

**BOROUGH OF BRISTOL
COUNTY OF BUCKS**

RESOLUTION 16 OF 2024

**A RESOLUTION OF THE BOROUGH COUNCIL IN AND FOR
THE BOROUGH OF BRISTOL, BUCKS COUNTY,
PENNSYLVANIA, APPROVING AS PRELIMINARY/FINAL
THE SUBDIVISION APPLICATION SUBMITTED BY
GERALD AND JOAN CORDISCO**

WHEREAS, Gerald and Joan Cordisco (hereinafter collectively referred to as “Applicant”), propose to subdivide Tax Parcel No. 04-024-208 into three (3) Lots; and

WHEREAS, the property is presently improved with an existing 6-unit apartment, an existing single-family detached dwelling, and an existing semi-detached dwelling; and

WHEREAS, the three (3) Lots proposed would result in Lot 1 consisting of 7,698 square feet with the 6-unit apartment, proposed Lot 2 will consist of 9,802 square feet and contain the existing single-family detached dwelling, and proposed Lot 3 will consist of 1,403.3 square feet and contain the semi-detached dwelling; and

WHEREAS, no other improvements are proposed as part of the Subdivision Application; and

WHEREAS, the Major Subdivision Plans were prepared by Andersen Engineering Associates, consisting of four (4) sheets, dated March 28, 2023, last revised February 22, 2024; and

WHEREAS, the property is zoned R-1A Residential; and

WHEREAS, Bristol Borough Council finds it to be in the best interest of the Borough to grant Preliminary/Final Subdivision Approval subject to compliance with all of the terms and conditions set forth in this Resolution.

NOW THEREFORE, the Borough Council of the Borough of Bristol hereby approves the Preliminary as Final Subdivision Plan for the property identified as 1414 – 1424 Wilson Avenue, Bristol Borough, PA, also known as Bucks County Tax Parcel 04-024-208, subject to the following conditions:

1. Compliance with the Gilmore & Associates, Inc., review letter dated April 30, 2024. This letter is attached hereto as Exhibit “A” and incorporated herein.
2. Compliance with the Decision of the Bristol Borough Zoning Hearing Board dated February 7, 2024, memorialized in a written Decision dated February 18, 2024, including compliance with any conditions noted therein. This Decision is attached hereto as Exhibit “B” and incorporated herein.
3. Compliance with the Bucks County Planning Commission letter dated April 16, 2024, except as may be modified by the conditions of approvals noted in this Resolution. This letter is attached hereto as Exhibit “C” and incorporated herein.
4. By approving Preliminary as Final Subdivision Plan, Council herein approves the following waivers from the provisions of the Bristol Borough Subdivision and Land Development Ordinance:
 - a. §22-404.1.B.(2)(b) – From the requirement to provide a plan showing features within 400 feet and to instead allow an aerial photograph;
 - b. §22-404.1.B.(2)(e) – From the requirement of two foot interval contours and to allow one interval contours;
 - c. §22-404.1.B.(3)(p) – From the requirement to provide a plan showing proposed landscaping improvements;
 - d. §22-404.1.B.(3)(s) – From the requirement to provide a lighting plan as no improvements are proposed as part of the subdivision, existing uses are residential in nature, existing buildings have entry lighting, and public parking is not proposed;
 - e. §22-510.5. – From the requirement to provide for a driveway yard setback and instead allow a driveway yard setback of 0.96 feet as the location of the existing twin and existing driveway serving the single-family house does not allow for compliance with this section;

- f. §22-517.6. – From the requirement to allow Lot 3 to have a depth to width ratio greater than 1.5:1;
 - g. §22-520.1. – From the requirement to provide a stormwater management plan;
 - h. §22-523.2. – From the requirement to provide a landscape plan;
 - i. §22-523.4. – From the requirement to provide street trees;
 - j. §22-523.5. – From the requirement to provide a buffer in any subdivision or land development;
 - k. §22-524. – From the requirement to provide a lighting plan.
5. Applicant shall pay any applicable Borough Recreation Fee as required by Borough Ordinance.
 6. Applicant shall obtain any and all permits and/or approvals as required from any other agencies having jurisdiction over such matters, including any other local, state, county, and/or federal authority or agency requiring permit applications and approvals. Copies of these permits and approvals shall be submitted to the Borough.
 7. If required to obtain permits by the Applicant, the Borough agrees to sign paper copies of the approved preliminary as final subdivision plan provided they bear the legend "not to be recorded" if signed paper copies are required to be submitted to the various local, state and federal agencies that must approve the various approvals, permits, certificates and the like for the project; provided, however, that the Borough reserves the right to participate in all approval and permitting procedures which may be required for the approval of this plan.
 8. Applicant shall pay all review and professional fees in connection with all prior reviews and the reviews in connection with this approval as required by the Borough Subdivision and Land Development Ordinance and its applicable rate structure.

