

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

Application No. Z-9-2013

Applicant: Patricia L. Smith
15 Catherine Avenue
Doylestown, PA 18901

Owner: Same.

Subject Property: Tax Parcel No. 9-11-26 located at the address listed above.

Requested Relief: The Applicant requests a special exception pursuant to §175-37.B of the Doylestown Township Zoning Ordinance to permit an in-law suite on the subject property. In order to do so, the Applicant requests the following variances from the Doylestown Township Zoning Ordinance:

1. From §175-16.H-12.a to allow the in-law suite to occupy more than 25% of the total usable floor area of the principal residence; and
2. From §175-16-H-12.c to permit the location of an in-law suite in a cellar area.

Hearing History: The application was filed in Doylestown Township on August 30, 2013. The hearing was originally held on October 21, 2013 and was continued and re-advertised for December 16, 2013 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant Pro Se'

Date of Issuance: January 13, 2014

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown 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 has the requisite standing to make application to this Board.
3. Patricia Smith had previously been sworn and testified and resumed her testimony at the hearing on December 16, 2013.
4. It was noted that the proposed property is .34 acres or roughly 1,600 square feet and is nonconforming in the R-1 Zoning District which requires lots of 40,000 square feet minimum.
5. Ms. Smith proposes to establish an in-law suite with separate cooking, sweeping, living and bathroom facilities. She proposes to house her daughter, the daughter's boyfriend and their two children.
6. Given the rents in the area they simply cannot manage and need a place to stay.
7. The proposed in-law suite is located in a cellar area with, based on the slope, the larger portion of the cellar below grade.
8. The earlier hearing was continued in order to confirm floor areas and determine the actual amount of the requested variance.
9. She testified that the property is served by public water and sewer.
10. Mrs. Smith identified the existing structure as having a total of 1,840 square feet on the first floor and basement.
11. The total area that is to be converted into living space would be 690 square feet or 37.5% of the existing living space.
12. She testified that she has three parking spaces, each of 10 by 20 feet as required under the Ordinance.
13. She testified that there would be no changes made to the exterior of the structure.

14. She confirmed that this is an in-law suite which means that it is not a rental apartment, she must register the in-law suite and pay an annual fee and the only people living in the unit would be directly related to her.

15. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The property is being used as required as a single family home located in the R-1 Zoning District of Doylestown Township.

2. The Board finds that the property is undersized as an existing nonconformity.

3. The Applicant seeks a dimensional variance of approximately 12.5% from the maximum size of the living space which is 25% of the existing living space.

4. The use of the in-law suite comes with certain conditions that require that it not be a rental unit nor change the zoning for the area in which it is located.

5. The Board finds that the Applicant is seeking the minimum variance necessary to afford the relief requested.

6. The evidence indicates that the grant of the relief requested will have no negative impact upon surrounding properties or uses.

7. The Board finds that a hardship exists in this particular case that justifies the grant of the variance.

WHEREFORE, the Zoning Hearing Board of Doylestown Township grants the following variances plus a special exception from the Doylestown Township Zoning Ordinance in order to permit the addition of an in-law suite within the existing residence, with no exterior changes to the structure and based on the conditions applying to all in-law suites as follows:

1. From §175-16.H-12.a to allow the in-law suite to occupy 37.5% of the usable floor area of the principal residence; and
2. From §175-16.H-12.c to permit the location of an in-law suite in a cellar area.

These variances are subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ W. Andrew McPherson
W. Andrew McPherson, Chairman

/s/ William J. Lahr
William J. Lahr, Vice Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.

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

Application No. Z-10-2013

Applicant: Gina F. Rubel and C. Scott Rubel
2 Hidden Lane
Doylestown, PA 18901

Owner: Same.

**Subject
Property:** Tax Parcel No. 9-4-22, which is located at the address listed
above.

**Requested
Relief:** The Applicant proposes to construct an addition to their residence
located on the premises and in order to do so request two
variances from the Ordinance:

1. From §175-39 to permit a rear yard setback of 25.06 feet
rather than the required 50 feet; and
2. From §175-38 in order to permit a maximum impervious
surface coverage of 22.5% rather than 20% or, alternatively, an
interpretation that an area within the ultimate right-of-way does
not have to be included in the impervious surface calculation.

