

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

**Docket No.:** Z-5-2023

**Applicants:** Joseph & Ralyn Volpe  
1640 Lower State Road  
Doylestown, PA 18901

**Owners:** Same.

**Subject Property:** Tax Parcel No. 09-007-025-002, which is located at the address of the Applicants set forth above.

**Requested Relief:** Applicants seek to construct an in-ground swimming pool on the subject site. In order to facilitate construction, Applicants request a variance from §175-33 of the Doylestown Township Zoning Ordinance to permit an impervious surface ratio on the subject lot at 21.4%, where a maximum of 15% is permitted.<sup>1</sup>

**Hearing History:** The application was filed in Doylestown Township on May 17, 2023. The hearing was held on June 19, 2023, at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicants, *Pro Se*

**Mailing Date:** July 27, 2023

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<sup>1</sup> During the hearing held, Applicant recalculated net base site area at 40,004 square feet, and recalculated the impervious surface coverage post-construction at 8,563 square feet, thereby identifying the preconstruction impervious surface coverage at 19.2% and the proposed at 21.4%. Applicant amended the application accordingly.

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

3. The Subject Property is located in the R-1A, Residential Zoning District of Doylestown Township. The lot area is 46,490 square feet (gross) and 40,004 square feet (net buildable site area). The property accommodates the Applicant's single-family dwelling with usual and customary improvements.

4. Applicants seek to construct an in-ground swimming pool on the subject site. In order to facilitate construction, Applicants request a variance from §175-33 of the Doylestown Township Zoning Ordinance to permit an impervious surface ratio on the subject lot at 21.4%, where a maximum of 15% is permitted.

5. Applicants presented expert testimony of Bryce Good, PE, of Finelli Consulting Engineer.

6. Existing impervious surface coverage is a nonconforming 19.2%. The existing excess impervious surface coverage is in part related to the unusually shaped, long, winding driveway serving the single-family dwelling.

7. Applicant testified to no existing stormwater issues on site.

8. The lot backs up to a wooded lot.

9. Applicant has proposed a stormwater best management practice to address any impervious surface in excess of the permitted 15%.

10. No one spoke in opposition to the application.

11. 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, but for an existing excess of impervious surface coverage of 19.2% where 15% is permitted.

2. The in-ground swimming pool proposed by Applicants is a reasonable residential amenity.

3. Applicants requires a variance from §175-33 of the Ordinance to permit up to 21.4% impervious surface coverage on the lot.

4. 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).

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.

6. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.

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

8. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief, as is set forth hereafter.

**ORDER**

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-33 of the Doylestown Township Zoning Ordinance to permit Applicants to construct an in-ground swimming pool on the subject lot with an impervious surface coverage of 21.4%, subject the following specific conditions:

1. The grant of relief for up to 21.4% impervious surface coverage on the Subject Property is limited to the additional impervious surface coverage resulting from the proposed pool, consistent with the May 1, 2023 Proposed Pool Plot Plan, prepared by Finelli Consulting Engineers.
2. Applicants are to prepare a stormwater best management practice, identified by the Applicants as roof leaders leading to a sump inlet, to be designed for review and approval by the Township Engineer.
3. Applicants must sign and record a Stormwater Management Maintenance Agreement, to the satisfaction of the Township Solicitor, and record same at Applicants' expense.
4. Applicants shall comply in all other respects with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF  
DOYLESTOWN TOWNSHIP**

Thomas E. Panzer, Solicitor  
Doylestown Township  
Zoning Hearing Board  
High Swartz LLP  
116 East Court Street  
Doylestown, PA 18901  
(215) 345-8888

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

/s/ Mitchell Aglow  
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo  
Samuel Costanzo, Secretary