DULY RESOLVED this 3rd day of June, 2024 in Council Chambers.

ATTEST:

Ralph D. Gusep
Council President

J. L. L.
Borough Secretary

EXHIBIT "A"



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

April 30, 2024

Project No.: 23-05075

Mr. James Dillon, Manager
Borough of Bristol
250 Pond Street
Bristol, PA 19007

Reference: 1418 Wilson Avenue Major Subdivision
Preliminary/Final Major Subdivision – 3rd Review
T.M.P. #04-024-208
Bristol Borough, Bucks County, PA

Dear Mr. Dillon:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Major Subdivision Plan submitted by Gerald and Joan Cordisco and offers the following comments for your consideration:

I. Submission

- A. Major Subdivision Plan, as prepared by Andersen Engineering Associates, consisting of four (4) sheets, dated March 28, 2023, last revised February 22, 2024;
- B. Waiver Request Letter, as prepared by Pennoni Associates, Inc., dated February 22, 2024;
- C. Engineer Response Letter, as prepared by Pennoni Associates, Inc., dated February 22, 2024;
- D. Subdivision and Land Development Application, dated March 4, 2024.

II. Project Description

The subject property, T.M.P. #04-024-208, is located at 1418 Wilson Avenue in the R-1A Residential District and consists of 18,930.3 square feet. The property contains an existing 6-unit apartment building, single-family dwelling with detached garage and a semi-detached dwelling.

The Applicant proposes to subdivide the existing property in three (3) lots. Proposed Lot 1 will consist of 7,698 square feet and contain the existing 6-unit apartment (Use 1F1). Proposed Lot 2 will consist of 9,802 square feet and contain the existing single-family detached dwelling (Use 1A). Proposed Lot 3 will consist of 1,430.3 square feet and contain the existing semi-detached dwelling (Use 1D). There are no other improvements associated with this plan.

III. Variances Granted

- A. On February 7, 2024, the Bristol Borough Zoning Hearing Board granted the applicant the following variances from the Bristol Borough Zoning Ordinance:

12 Terry Drive, Suite 205 | Newtown, PA 18940 | Phone: 215-369-3955 | Fax: 610-968-1829

Gilmore & Associates, Inc.
Building on a Foundation of Excellence
www.gilmore-assoc.com

1. §27-306.2. – A variance is being requested to permit continuing Use 1F1 (Low-Rise Apartment) in a R1-A Residential district. The Use 1F1 is existing.
2. §27-306.5. – A variance is being requested to permit an impervious surface ratio of 70.4% on Lot 2 and an impervious surface ratio of 74.3% on Lot 3. A maximum impervious surface ratio of 50% is required.
3. §27-306.5. – A variance is being requested to permit a lot area of 1,403.3 square feet on Lot 3 where 3,500 square feet is required, to permit a minimum lot width of 19.1 feet where 30 feet is required, and to permit a building coverage of 62.7% where 40% is allowed.
4. §27-306.6. – A variance is being requested to permit a front yard setback of 20.1 feet on Lot 1 where a 25-foot front yard setback is required.
5. §27-306.6. – A variance is being requested to permit a side yard setback of 0.10 feet on Lot 1, a side yard setback of 1.6 feet total with a minimum 0.2 feet on Lot 2, and a side yard setback of 2.9 feet on Lot 3. Proposed Lot 1 is required to have a 15-foot side yard setback. Proposed Lot 2 and Lot 3 are required to have a total 20-foot side yard setback with no less than 5 feet on one side.
6. §27-306.6. – A variance is being requested to permit a rear yard setback of 2 feet on Lot 1, a rear yard setback of 1.6 feet on Lot 2, and a rear yard setback of 7.4 feet on Lot 3. A rear yard setback of 25 feet would be required for all Lots.
7. §27-404.4. – A variance is being requested to not provide buffer yards where required. The proposed site configuration does not provide adequate space between buildings and property lines to provide the required yard.
8. §27-511. – A variance is being requested to not provide a lighting plan. No improvements are proposed as part of this subdivision.
9. §27-701. – A variance is being requested to not meet the off-street parking requirements for Lot 1 and Lot 3. Per Table 27-A, Lot 1 (Use 1F1) is required to provide 12 parking spaces and Lot 3 (Use 1D) is required to provide 2 parking spaces. There are currently no off-street parking areas for either use.