**Hearing
History:** The application was filed in Doylestown Township on November
5, 2013. The hearing was held on December 16, 2013, at the
Doylestown Township Building, 425 Wells Road, Doylestown,
PA 18901.

Appearances: Applicant By: Krista P. Harper, Esquire
Curtin & Heefner LLP
1980 South Easton Road, Suite 220
Doylestown, PA 18901

Date of Issuance: January 13, 2014

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown 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 as such, have the requisite standing to make application to this Board.
3. Krista P. Harper, Esquire of Curtin & Heefner LLP appeared for the Applicants and presented the case.
4. Sworn and testifying were Gina F. and C. Scott Rubel, Owners and Keith Dumack, an engineer located in Wrightstown, Pennsylvania, who prepared the plans and drawings as part of the proposed application.
5. The property consists of 2.223 acres of land located in the R-1 Zoning District of Doylestown Township.
6. The property is used as a residence and home based business.
7. The home based business is located in a separate barn building which is not part of the subject application.
8. The Applicant proposes an expansion of the residence located on the property.
9. The property fronts on both Limekiln Road and Hidden Lane and was described by the Applicants as shaped something like an upside down L, having a long and narrow shape bounded by these two roads.
10. The property backs up to Pine Run Creek and County owned land.
11. The property consists of a home built in 1754 as well as the barn which is used for the business.
12. The Applicants described the structure of the home which is obviously an original farmhouse that has been added to in different ways over the years.
13. The Applicant proposes to construct an 1,029 square foot building addition located in the rear yard of the property in an area that adjoins open space.
14. In order to redesign the interior to make the space more livable they need to construct additional living space.

15. The outside of the structure has rotted wood in some cases and needs replacement as does at least part of the roof.
16. Because of its corner location the property has two front yards and therefore two rear yards and no side yard.
17. The Applicants described the present residence which even requires their teenage children to have to pass through their parents' bedroom in order to use the bathroom.
18. The proposed structure is located in the logical area for such an addition.
19. The Applicants pointed out that a large area of the property that is located within the ultimate right-of-way does affect the calculation of the impervious surface.
20. The proposed addition is located in an area bordering both open space and a creek and no other property owners should be affected.
21. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The property is located within the R-1 Zoning District and is being used appropriately as a single family residence and business.
2. The structure itself dates back to 1756 and clearly could be renovated to best serve modern needs.
3. The property is located along two roads and therefore has two front yards and two rear yards but no side yard.
4. The area proposed for the rear yard setback of 25.06 feet borders on open space and a creek and no neighbors will be affected.
5. The Owners are proposing the minimum variance necessary to remedy a hardship.
6. The proposed addition is a reasonable amenity for the property and the area.
7. The evidence indicates that the grant of the relief requested will have no negative impact upon surrounding properties or uses.
8. Accordingly the Doylestown Township Zoning Hearing Board determined, unanimously to grant the Applicant's request for relief as set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township grants the following variances from the Doylestown Township Zoning Ordinance in order to permit the development of the subject property as proposed in the attached plan, as follows:

1. From §175-39 in order to permit a rear yard setback of less than 50 feet and not less than 25 feet; and

2. From §175-38 to permit an impervious surface coverage ratio of 22.5%, subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ W. Andrew McPherson
W. Andrew McPherson, Chairman

/s/ William J. Lahr
William J. Lahr, Vice Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.

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

Application No. Z-11-2013

Applicant: Richard and Patricia Kinsch
166 Edison Furlong Road
Doylestown, PA 18901

Owner: Same

**Subject
Property:** Tax Parcel No. 9-14-27, located at the address listed above.

**Requested
Relief:** The Applicants request a special exception pursuant to §175-37.B of Doylestown Township Zoning Ordinance (“Ordinance”) to permit an in-law suite on the subject property.

