

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

**Docket No.:** Z-1-2023

**Applicant:** Johnathan Paoletti  
46 Pine View Drive  
Doylestown, PA 18901

**Owner:** Same.

**Subject  
Property:** Tax Parcel No. 09-032-069, which is located at the address of the Applicant set forth above.

**Requested  
Relief:** Applicant seeks a special exception pursuant to §175-37.B and §175-16 H-12 of the Doylestown Township Zoning Ordinance, to permit an accessory apartment (in-law suite) within the existing garage footprint.

**Hearing  
History:** The application was filed in Doylestown Township on February 9, 2023. The hearing was held on April 17, 2023 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

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

**Mailing Date:** June 1, 2023

## 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 therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the R-1, Residential Zoning District of Doylestown Township. The lot area is 0.92 acres. The property accommodates the Applicant's 3,127 square foot single-family dwelling with an attached two car garage.

4. Applicant seeks a special exception pursuant to §175-37.B and §175-16 H-12 of the Doylestown Township Zoning Ordinance, to permit an accessory apartment (in-law suite) within the existing garage footprint. Applicant is converting a total of 440 square feet within the garage to accommodate the accessory apartment.

5. The provisions of the Ordinance defining an accessory family apartment are found at §175-16.H(12), and read as follows:

H-12. Accessory family apartment. One accessory dwelling unit to a single-family detached dwelling shall be permitted as a residence by family members or a family caregiver, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to the zoning district wherein the proposed accessory dwelling unit is to be constructed or to be used.

[Added 5-4-1993 by Ord. No. 224; amended 2-16-2021 by Ord. No. 401]

(a) The accessory family apartment shall occupy no more than 25% of the total usable floor area of the principal residence, not including any garage.

(b) Accessory family apartments shall be part of the principal residence or may be contained in the existing accessory structure such as a garage.

(c) The required off-street parking for the principal dwelling plus one additional off-street parking space for the accessory family apartment shall be provided.

(d) There shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the

single-family character of the neighborhood. Manufactured homes, industrialized housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as an accessory family apartment.

- (e) No more than one accessory family apartment shall be permitted per single-family detached dwelling.
- (f) A maximum of two occupants are permitted in such units. Accessory family apartment shall be occupied by family members or a family caregiver.
- (g) Each accessory family apartment shall be registered with the Township Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by the Township Board of Supervisors for the registration of said use, which said fee shall be fixed periodically by the Board of Supervisors by resolution. Registration of an accessory family apartment shall expire upon conveyance of the property, at which time the new property owner may reregister said use if warranted.
- (h) A certification shall be received from the Bucks County Board of Health or other regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family dwelling as well as the accessory family apartment as defined in this subsection.
- (i) The record owner of the property shall grant a deed restriction limiting such use in accordance with the foregoing provisions in favor of the Township, which agreement shall contain the following provisions:
  - [1] A description of the dimensions and location of accessory use.
  - [2] Being in a recordable document acceptable to the Township for filing with the Bucks County Recorder of Deeds Office. All costs for the preparation and recording of the foregoing document are the responsibility of the applicant for the accessory use.
  - [3] The rental of an accessory family apartment shall not be permitted, nor shall it be used in any way as an income property.

6. Applicant addressed the specific conditions contained within §175-16 use H-12 accessory family apartment, and demonstrated compliance or future ability to comply with all provisions.

7. Applicant does intend to reuse the existing garage footprint as the in-law suite. The in-law suite would contain a bedroom, a closet, a laundry room, a bathroom, a living room and a kitchenette.

8. By letter dated February 23, 2023 the Bucks County Department of Health indicated that following a site inspection, the sewage system was sized to handle sewage flows for a four bedroom dwelling. As such, the dwelling, after conversion to include the in-law suite would be limited to a maximum of four (4) bedrooms. In addition, the kitchenette is prohibited from having an oven or dishwasher.

9. No one spoke in opposition to the application.

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

### **CONCLUSIONS OF LAW:**

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. Applicant is seeking to convert an existing garage into an accessory family apartment (in-law suite). The in-law suite is a use permitted by special exception upon finding compliance with §175-16.H(12) accessory family apartment definition and §175-138 of the Ordinance.

3. 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. Cmmw. 396, 449 A.2d 781 (1982). At bar, no objecting witnesses appeared to provide 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. Cmwlt. 1989).

4. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to GRANT the Applicant's request for relief, as is set forth hereafter.

**ORDER**

Upon consideration, and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a special exception pursuant to §175-37.B and §175-16 H-12 of the Doylestown Township Zoning Ordinance to permit an accessory apartment (in-law suite) within the existing garage footprint, subject to the following specific conditions:

1. The in-law suite shall comply with §175-16 H-12 of the Ordinance.
2. The use must comply with the February 23, 2023 letter from the County of Bucks Department of Health (regarding the sufficiency of the on-site sewage capacity (limiting the number of bedrooms to four (4) and limiting the kitchenette from having an oven or dishwasher).
3. Compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF  
DOYLESTOWN TOWNSHIP**

By: /s/ William J. Lahr  
William J. Lahr, Chairman

/s/ Mitchell Aglow  
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo  
Samuel Costanzo, Secretary