IV. Waivers Requested

- A. The applicant has included a 'Waivers Request Letter' with this submission and is requesting the following waivers from the Bristol Borough Subdivision and Land Development Ordinance:
 1. §22-404.1.B.(2)(b) – A waiver is being requested to allow an aerial photograph instead of the required plan to show features within 400 feet.
 2. §22-404.1.B.(2)(e) – A waiver is being requested to allow one foot interval contours instead of the required two foot intervals contours.
 3. §22-404.1.B.(3)(p) – A waiver is being requested to not provide a landscaping plan. No improvements are proposed as part of the subdivision.

4. §22-404.1.B.(3)(s) – A waiver is being requested to not provide a lighting plan. No improvements are proposed as part of the subdivision.
5. §22-510.5. – A waiver is being requested to allow for a driveway yard setback of 0.96 feet
6. §22-517.6. – A waiver is being requested to allow Lot 3 to have a depth to width ratio greater than 1.5:1.
7. §22-520.1. – A waiver is being requested to not provide a stormwater management plan. No improvements are proposed as part of the subdivision.
8. §22-523.2. – A waiver is being requested to not provide a landscape plan. No improvements are proposed as part of the subdivision.
9. §22-523.4. – A waiver is being requested to not provide street trees. There is currently one (1) existing street tree at proposed Lot 3.
10. §22-523.5. – A waiver is being requested to not provide buffers.
11. §22-524. – A waiver is being requested to not provide a lighting plan. No improvements are proposed as part of this subdivision.

V. Review Comments

A. Zoning Ordinance Review

There are no Zoning Review Comments at this time.

B. Subdivision and Land Development Ordinance (SALDO) Review

1. §22-807. – States that the Borough may require the owner to install or cause to be installed at the owner's expense, metal pole streetlights serviced by underground conduit in accordance with a plan to be prepared by the Philadelphia Electric Company and approved by the Borough Council in conformity to a general standard of street lighting established by the Borough Council. It should be determined if street lighting should be provided along Wilson Ave and Madison Street.

C. Additional Review Comments

1. Legal descriptions should be prepared for the proposed lots and provided to the Borough for review. The legal descriptions should be signed and sealed by a Professional Land Surveyor registered in the Commonwealth of Pennsylvania.
2. Prior to signing of the plans, approvals/reviews/permits may be required from the following outside agencies:
 - a. Bucks County Planning Commission – *obtained April 16, 2024*

To expedite the review process, we recommend that future plan submissions be accompanied by a response letter noting how each of the above comments has been addressed as well as any other plan revisions. We also request electronic copies of all future plan submissions.

Please note that due to the amount of revisions that will be made to the plans, we reserve the right to make additional comments during future plan reviews.

If you have any questions regarding the above, please contact Amanda Fuller at 215-369-3955.

Sincerely,



Kurt M. Schroeder, P.E.
Borough Engineer
Gilmore & Associates, Inc.