**Hearing
History:** The application was filed in Doylestown Township on November 7, 2013. The hearing was held on December 16, 2013 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Pro Se

Date of Issuance: January 13, 2014

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown 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 are therefore possessed of the requisite standing to make application to this Board.
3. Richard and Patricia Kinsch were sworn and testified at the hearing.
4. The Applicants propose to use an in-law suite to provide living space for their son and his fiancée. When the son and fiancée move out they wish to use the space for Mrs. Kinsch's mother and sister.
5. The property consists of a single family residence on 2.84 acres.
6. It appears that a separate in-law suite already existed when Mr. and Mrs. Kinsch bought the property and they merely wish to use the existing space as an in-law suite.
7. They introduced a series of photographs, marked A-2 through A-8 and the Board took them through the photographs as they identified the parking area, a separate entrance, the existing kitchen and bath facilities and so on.
8. Other than renovations, there are no proposed interior or exterior changes to the structure.
9. They introduced a septic permit from the Bucks County Board of Health indicating that they were replacing two sewers.
10. The existing residence has living space of 3,048 square feet and the in-law suite would have 640 square feet which is within the required 25% under the Ordinance.
11. They went through the requirements for an in-law suite including the additional parking, the fact that it can only be occupied by related family members, no changes to the exterior and registration with the zoning officer and payment of an annual fee.

CONCLUSIONS OF LAW

1. The property is being used as zoned in the R-1 Zoning District as a single family residence.

2. It appears that an existing in-law suite is part of the premises and the parties bought the property with this in mind.

3. All of the requirements necessary for a special exception under the Zoning Ordinance have been met by the testimony of the Applicants.

4. The special exception will have no detrimental effect on surrounding properties.

5. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the relief requested by the Applicants, as set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township hereby GRANTS a special exception under §175-37.B of the Doylestown Township Zoning Ordinance in order to permit an in-law suite on the subject property, subject to conditions applicable to all in-law suites under the Ordinance and subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ W. Andrew McPherson
W. Andrew McPherson, Chairman

/s/ William J. Lahr
William J. Lahr, Vice Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.

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

Calendar No. Z-12-2013

Applicant: Mark P. and Phyllis A. Glassman
 172 Sunset View Drive
 Doylestown, PA 18901

Owner: Same

**Subject
Property:** Tax Parcel No. 9-58-8 located at the address listed above.

**Requested
Relief:** The Applicants request special exception under §175-37.B of the
 Doylestown Township Zoning Ordinance (“Ordinance”) to
 permit an in-law suite on the subject property.

**Hearing
History:** The application was filed in Doylestown Township on November
 12, 2013. The hearing was held on December 16, 2013, at the
 Doylestown Township Building, 425 Wells Road, Doylestown,
 PA 18901.

Appearances: Applicants, Pro Se’

Date of Issuance: January 13, 2014

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown 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 as such, possessed the requisite standing to make application to this Board.
3. Mr. Mark Glassman appeared, was sworn and testified concerning the application.
4. Mr. Glassman proposes to renovate a walkout basement in his home for living space for his father-in-law who needs assistance.
5. The basement or lowest floor of the structure sits entirely above grade, has its own exit, and has sufficient parking under the Ordinance for an in-law suite.
6. Mr. Glassman described the present living area as consisting of 3,200 square feet with another 1,015 square feet in the cellar area. He proposes to use most of that cellar area, excluding the entrance way and the heating, ventilating, and air conditioning equipment as living space.
7. As such, the expansion of the living space would be less than 25% of the total living space in the structure.
8. There would be no exterior renovations to the structure.
9. Only one in-law suite would be constructed.
10. Mr. Glassman understood the requirement that such in-law suites be registered and subject to an annual fee and may not be used by other than a related family member nor may they be rental units.
11. The subject property is .69 acres in the R-1 Zoning District.
12. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The property is being used as zoned in the R-1 District as a single family residence.
2. The structure contains a walkout cellar none of which is below grade and no variances are required in order to build an in-law suite.
3. The square footage and other qualifications for an in-law suite have been met.
4. The Applicants have met the conditions for a special exception under the Doylestown Township Zoning Ordinance.
5. A proposed special exception will have no negative impact upon surrounding properties or uses.
6. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for a special exception as set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township GRANTS a special exception pursuant to §175-37.B of the Doylestown Township Zoning Ordinance subject to all conditions that attach to an in-law suite use under the Ordinance and subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ W. Andrew McPherson
W. Andrew McPherson, Chairman

/s/ William J. Lahr
William J. Lahr, Vice Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.