

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

Applicant: Joe Eick
2726 Windy Bush Road
Newtown, PA 18940

Owner: Same.

Subject Property: Tax Parcel No. 53-005-013, which is located at the address of the Applicant set forth above.

Requested Relief: Applicant seeks to construct an in-ground (fiberglass) swimming pool on the Subject Property. Existing impervious surface coverage on site is 21.4%. Post construction impervious surface coverage is calculated by Applicant as 21.2%. §402.B of the Newtown Area Joint Municipal Zoning Ordinance ("Ordinance") permits a maximum impervious surface coverage of 18%. Applicant requests a variance to construct the improvements as requested.¹

Hearing History: The application was filed in Wrightstown Township on September 29, 2025. Hearings were held on November 12, 2025 on December 3, 2025 at the Wrightstown Township Building, 2203 Second Street Pike, Wrightstown, PA 18940.

Appearances: Applicant, *Pro Se*

Mailing Date: January 16, 2026

¹ In the initial application, Applicant requested post construction impervious surface coverage of 24.4%. Applicant subsequently revised the plan to eliminate greater than 3% of the existing impervious surface coverage, before initiating the proposed project. The post construction result is a reduction in proposed impervious coverage to 21.2%, with stormwater management controls to reduce flow to an effective rate of 15%, as further discussed herein.

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 hearings held.

2. The Applicant is the Owner of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the CR-1, Country Residential 1/Low Density Zoning District of Wrightstown Township. The lot area is 43,541 square feet (gross). The property accommodates the Applicant's single-family residential dwelling with related improvements.

4. Applicant seeks to construct an in-ground (fiberglass) swimming pool on the Subject Property. Existing impervious surface coverage on site is reported by Applicant at 21.4%. Post construction impervious surface coverage is calculated by Applicant as 21.2%. §402.B of the Newtown Area Joint Municipal Zoning Ordinance permits a maximum impervious surface coverage of 18%. Applicant requests a variance to construct the improvements as requested.

5. Applicant testified in support of the application.

6. Applicant offered testimony of pool contractor, Nathan Simcox, of HydroScape Pool, Inc., in support of the application.

7. No one spoke in opposition to the application.

8. Applicant relied upon the Permit Plan, prepared by Holmes Cunningham, LLC, dated August 21, 2025, last revised December 2, 2025 in presenting its final request for relief. See Exhibit A-1 ("The Plan").

9. The Plan illustrates:

- a. Existing impervious surface coverage is 21.4% - in excess of the impervious surface coverage permitted.
- b. A long narrow lot with a long paved driveway leading to the single-family dwelling.
- c. The long driveway, in part, contributes to the impervious surface coverage in excess of that permitted.
- d. Considerable amounts of paved area to the rear of the dwelling, characterized by Applicant as a "parking" or "turn around" area.
- e. Applicant is able to remove +/- 1,426 square feet of driveway to the rear of the dwelling (the "parking" or "turn around" area), reducing

impervious surface coverage to 18.0%, prior to making the proposed swimming pool improvements.

- f. By adding back the pool and related improvements, the impervious surface coverage is then increased to 21.2%.
- g. By constructing a seepage pit to the rear of the property, Applicant is able to control the volume of flow for any impervious surface coverage greater than 15%, thereby managing more than the amount of impervious surface coverage required to be managed pursuant to the Ordinance.

10. Wrightstown Township took a position with regard to the present application by way of correspondence from the Township Solicitor dated October 29, 2025. The Board of Supervisors' position, indicates, in relevant part, that:

Applicant be required to reduce the current impervious coverage on the property so that it complies with the maximum permitted by ordinance then the pool would be allowed with the associated increase in impervious coverage provided that Applicant installs stormwater management facilities that mitigate any stormwater associated with impervious coverage above 15%.

See, Exhibit ZHB-4.

11. Applicant agreed to comply with the Board of Supervisors' request.

12. Applicant agreed to construct the swimming pool improvements generally consistent with The Plan.

13. The Zoning Hearing Board finds Applicant credible and acknowledges Applicant's efforts at balancing reasonable use of the residential property with the need to effectively manage stormwater on site.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance, but for present conditions exceeding the allowable impervious surface coverage.

2. Applicant seeks to construct an in-ground (fiberglass) swimming pool on the Subject Property. Existing impervious surface coverage on site is reported by Applicant at 21.4%. Post construction impervious surface coverage is calculated by Applicant as 21.2%. §402.B of the Newtown Area Joint Municipal Zoning Ordinance permits a maximum impervious surface coverage of 18%. Applicant requests a variance to construct the improvements as requested.

3. Applicant has demonstrated that, due to the size and shape of the Subject Property, strict compliance with the Ordinance is impractical.

4. The Applicant has 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).

5. 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. The Zoning Hearing Board imposes certain conditions to assure that the flow of stormwater is managed appropriately. In fact, Applicant is managing beyond that required by the Ordinance.

6. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. Applicant has demonstrated that they have reduced the initial scope of relief to reduce the variance request to the minimum necessary.

7. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. There is no change to the residential use; only an enhancement to same.

8. Accordingly, the Wrightstown Township Zoning Hearing Board determined, by a 2-0 vote, to GRANT the Applicant's request for relief, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Wrightstown Township hereby GRANTS the requested variance from §402.B of the Newtown Area Joint Municipal Zoning Ordinance to construct an in-ground (fiberglass) swimming pool on the Subject Property resulting in an impervious surface coverage of 21.2%, where a maximum impervious surface coverage of 18% is allowed.

The relief granted is subject to the following conditions:

1. Applicant is required to reduce the current impervious coverage on the property so that it complies with the maximum permitted, prior to making improvements (the pool and accessories). Post construction impervious surface coverage is not to exceed 21.2% (generally consistent with the August 21, 2025 Holmes Cunningham, LLC Permit Plan, last revised December 2, 2025).
2. Applicant is to install stormwater management facilities that mitigate any stormwater associated with impervious coverage above 15%.
3. Applicant shall comply with all other applicable governmental ordinances and regulations.

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ZONING HEARING BOARD OF WRIGHTSTOWN TOWNSHIP

/s/ Steve Marcell
Steve Marcell

/s/ Allen Masenheimer
Allen Masenheimer