KMS/jtt/jrr

cc: Sally Bellaspica, Zoning Officer - Bristol Borough
Jeffrey P. Garton, Esq., Solicitor - Bristol Borough

EXHIBIT "B"

**ZONING HEARING BOARD OF BRISTOL BOROUGH
BUCKS COUNTY, PENNSYLVANIA**

Applicant: Gerald & Joan Cordisco
870 Weber Drive
Yardley, PA 19067

Applicant's Attorney: Kellie A. McGowan, Esq.
Obermayer Rebmann Maxwell & Hippel
Doylestown Commerce Center
2003 South Easton Road, Suite 304
Doylestown, PA 18901

Appeal No.: 22-23

Owner of the Property: Applicant listed above

Subject Property: 1414-1424 Wilson Avenue
Bristol, PA 19007
Bucks Co. TMP #04-024-208

Prayer of Application: Applicant seeks variances from Sections 27-404, 27-511, 27-306, 27-701 and 27-701, Table 27-7A of the Bristol Borough Zoning Ordinance regarding use, area requirements, dimensional requirements, lighting requirements, buffer requirements and off street parking requirements for proposed subdivision of existing parcel into three separate lots

Time & Place of Hearing: February 7, 2024 at 7:30 p.m.,
continued from original hearing dates of
November 1, 2023 & December 6, 2023
Bristol Borough Municipal Building
Pond and Mulberry Streets
Bristol, Pennsylvania, 19007

FINDINGS OF FACT

1. Applicant is the owner of the subject property and has the requisite interest in the subject premises to present this application to the Board.
2. The Zoning Hearing Board of Bristol Borough met the requirements of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code of the requisite legal notices of the hearings held on November 1, 2023, December 6, 2023 and February 7, 2024.
3. The Bristol Borough Zoning Officer testified notice of the original hearing was mailed to residents on November 20, 2023 in accordance with the Bristol Borough Zoning Ordinance ("Ordinance") and the Pennsylvania Municipalities Planning Code.
4. The application filed September 18, 2023, sought certain variance relief, and was scheduled for hearing on November 1, 2023. The hearing of November 1, 2023, was continued until December 6, 2023 due to a scheduling conflict on the part of the Applicant. In requesting the continuance, the Applicant waived all applicable time requirements for hearings under the Pennsylvania Municipalities Planning Code. The hearing of December 6, 2023 was continued to February 7, 2024, due to lack of availability and quorum of Board members. Applicant, through his engineer formalized the continuance of the December hearing by written letter which contained another waiver of all applicable time requirements for hearings under the Pennsylvania Municipalities Planning Code.
5. The subject property is located in the R-1A Residential District in accordance with the Bristol Borough Zoning Map and pursuant to the Ordinance.
6. Applicant presented, and the Board admitted, into evidence the following exhibits:
 - A-1 October 31, 2023 Continuance Request
 - A-2 Application for zoning relief
 - A-3 Pennoni (applicant's engineer) letter of September 12, 2023

A-4 Copy of seven page deed for the property

A-5 Letter and Decision of ZHB dated September 6, 2023 as to Applicant's prior Zoning Hearing Board application (Appeal #8-23)

A-6 Four page subdivision plan for the property

A-7 December 7, 2023 Continuance Request

7. The Board admitted into evidence the following exhibits:

B-1 Proof of publication of the legal advertisement placed in the *Bucks County Advance* advertising the original hearing held November 1, 2023

B-2 Copy of notice posted at the subject property for the hearing of November 1, 2023.

B-3 Revised Borough engineer review letter dated October 11, 2023

B-4 October 17, 2023 e-mail from ZHB Solicitor to Applicant and Applicant's Engineer enclosing copy of Borough engineer's revised review letter (Exhibit B-3).

8. The property consists of 0.44 acres of land, with three primary uses: a six unit apartment building; a single family residence; and one-half of a twin house.

9. The property, by deed, consists of and was originally developed as three separate tracts, which currently are identified under one tax parcel number:

a. Tract one lists the twin house and part of the single family house;

b. Tract two lists a vacant lot on the corner; and

c. Tract three lists the single family house with detached garage and the six unit apartment building.

The single family house is split between two of the three tracts.

10. The property has been in its present form since at least 1963 when owned by the prior property owner.

11. Based upon the public records and historical aerial photographs, the six-unit apartment building was built in approximately 1950 and the twin house was built in or about 1927; the date of construction of the single-family home is indeterminant.

