

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

**Applicant:** Gregory Badessa  
2754 Windy Bush Road  
Newtown, PA 18940

**Owner:** Same.

**Subject  
Property:** Tax Parcel No. 53-008-001 and 53-008-001-008, which is located at the address of the Applicant set forth above.

**Requested  
Relief:** Applicant seeks to construct additional concrete decking around an existing inground swimming pool. The concrete decking is proposed to encroach within six (6) inches of the rear lot line, and will be supported by a retaining wall no greater than twelve (12) inches in height. By decision issued May 05, 2000, owner of the subject property was permitted to place the pool within the 50 foot rear yard setback required, provided the pool coping locate no closer than ten (10) feet from the rear lot line. Applicant seeks a variance from §402 of the Wrightstown Portion of the Newtown Area Joint Municipal Zoning Ordinance and a modification of the previous zoning condition, to facilitate the proposed plan.

**Hearing  
History:** The application was filed in Wrightstown Township on May 5, 2025. The hearing was held on June 18, 2025 at the Wrightstown Township Building, 2203 Second Street Pike, Wrightstown, PA 18940.

**Appearances:** Applicant, *Pro Se*

**Mailing Date:** August 4, 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 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 a flag lot located in the CR1, Country Residential 1/Low Density Zoning District of Wrightstown Township. The aforementioned Tax Map Parcel Numbers have been consolidated into the single lot. The lot area is 164,656 square feet (3.78 acres). The property accommodates the Applicant's single-family residential dwelling with customary improvements, and amenities, including an in-ground swimming pool. All improvements are pushed toward the rear of the property. Despite the lot size, a corner of the single-family residential dwelling encroaches into the 50 foot rear yard setback required. The swimming pool and other impervious surfaces are located between the single-family dwelling and the rear lot line.

4. Applicant seeks to construct additional concrete decking around an existing inground swimming pool. The concrete decking is proposed to encroach within six (6) inches of the rear lot line, and will be supported by a retaining wall no greater than twelve (12) inches in height. By decision issued May 05, 2000, owner of the subject property was permitted to place the pool within the 50 foot rear yard setback required, provided the pool coping locate no closer than ten (10) feet from the rear lot line. Applicant seeks a variance from §402 of the Wrightstown Portion of the Newtown Area Joint Municipal Zoning Ordinance and a modification of the previous zoning condition, to facilitate the proposed plan.

5. Applicant presented the Zoning Hearing Board ("ZHB") with an annotated, unattributed, site plan, showing the location of the pool and the proposed improvements. (See attached annotated site plan).

6. The property to the rear of the Subject Property slopes toward the Subject Property. As a result, stormwater runoff, and associated debris, cascade and/or flow into Applicant's in-ground swimming pool.

7. Applicant seeks to reduce the impact of the present stormwater issue by constructing the aforementioned retaining wall and additional concrete decking adjacent to the rear side of the swimming pool and further encroaching toward the rear lot line.

8. In Applicant's lay opinion, the existing, and therefore resulting, runoff from the property to the rear, even if diverted by the retaining wall, will not affect either

neighbor as a result of the considerable amount of undeveloped space surrounding the rear of Applicant's property.

9. The ZHB seeks affirmation of Applicant's lay opinion from the Township Engineer.

10. No one spoke in opposition to the application.

11. Wrightstown Township reviewed the application during a public meeting of the Board of Supervisors and voted that the Board of Supervisors had "no objection" to the application. (See, Exhibit ZHB-4)

### **CONCLUSIONS OF LAW:**

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance, except for the relief granted within the previous ZHB determination (May 05, 2000).

2. 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).

3. 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 ZHB places conditions on the grant of relief to assure same.

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

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

6. 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 a variance from §402 of the Newtown Area Joint Municipal Zoning Ordinance to facilitate the plan to construct additional concrete decking around an existing in-ground swimming pool. The concrete decking is proposed to encroach within six (6) inches of the rear lot line, and will be supported by a retaining wall no greater than twelve (12) inches in height running the length of the pool. The ZHB did not see the need to alter the condition of previous zoning relief which spoke to the proximity of the coping of the pool to the rear lot line. The coping of the pool is not being adjusted, as the pool itself is neither being expanded nor moved.

The relief granted is subject to the following conditions:

1. Applicant shall submit plans for diverting stormwater originating from the adjacent property onto Applicant's property to the Township Engineer for review and consideration regarding the potential negative effects of the planned diversion. Applicant acknowledges that the review will require a Professional Services Agreement and payment of the engineering review at Applicant's expense.
2. Applicant shall comply with all other applicable governmental ordinances and regulations

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### **ZONING HEARING BOARD OF WRIGHTSTOWN TOWNSHIP**

/s/ Allen Masenheimer  
Allen Masenheimer

/s/ Steve Marcell  
Steve Marcell

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ERY J. RUTBELL

