Ordinance and Pennsylvania law requirements for the variance, including hardship, to construct and install a roof over the existing open rear deck on the Property.

11. The approved variance will not alter the essential character of the neighborhood in which the Property is located nor substantially impair the appropriate use or development of adjacent properties.

12. The approved variance will not be detrimental to the public welfare.

13. The conditions and circumstances imposing a hardship upon the Property for the approved variance are not of the Applicants' own doing.

14. The approved variance represents the minimum variances that will afford relief and represents the least modification of the zoning regulations under the circumstances.

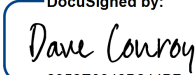
DECISION

AND NOW, this 23rd day of October, 2023, upon consideration of the foregoing Findings of Fact and Conclusions of Law, the New Britain Township Zoning Hearing Board hereby **GRANTS** the Applicants' request for a variance from Zoning Ordinance §27-902.b to permit a rear yard setback of 57 feet for the covered deck, subject to the following conditions:

1. The proposed covered deck's dimensions, size, location and appearance shall be in accordance with the plans, evidence, representations, exhibits and credible testimony made and submitted at the hearing.

2. This decision does not waive any requirements of any other applicable New Britain Township Ordinance(s); and the proposed improvement(s) and/or use(s) must meet all other applicable federal, state, county and New Britain Township regulations and codes.

The signatures of the New Britain Township Zoning Hearing Board members that appear on the following page attached hereto and incorporated herein confirm the Board's decision and order.

DocuSigned by:

By: _____
David Conroy
New Britain Township
Director of Planning and Zoning

Date: 10/23/2023

Thomas J. Walsh III, Esquire
Solicitor, New Britain Township Zoning Hearing Board
3655 Route 202, Suite 105
Doylestown, PA 18902

Note to Applicant: This Decision is NOT an authorization to build. Zoning and building permits must be obtained from New Britain Township prior to the commencement of any construction.

SCHEDULE A – TABLE OF EXHIBITS

Exhibit	Description
B-1	Zoning Hearing Board application (dated 6/22/23). Attachments to Application: <ul style="list-style-type: none">• Deed dated 11/28/1990• Quitclaim deed dated 9/7/2018• List of property owners within 500 feet
B-2	Hand-drawn plan
B-3	Letter to The Intelligencer dated 9/1/23 forwarding public notice of hearing for advertisement
B-4	Public Notice of the hearing on 9/21/23
B-5	Proof of publication of public notice in 9/7/23 and 9/14/23 editions of The Intelligencer
B-6	Letter to Applicants dated 9/6/23 providing notice of the hearing
B-7	Township list and map of the record owners of all properties within 500 feet of the Property
B-8	Affidavit of mailing to property owners on Exhibit B-7 – notice mailed on 9/14/23
B-9	Affidavit of posting of public notice at property – notice posted on 9/14/23, together with photo of posting
B-10	Bucks County Floodplain Viewer Aerial and Map of Property

New Britain Township
Zoning Hearing Board

Signature Page

Re: Alfonso and Holly Pulido
209 Wiltshire Drive
New Britain Township
TMP No. 26-7-145

October 23, 2023

Date: _____

Chuck Coxhead, Chair

DocuSigned by:
Charles D Coxhead
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Cathy Basilio, Vice Chair

DocuSigned by:
Cathy Basilio
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Scott Fischer, Member

/ABSENT/

Ryan Wantz, Alternate Member

/ABSENT/