12. Applicant, as the current owner, seeks to subdivide the property into three separate taxable lots so that each separate use will be situate on its own separate lot:

a. Lot 1 would consist of the two story six-unit apartment building;

b. Lot 2 would consist of the single-family house with the attached one car garage and detached five car garage building; and

c. Lot 3 would consist of one unit of the twin house (as the second unit of the twin house sits on a wholly separate tax parcel).

13. Access to the apartment building on proposed Lot 1 would be gained by Madison Street access for the first floor, and then access to the second floor by an elevated deck area.

14. If the proposed lot line between Lots 1 and 2 were moved any closer to the apartment building, the second story deck would impermissibly overhang the lot line.

15. Proposed Lot 2 would retain the two story single family house with driveway access by three separate driveways, and off-street parking via the attached single car garage and five car detached garage on right side from Wilson Avenue. Presently the garages on proposed Lot 2 are used for either parking or storage.

16. Proposed Lot 3 will hold one of the units of the twin house with a detached garage available on a separate rear lot. The house width is approximately sixteen feet which will sit on a proposed lot width of nineteen feet.

17. The single family house is currently vacant, and the apartment building and twin house are rented.

18. In total, the parcel contains 60% impervious surface coverage, with most of the affected areas within the middle of the lot, although the maximum coverage under zoning regulations is 50%.

19. Applicant seeks to create three separate lots in order to have each separate existing use located on its own lot, in conformity with the Borough Zoning Ordinance, which will also allow each of the three existing buildings to be transferred to separate property owners.

20. In order to subdivide the parcel into three separate lots, a number of variances are required:

General	27-404(4) – not provide any buffer yards – no yards or space exist between buildings
	27-511 – to not provide lighting plan – no improvements proposed – only subdivision
Proposed Lot #1 – Apartment Building	27-306.6 for minimum side yard of 0.10 feet where 15 feet required
	27-306.6 for rear yard of 2.0 feet where 25 feet required – existing condition
	27-306.6 for front yard of 20.1 feet where 25 feet required – existing along Wilson Avenue
	27-701, Table 270-7A to not provide off street parking of 12 spaces – existing condition – no off-street parking for apartment building

	27-306.2 for use to permit low rise apartments within R-1A district
Proposed Lot # 2 – Single Family House/Garage	27-306.5 for impervious surface coverage of 70.4% in lieu of maximum coverage of 50%
	27-306.6 for side yard setback of 1.6 total with minimum of 0.2 feet where 20 feet with no less than 5 feet on one side required
	27-306.6 for rear yard setback of 1.6 where 25 feet required – house is 1.6 ft from rear lot line
Proposed Lot #3 – Twin House	27-306.5 for minimum lot area of 1403.3 square feet where minimum of 3500 ft required
	27-306.5 for minimum lot width of 19.1 feet where 30 feet required
	27-306.5 for maximum building coverage of 62.7% where 40% allowed
	27-306.5 for impervious coverage of 74.3% where maximum of 50% allowed
	27-306.6 for minimum side yard setback of 2.9 feet where total of 20 feet with minimum of five feet required
	27-306.6 for rear yard of 7.4 feet where 25 feet required – existing
	27-701, Table 27-7A for no off street parking of 2 spaces required – none

	existing
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21. The property, in its current condition, does not comply with current zoning regulations; however, the current condition of the property pre-dates current zoning regulations.

22. No residents voiced any concerns or comments in support of, or in opposition to, the application.

DISCUSSION AND CONCLUSIONS OF LAW

Under traditional concepts of zoning law, the Board may grant variances provided that the following findings are made where relevant to a specific case:

- a. That the subject property consists of unique physical circumstances or conditions that are peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
- b. That because of such physical circumstances or conditions, the subject property cannot be developed in strict conformity with the provisions of the zoning ordinance and that a variance is necessary to enable the reasonable use of the property;
- c. That the unnecessary hardship has not been created by the appellant;
- d. That the variance, if authorized, will not alter the essential character of the neighborhood where the property is located nor will the variance substantially or permanently impair the appropriate use or development of adjacent properties nor be detrimental to public welfare; and
- e. That the variance, if granted, represents the minimum relief to the applicant and such variance represents the minimum modification possible of the regulation in issue. 53 P.S. §10910.2(1968).

Oxford Corp. v. Zoning Hearing Board of the Borough of Oxford, 34 A.3d 286, 295 (Pa. Cmwlth. 2011).

