

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

Application No. Z-2-2012

Applicant: Kinyon Custom Construction, LLC
75 Springs Drive
Doylestown, PA 18901

Owners: Steve and Thelma Casale
709 West Sandy Ridge Road
Doylestown, PA 18901

**Subject
Property:** Tax Parcel No.9-30-18, which is located at the address of the
Owners set forth above.

**Requested
Relief:** The Applicant requests a special exception, pursuant to §175-37.B
of the Doylestown Township Zoning Ordinance ("Ordinance"), in
order to use a portion of the home as an in-law suite.

**Hearing
History:** The application was filed in Doylestown Township on March 5,
2012. The hearing was held at the Doylestown Township Building,
425 Wells Road, Doylestown, PA. 18901 on April 16, 2012.

Appearances: Applicant Pro Se'

Date of Issuance: **May 15, 2012**

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 hearings held.

2. The Applicant is a general contractor employed by the Owners of the property to renovate the interior of the existing home located on it to include a proposed in-law suite. As such, the Applicant is 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. It contains the Owners' single family detached dwelling, in-ground swimming pool; access driveway and parking area; and access walkways.

4. Thelma Casale, one of the Owners of the subject property, appeared at the hearing and indicated her desire to create an in-law suite in the home for her own use, allowing the majority of the existing residential structure to be occupied by Steve Casale, her son, his wife and their two (2) children.

5. An in-law suite is permitted in the R-1 Zoning District of the Township by special exception, pursuant to Ordinance §175-37.B.

6. An in-law suite is defined at §175-16.H.12, which provides that this use is to allow for related family members to reside on the subject property, but to prohibit the creation of for-profit apartments in districts where multi-family housing is otherwise not permitted.

7. In order to obtain a special exception for an in-law suite use on the subject property, the Applicant must evidence compliance with nine (9) conditions set forth at §175-16.H.12. Each of those conditions will be discussed hereafter.

8. The Applicant has established that the in-law suite will be 693 square feet in size and that the floor area of the subject property is 2,838 square feet. Accordingly, the proposed in-law suite will occupy 24.418% of the floor area property.

9. The in-law suite will contain separate cooking, sleeping, living and bathroom facilities.

10. The in-law suite is proposed to be located on the lower or ground level of the existing split-level residential structure. No new separate structure will be constructed. Although located on the lower level, the in-law suite is not located in a prohibited cellar area.

11. The Applicant evidenced that there is sufficient area within the existing paved parking area on the subject property to accommodate one (1) additional off-street parking space for the proposed in-law suite.

12. The in-law suite will be occupied only by related family members.
13. There will be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single family dwelling or which otherwise detracts from the single family character of the neighborhood.
14. This will be the only in-law suite permitted on the subject property.
15. The Owners have agreed to the registration of the in-law suite and to compliance with any annual fees imposed upon such use by the Doylestown Township Board of Supervisors.
16. The Applicant presented a letter from the Bucks County Department of Health dated February 6, 2012, (Exhibit "A-1") which evidences that an appropriate certification can be received from that Board as to adequacy of the waste water facilities on the subject property.
17. The Applicant agreed that the receipt of such a certification shall be a condition of approval
18. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The use of a portion of the residential structure on the subject property as an in-law suite is permitted by special exception in the Zoning District in which it is located.
2. As set forth in the Findings of Fact, the Applicant has evidenced compliance with all nine (9) conditions imposed upon the grant of a special exception for an in-law suite use.
3. The Board concludes, upon consideration of the additional factors set forth in Ordinance §175-138 governing the grant of any special exception, that the Applicant has satisfied the Board, provided the appropriate certification from the Bucks County Board of Health as to adequacy of waste water facilities is received, that it has complied with all factors necessary to warrant the grant of the special exception.
4. Accordingly, the members of the Doylestown Township Zoning Hearing Board in attendance at this hearing ¹ determined, unanimously, to grant the Applicant's request 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 to permit the use of a portion of the home on the subject property as an in-law suite, consistent with the Findings of Fact and subject to compliance with all other applicable governmental ordinances and regulations.

¹ Board Chairman Andrew McPherson recused himself from this proceeding as he received notice of the hearing as a neighboring property owner impacted by the application.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: William J. Lahr, lsl
William J. Lahr, Vice Chair

Richard K. Gaver, lsl
Richard K. Gaver

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.