

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

**Application No.** Z-2-2013

**Applicant:** Mike and Amy Houser  
116 Park Drive  
Doylestown, PA 18901

**Owner:** LaFonda Houser  
116 Park Drive  
Doylestown, PA 18901

**Subject Property:** Tax Parcel No. 9-11-6, which is located at the address of the Applicants set forth above.

**Requested Relief:** The Applicants request a special exception, pursuant to §175-37.B of the Doylestown Township Zoning Ordinance ("Ordinance"), in order to permit the conversion of a detached garage on the subject property to an in-law suite. A variance is requested from §175-16.H-12.a to permit the in-law suite to exceed 25% of the total usable floor area of the principal residence. Additionally, the Applicants request a variance from §175-39 to allow that use within the detached garage, which is located at a side yard setback distance of 15 feet, instead of the required 25 feet.

**Hearing History:** The application was filed in Doylestown Township on February 15, 2013. The hearing commenced on March 18, 2013 but was continued, at the request of the Applicants, in order to provide accurate measurements to establish compliance with Ordinance requirements. The hearing reconvened and concluded on April 15, 2013 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicants Pro Se'

**Date of Issuance:** April 30, 2013

## 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 son and daughter-in-law of the owner of the subject property. They intend to purchase the property from the owner, Mr. Houser's mother, and live there. Accordingly, the Applicants are possessed of the requisite standing to make application to this Board.
3. The subject property is approximately .56 acres in size and is located in the R-1, Residential Zoning District of Doylestown Township. It is improved with the owner's single family detached dwelling, a one story; 1.5 car detached garage; and a typical access driveway and walkways.
4. The Applicants propose to convert the existing detached garage to an in-law suite in which the present owner will reside.
5. The detached garage is 411.25 square feet in size and located at a side yard setback distance of 15 feet, 4.5 inches from its nearest side property line.
6. Pursuant to Ordinance §175-16.H-3.e, detached garages are considered accessory structures and are permitted to be located no closer than 15 feet to a side property line. Accordingly, the detached garage is located in compliance with the Ordinance. By converting it to an in-law suite, however, the structure is no longer considered an accessory structure under the Ordinance. Its location is at less than the 25 foot side yard setback distance required by §175.39 of the Ordinance for principal structures.
7. There will be no addition to the detached garage; rather, the in-law suite is proposed within the existing footprint of it.
8. An in-law suite is permitted by special exception on the subject property provided compliance with the criteria for that use set forth at Ordinance §175-16.H-12.
9. The Applicants propose only one in-law suite on the subject property to allow for a related family member to reside in it. The Applicants understand that the Ordinance prohibits the creation of for-profit apartments in the R-1 Zoning District.
10. The credible evidence presented by the Applicants indicates that the total useable floor area of the principal residence, not including the garage, is 1,540 square feet. The in-law suite is proposed to occupy the existing 411.25 square feet contained

within the detached garage. Accordingly, the proposed in-law suite will occupy 26.3% of the total usable floor area of the principal residence.

11. The Applicants have requested a variance from the provision that limits the area of an in-law suite to 25% of the total usable floor area. The Board finds, on the basis of the credible evidence presented, that reducing the area of the existing detached garage to meet the 25% limitation does not make sense in this instance, since that area exists presently.

12. The Board finds, as to the criteria set forth to justify a special exception for an in-law suite set forth at §175-16.H-12, as follows:

- (a) If the Applicants' request for variances is granted, the in-law suite would be permitted to occupy 26.3% of the total principal floor area, instead of maximum 25% thereof.
- (b) The in-law suite will contain separate cooking, sleeping, living and bathroom facilities.
- (c) The in-law suite is proposed within an existing accessory structure on the subject property. No new separate structures on the same lot with the principal residence will be constructed. The in-law suite will not be located in a cellar area as defined in the Ordinance.
- (d) The Applicants have established that the existing 48 foot x 25 foot driveway provides adequate area for off-street parking for both the two parking spaces required for the residential use, and for the additional one required for the in-law suite proposed.
- (e) The in-law suite shall be occupied only by a person or persons related to the Applicants.
- (f) There will be no changes to the exterior of the structure or residence which suggests that the dwelling unit is other than a single family dwelling.
- (g) The in-law suite proposed is the only one suggested for the subject property.
- (h) The Applicants have agreed to the requirements to register the in-law suite use with the Township Zoning Officer and to comply with annual registration requirements and fees.
- (i) The Applicants will provide a certification from an appropriate regulatory agency certifying the waste water facilities are adequate to accommodate the single family dwelling, as well as the in-law suite, at the time of building permit application.

13. Although the detached garage is permitted to be located at its existing side yard setback distance of 15 feet, 4.5 inches, its conversion to an in-law suite will violate the 25 feet side yard setback distance required by §175.39 of the Ordinance.

14. The Board finds that it is practically and economically impossible to relocate the existing detached garage to a conforming side yard setback distance.

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

## CONCLUSIONS OF LAW

1. The subject property has been developed and used as permitted by right in the R-1 Zoning District.
2. An in-law suite, provided compliance with §175-16.H-12, is permitted by special exception on the subject property.
3. The Applicants have established compliance with all of the applicable criteria set forth at §175-16.H-12, with the exception of the limitation of its area to 25% of the total use floor area of the principal structure.
4. The Board concludes, on the basis of the competent evidence presented, that the slight increase over that limitation, to 26.3%, is, given the existence and size of the detached garage, de minimis in nature, requiring no finding of hardship. However, the Board does conclude that it would be a significant impact and hardship to require the relocation or reconstruction of the detached garage to conform to its size and side yard setback requirements.
5. The Applicants have established evidence of sufficient factors to warrant the grant of the dimensional variances requested. Further, upon receipt of those dimensional variances, the Applicants have come into compliance with the requirements of the Ordinance to obtain a special exception.
6. The Board concludes that the grant of the relief requested by the Applicants will have no negative impacts upon surrounding properties or uses.
7. The variances sought are the minimum variances necessary to afford reasonable relief to the Applicants.
8. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief as is set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township grants a variance from §175-16.H-12.a to permit the conversion of the existing floor area of the detached garage to an in-law suite which will occupy 26.3% of the total useable floor area of the principal residence, not including the garage, instead of the maximum permitted 25%. Further, a variance is granted from §175-39 to permit the continued location of the structure, now as an in-law suite, at a side yard setback distance of 15 feet 4.5 inches. Lastly, the Board grants a special exception, pursuant to §175-37.B, to permit the conversion of the detached garage to an in-law suite, conditioned upon compliance with all other applicable governmental ordinances and regulations and the requirement of certification of the adequacy of waste water facilities to the Township Zoning Officer at the time of building permit application.

**ZONING HEARING BOARD OF  
DOYLESTOWN TOWNSHIP**

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

William J. Lahr  
William J. Lahr, Vice Chairman

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.