“When a landowner seeks a use variance, he is seeking to use the property in a manner that is totally outside the local zoning regulation.” *Oxford*, 34 A.3d at 295. In order to demonstrate the required unnecessary hardship afflicting the property, the applicant must show that the physical characteristics of the property are such that the property cannot be used for any permitted purpose or that the use of the property for a permitted purpose would be at a prohibitive expense, or that the property has no value for any purpose permitted by the zoning ordinance. *Marshall v. Phila. Zoning Board of Adjustment*, 97 A.3d 323 (Pa. 2014). Moreover, the granting of the use variance must be based upon substantial, serious and compelling reasons, other than reasons that a hardship arises from the impact of the current zoning regulations. *Id.* At 296; *Valley View Civic Ass’n v. Zoning Bd. of Adjustment*, 462 A.2d 637, 640 (Pa. 1983).

The Board is responsible for determining whether the evidence is sufficient for the granting of the use variance, and the Board, as the factfinder, is the sole judge of the credibility of witnesses. *Marshall*, 97 A.3d at 331 (Pa. 2014). In considering the evidence to determine if the property at issue suffers a unique physical hardship that warrants the granting of a variance, a showing that the property is valueless is but one of various factors to be considered in resolving a variance request. *Marshall*, 97 A.3d at 330 (citing *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43 (Pa. 1998)). However, “mere economic hardship will not of itself justify a grant of a variance,” and mere evidence that the permitted use is less financially rewarding than the proposed use is not sufficient to justify the granting of the variance. *Id.* at 330.

The property at issue is subject to unique conditions that impose hardships in that it fronts on three streets and, most significantly, it has been permitted to be developed with three separate and distinct uses without regard for the need for building set-backs and other performance standards that traditionally govern the development of such uses and their related improvements. Through no fault of the Applicant, the unique condition of the property – which has been in existence for at least 70 years -- leaves no way for it to be used in compliance with the Zoning Ordinance (one permitted use per lot) without relief.

The low-rise apartment building use is not currently permitted in the R-1A zoning district. However, the evidence clearly demonstrates that this use has been in existence on the lot for over 70 years without any apparent challenge from the Borough. The use variance being sought by the Applicant would merely allow an existing, legally non-conforming use to continue in the exact same location in which it has existed for over 70 years, the only difference being that it would now be situated on its own lot, bringing it into more conformance with the Zoning Ordinance. Granting the use variance will not alter the essential character of the neighborhood (residential) or substantially or otherwise impair the appropriate use of any adjacent properties because the apartment use has been permissibly in existence on the lot for almost 70 years.

Besides seeking use variance for the proposed Lot 1, the Applicant further seeks a multitude of dimensional variances in order to proceed with the proposed subdivision. The dimensional variances are needed as a result of the location of the new lot lines relative to the location of existing structures and improvements. The purpose of the proposed subdivision (and, thus the proposed lot lines) is to eliminate and correct a significant non-conformity by placing each of the three separate and legally existing uses on its own separate lot.

When seeking a dimensional variance, the quantum of proof to establish unnecessary hardship is less strict than seeking a use variance. *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43, 48 (Pa. 1998). In considering whether or not to grant a dimensional variance, multiple factors are considered, such as economic hardship to the applicant, financial hardship to bring the property into compliance with local zoning regulations and characteristic of surrounding neighborhood. *Id.* at 50. Although the burden of proof or “quantum of proof” may be more relaxed to determine hardship that would justify the grant of a dimensional variance, *Hertzberg* did not eliminate the principle that the applicant prove substantial burden in accordance with all five criteria before a dimensional variance may be granted. *Yeager v. Zoning Hearing Board of the City of Allentown*, 779 A.2d 595, 598 (Pa. Cmwlth. 2001). The decision of whether to grant or deny the variance is left to the discretion of the local zoning hearing board. *Segal v. Zoning Hearing Board of Buckingham Township*, 771 A.2d 90, 95 (Pa. Cmwlth. 2001).

