

**ZONING HEARING BOARD OF WRIGHTSTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Applicants: Anthony & Giuseppina Hipple
239 Ridge Avenue
Newtown, PA 18940

Owners: Same.

Subject Property: Tax Parcel No. 53-012-046-004 and 53-012-046-007, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants propose a lot line adjustment between adjacent lots, and propose the relocation of the existing driveway, as well as construction of a new pool house/cabana, new garage and storage area. Applicants seek a special exception pursuant to §905.C and §905.D.2.a of the Newtown Area Joint Municipal Zoning Ordinance ("Ordinance") to permit the improvements of the driveway within the floodplain soils, and a variance from §903.B.1, to permit structures, filling, and grading within the floodplain and floodplain soils for the installation of the proposed driveway and restoration of the area of the existing driveway.

Hearing History: The application was filed in Wrightstown Township on September 4, 2025. The hearing was held on October 29, 2025 at the Wrightstown Township Building, 2203 Second Street Pike, Wrightstown, PA 18940.

Appearances: Applicants by: Leonard Altieri, Esq.
Matthew J. McHugh, Esq.
Klehr Harrison Harvey Branzburg LLP
1835 Market Street, Suite 1400
Philadelphia, PA 19103

Mailing Date: December 15, 2025

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Wrightstown Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.

2. The Applicants are the Owners of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The Zoning Hearing Board marked the following exhibits:

- ZHB-1: Application filed September 4, 2025 with attachments, most notably including the Zoning Plan, prepared by Arna Engineering, dated August 11, 2025.
- ZHB-2: Legal Notice of the hearing held (proof of publication, posting, and mailing).
- ZHB-3: The Newtown Area Joint Municipal Zoning Ordinance.
- ZHB-4: July 12, 2024 Zoning Hearing Board Decision where in the Wrightstown Township Zoning Hearing Board granted substantially similar relief to that which is requested at bar.
- ZHB-5: October 29, 2025 Township position statement wherein the Township indicates, "The Board reviewed the Application and determined that it would [remain (sic)] recommend that the Zoning Hearing Board grant the relief requested".

The Applicant offered and the Board marked the following exhibits:

- A-1: Zoning Plan, prepared by Arna Engineering, dated August 11, 2025.
- A-2: Photographs of existing driveway (2).
- A-3: *Curriculum Vitae* Anand A. Bhatt, PE.
- A-4: Deed for Tax Parcel No. 53-012-046-004.
- A-5: Deed for Tax Parcel No. 53-012-046-007.
- A-6: October 29, 2025 Township position statement.

4. The Subject Property is located in the CM, Conservation Management Zoning District of Wrightstown Township. The Application addresses two adjacent parcels. The lot area for TPN 53-012-046-004 ("Lot 3") is 19.608 acres (gross). The lot area for TPN 53-012-046-007 ("Lot 4") is 15.535 acres (gross). The combined consolidated gross lot area as proposed is 35.143 acres.

5. Applicants propose a lot line adjustment between adjacent lots, and propose the relocation of the existing driveway, as well as construction of a new pool house/cabana, new garage and storage area. Applicants seek a special exception pursuant to §905.C and §905.D.2.a of the Newtown Area Joint Municipal Zoning Ordinance ("Ordinance") to permit the improvements of the driveway within the floodplain soils, and a variance from §903.B.1, to permit structures, filling, and grading within the floodplain and floodplain soils for the installation of the proposed driveway and restoration of the area of the existing driveway.

6. The Findings and Conclusions determined by the Zoning Hearing Board through the July 12, 2024 Zoning Hearing Board Decision (ZHB-4) are incorporated by reference.

7. Applicant acknowledged that the prior Application was presented before the Zoning Hearing Board just over one year prior with the same Concept Plan, but designed slightly differently. Upon attempting to effectuate the previous Zoning Hearing Board Decision, Applicant learned that placing the driveway as originally proposed was cost prohibitive. Accordingly, through the present plan, Applicant has moved the driveway to the north frontage of the lot thereby alleviating the need for the cost prohibitive bridge encompassed in the first plan.

8. The frontage of the lot contains floodplain soils, including Bowmansville soils. The proposed disturbance includes disturbance within the floodplain soils which is not permitted by Ordinance. Applicant seeks the variance accordingly.

9. Applicant further seeks the special exception for the driveway improvements.

10. No one spoke in opposition to the application.

11. Wrightstown Township supported the application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance, further consistent with a previous Land Development Plan approved in 2003 permitting a six lot residential subdivision.

2. The Applicants' proposal, increases the lot size for the existing single-family residential dwelling use, reduces an access point across open space and natural features, and improves stormwater management onsite.

3. In order to makes these improvements, Applicants require certain relief.

4. The Zoning Hearing Board finds that the Applicants have satisfied the burden to establish a special exception to improve the Subject Property as proposed.

5. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested under the relaxed variance standard applicable to dimensional variance cases, as articulated by the Pennsylvania Supreme Court, in Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d. 43 (1998).

6. The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses.

7. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

8. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.

9. The grant of the requested variances satisfies Appellant's burden to meet the objective criteria set forth in the Ordinance for a special exception. New Bethlehem Borough Council v. McVay, 78 Pa. Commw. 167, 467 A.2d 395 (Pa. Cmwlth. 1983). A use permitted by special exception is presumptively consistent with the public health, safety and welfare; the denial of a special exception can be based only on proof that the use would create an adverse effect on the public welfare in a way not normally associated with proposed use. Kern v. Zoning Hearing Board of Tredyffrin Township, 68 Pa. Commw. 396, 449 A.2d 781 (1982). Here, there were no objecting witnesses to present proof that the proposed use would present a substantial threat of harm to the health, safety and welfare of the community. Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 126 Pa. Commw. 235, 559 A.2d 107 (PA. Cmwlth. 1989).

10. Accordingly, the Wrightstown Township Zoning Hearing Board determined, unanimously, by a 2-0 vote, to GRANT the Applicants' request for relief, as is set forth hereafter, incorporating the previous Decision where relevant.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Wrightstown Township hereby GRANTS a special exception pursuant to §905.C and §905.D.2.a of the Newtown Area Joint Municipal Zoning Ordinance to permit the improvements of the driveway within the floodplain soils, and a variance from §903.B.1, to permit structures, filling, and grading within the floodplain and floodplain soils for the installation of the proposed driveway and restoration of the area of the existing driveway in relation to a lot line adjustment between adjacent lots, and the proposed relocation of the existing driveway, as well as construction of a new pool house/cabana, new garage and storage area.

Thomas E. Panzer, Solicitor
Wrightstown Township
Zoning Hearing Board
High Swartz LLP
116 East Court Street
Doylestown, PA 18901
(215) 345-8888
E-Mail: tpanzer@highswartz.com

**ZONING HEARING BOARD OF
WRIGHTSTOWN TOWNSHIP**

/s/ Steve Marcell
Steve Marcell

/s/ Allen Masenheimer
Allen Masenheimer