

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

Application No. Z-4-2011

Applicant: Virginia H. Molis
26 Sauerman Road
Doylestown, PA 18901

**Owner of
Premises:** Same

**Subject
Property:** Tax Parcel No. 9-23-15 which is located at the address of the Applicant set forth above.

**Prayer of
Relief:** The Applicant requests a variance from §175-16.H.3.e of the Doylestown Township Zoning Ordinance ("Ordinance") in order to allow the construction of a detached garage at a side yard setback distance of less than the fifteen (15) feet required thereby. The Applicant has also filed an appeal from the Doylestown Township Zoning Officer's determination to deny a building permit pursuant to that section and §153-27.A.4 of the Township's Subdivision and Land Development Ordinance.

Hearing History: The application was filed in Doylestown Township on May 10, 2011. The hearings were held at the Doylestown Township Building, 425 Wells Road, Doylestown, PA. 18901 on June 20, 2011 and July 18, 2011.

Appearances: Applicant Pro Se'

Date of Issuance: August 8, 2011

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 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. It is improved with the Applicant's detached single family home and a detached one (1) car garage that is presently setback 17'8" from its nearest side lot line.
4. The driveway accessing the garage is located between the structure and the same side property line. As it exists, it is setback at a distance of 12'8" from that line.
5. The Applicant credibly testified that the existing garage is dilapidated and deteriorating and now functions only for storage purposes.
6. The Applicant's family owns two (2) motor vehicles. The Applicant desires to rehabilitate the garage and extend it five (5) feet towards its nearest side property line, resulting in a side yard setback distance of 12' 8".
7. Ordinance §175-16.H-3.e permits detached garages as accessory to residences in the R-1 District. However, it requires that such detached garages shall be located no closer than fifteen (15) feet to a side property line.
8. The side yard setback distance proposed, in addition to allowing storage of two (2) vehicles, will locate the proposed detached garage at the same setback distance as the existing access driveway.
9. On March 11, 2011, in a response to the Applicant's request for a building permit to construct the detached garage as proposed, Doylestown Township's Director of Code Enforcement, Sinclair Salisbury, issued a letter (Exhibit B-1.A) denying the building permit by reason of the proposed location of the detached garage at less than the side yard setback distance required by the Ordinance.
10. Included within the relief sought by the Applicant in this matter is an appeal from that determination.
11. Based upon the evidence presented, the denial of the permit is authorized by reason of the failure of the proposed structure to comply with side yard setback distance requirements of the Ordinance.

12. The subject property is unusually configured. Its property dimensions are a width of 100 feet and a depth of 400 feet.

13. The Applicant's evidence credibly established that the detached garage cannot be located at the fifteen (15) foot side yard setback distance by reason of the fact that such a location would obstruct the existing septic system location on the subject property and further, it would preclude a safe turn around area on the driveway to enable vehicles to access Sauerman Road without backing out of the driveway.

14. The Applicant also established, as an additional factor to justify its dimensional variance, that the side yard property in question is shared with Sauerman Park, a Township recreational area.

15. The Applicant's building contractor verified that the structure itself will be located at the 12' 8" setback distance proposed and that there will be no roof overhang as a gable type of roof is to be constructed.

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

CONCLUSIONS OF LAW

1. The Applicant desires to rehabilitate a dilapidated detached garage, and expand it in order to accommodate the family's two (2) vehicles, is logical, reasonable in size, and necessary to allow the safe and secure storage of those vehicles.

2. The Applicant has credibly substantiated the need to locate the proposed garage at a setback distance of 12' 8" as follows:

a. Ordinance compliance would adversely impact the existing septic system; and

b. Ordinance compliance would result in the potential backing out of vehicles to Sauerman Road, which this Board views to be unsafe and unnecessary.

3. The location of the detached garage, as proposed, is also reasonable given that it will align with the existing access driveway.

4. Given the adjacent use and the unusual configuration of the property, the Board views that the location of the detached garage, and its side yard setback distance will have no negative impact upon surrounding properties or uses.

5. The proposed detached garage will increase the residential utility of the subject property and improve it aesthetically.

6. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.

7. On the other hand, the Township's Director of Zoning Enforcement was justified in issuing the permit denial in light of the clear Ordinance requirement for a fifteen (15) foot side yard setback distance.

8. Accordingly, the Applicant's appeal from that determination is denied.

9. As a result, the Doylestown Township Zoning Hearing Board determined, unanimously, to the following.

WHEREFORE, the Zoning Hearing Board of Doylestown Township DENIES the Applicant's appeal of the March 3, 2011 building permit denial issued by Doylestown Township's Director of Code Enforcement. However, the Board GRANTS the Applicant's request for a variance from §175-16.H-3.e of the Doylestown Township Zoning Ordinance in order to permit the construction of a detached garage on the subject property at a side yard setback distance of 12' 8", as depicted in Exhibit A-1, subject to compliance with all other applicable governmental ordinances and regulations and the specific condition that there shall be no roof overhang that would further intrude into the side yard setback distance.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

William J. Lahr, lsl
William J. Lahr

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.