The uncontested testimony of the Applicant’s expert was that the location of the new lot lines was dictated by existing conditions and improvements on the property – conditions over which the Applicant has no control and did not create,

and which have been permissibly in existence for at least 70 years (almost 100 years for the twin home). While creating a need for dimensional variances, the proposed lot lines do not change the location of the improvements and no new improvements are being constructed. Hence, the dimensional non-conformities created by the new lot lines have no real impact or effect upon any of the proposed new lots, and do not serve the purposes for which dimensional zoning requirements are implemented. As such, and because the new lot lines will eliminate a significant non-conformity, the restrictions from which the variances are sought create substantial burdens upon the Property.

The proposed dimensional variances represent the minimal relief and modification possible because the existing location of the improvements on the property leave no reasonable room for alternate placement. The dimensional variances will not alter the essential character of the neighborhood or impair the appropriate use of adjacent properties because; rather the variance will simply allow for the placement of imaginary lot lines and not making any actual change to the improvements on and layout of the property that has been in existence for at least 70 years.

Accordingly, for the foregoing reasons, the variance relief as requested was **GRANTED**.

DECISION AND ORDER

AND NOW, this 18th day of FEBRUARY, 2024, after public hearing held on February 7, 2024, and pursuant to a public vote, two members voting in favor and one member voting in opposition, the Zoning Hearing Board of Bristol Borough does hereby formally ADOPT the above FINDINGS OF FACT and DISCUSSION AND CONCLUSIONS OF LAW. The Board further RATIFIES its Decision of February 7, 2024, and does hereby Order and Direct that the Application for variances, as stated above, be and the same is GRANTED.

THIS WILL SERVE AS THE REQUIRED WRITTEN NOTICE AND DECISION THAT YOUR APPLICATION HAS BEEN HEARD AND A DECISION HAS BEEN MADE BY THE BRISTOL BOROUGH ZONING HEARING BOARD. IF YOU, OR ANY OTHER PARTY OF INTEREST, WISH TO APPEAL THIS DECISION, YOU MAY DO SO ACCORDING TO PENNSYLVANIA LAW, AND GENERALLY, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN APPEAL WITH

**THE COURT OF COMMON PLEAS OF BUCKS COUNTY,
PENNSYLVANIA.**

BRISTOL BOROUGH ZONING HEARING BOARD

RECUSED

ANGELO GRISOLIA

/s/ Angelo Quattrocchi

ANGELO QUATTROCCHI

NAY

DAVE MARUCCI

/s/ Joseph Gasper

**JOSEPH GASPER,
Alternate Member**

CERTIFICATION OF DECISION:

I hereby certify that copies of the within Decision and Order were served upon Applicant, and his or her attorney by mailing a true and correct copy, by first class mail and certified mail, to the Applicant and his or her respective attorney on this 18th day of March, 2024.

Timothy J. Duffy

**Timothy J. Duffy, Esquire
Board Solicitor**

EXHIBIT "C"



The Almshouse Neshaminy Manor Center 1260 Almshouse Road
Doylestown, Pennsylvania 18901 215.345.3400 FAX 215.345.3886
E-mail: planningcommission@buckscounty.org

PLANNING COMMISSION:
Edward J. Tokmajian, *Chairman*
James E. Miller Jr., *Vice Chairman*
James J. Keenan, *Secretary*

Eleanor M. Breslin
Richard Donovan
Thomas J. Jennings, Esq.
David R. Nyman
Judith J. Reiss
Tom Tosti

Evan J. Stone
Executive Director

MEMORANDUM

To: Bristol Borough Council
Bristol Borough Planning Commission

From: Staff of the Bucks County Planning Commission

Date: April 16, 2024

Subject: BCPC #12963
Preliminary Plan of Subdivision for 1414-1424 Wilson Avenue
TMP #4-24-208
Applicant: Gerald and Joan Cordisco
Owner: Same
Plan Dated: March 28, 2023
Last Revised: February 22, 2024
Date Received: March 26, 2024

This proposal has been reviewed by the Bucks County Planning Commission professional staff, which prepared the following comments in accordance with the Pennsylvania Municipalities Planning Code (Section 502).

GENERAL INFORMATION

Proposal: Subdivide an existing 18,930.30-square-foot lot into three new lots. Lot 1 is 7,698 square feet and contains an existing two-story multifamily dwelling structure and a detached garage, Lot 2 is 9,802 square feet and contains an existing two-story single-family detached dwelling and a detached garage, and Lot 3 is 1,430 square feet and contains an existing semi-detached dwelling. No construction is proposed. Public water and sewer serve the site.

Location: Along the south side of Wilson Avenue, at its intersections with Madison Street and Monroe Street.

Zoning: The R-1A Residential District permits single-family detached dwelling and semi-detached dwelling units on lots having a minimum area of 4,500 and 3,500 square feet per dwelling unit, respectively, and a maximum impervious surface ratio of 50 percent.

On February 7, 2024, the zoning hearing board of Bristol Borough granted variances from the following zoning ordinance requirements:

Section 27-306.2.

to allow low-rise apartments within the R-1A District for Lot 1



Section 27-306.5.

to allow an impervious surface ratio of 70.4 percent on Lot 2 and 72.3 percent on Lot 3, where a maximum of 50 percent is permitted

Section 27-306.5.

to allow a minimum lot area of 1,403.3-square feet for Lot 3 where 3,500 square feet is required

Section 27-306.5.

to allow a minimum lot width of 19.1 feet for Lot 3 where 30 feet is required

Section 27-306.5.

to allow a maximum building coverage of 62.7 percent for Lot 3 where a maximum of 40 percent is permitted

Section 27-306.6.

to allow a minimum 0.1-foot side yard for Lot 1 where a minimum of 15 feet is required

to allow a minimum 1.6-foot total side yard with 0.20 feet on one side of Lot 2 where a 20-foot total side yard with no less than 5 feet on one side is required

to allow a minimum 2.9-foot side yard on Lot 3 where a 20-foot total side yard with no less than 5 feet on one side is required

Section 27-306.6.

to allow a minimum 2-foot rear yard and a 20.1-foot front yard for Lot 1 where a minimum of 25 feet is required; a minimum 1.6-foot rear yard for Lot 2 where 25 feet is required; and a minimum 7.4-foot rear yard for Lot 3 where 25 feet is required

Section 27-404.4.

to not provide any required buffer yards since no yards or space exists between buildings

Section 27-511

to not require a lighting plan since no improvements are proposed

Section 27-701 Table 27-7-A

to not provide required off-street parking for Lot 1 where 12 off-street parking spaces would be required and to not require off-street parking for Lot 3 where 2 off-street parking spaces would be required

Present Use: Residential

COMMENTS

Requested waivers—Plan Sheet 1 and related correspondence indicate that the applicant is requesting waivers from the following subdivision and land development ordinance (SALDO) requirements:

Section 22-404.1.B.(2)(b)

to allow an aerial photograph instead of the required plan to show features within 400 feet

Section 22-404.1.B.(2)(e)

to allow 1-foot interval contours instead of the required 2-foot interval contours; the application indicates 2-foot contours would not accurately depict existing conditions due to the flat nature of the ground

Section 22-404.1.B.(3)(p)

to not require a landscape plan; the application indicates that improvements are not proposed and limited area exists for planting

Section 22-404.1.B.(3)(s)

to not require a lighting plan; the application indicates that improvements are not proposed and the existing buildings have entry lighting

Section 22-510.5.

to allow for a driveway side yard setback of 0.96 feet due to current site conditions

Section 22-517.6.

to allow Lot 3 to have a depth-to-width ratio greater than 1.5 to 1 due to current site conditions

Section 22-520.1.

to not require a stormwater management plan since improvements are not proposed

Section 22-523.2.

to not require a landscape plan since improvements are not proposed and the site has limited area for planting

Section 22-523.4.

to not require street trees due to the existing utility situations

Section 22-523.5.

to not require buffers due to the locations of the existing buildings

Section 22-524

to not require a lighting plan; the application indicates that improvements are not proposed and the existing buildings have entry lighting

The final plan should note all granted waivers.

This review will be included in the Bucks County Planning Commission board materials for the May 1, 2024, meeting. It is not necessary for you to attend this meeting, but you are welcome to do so and to offer comments on the proposal to the BCPC board and staff.

In order that we may be more aware of your concerns, please send us a copy of all municipal decisions sent to this applicant.

LYL:emh

24-0488

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