

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

Application No. Z-1-2011

Applicant: Doylestown Hospital
595 West State Street
Doylestown, PA 18901

Owner of Premises: Doylestown Hospital
595 West State Street
Doylestown, PA 18901

Subject Property: Tax Parcel No. 9-4-2 and 9-4-2-2- which are collectively located at 777 Ferry Road, Doylestown, PA. The subject property is developed as the Pine Run Retirement Community.

Prayer of Relief: the Applicant desires to construct twenty-seven (27) sunroom additions to the existing units within the retirement community, 10 of which are proposed to be located within the front yard setback distance of 100 feet required by §164-64.A.3.c of the Doylestown Township Zoning Ordinance ("Ordinance"). Accordingly, variances are sought therefrom¹. Three (3) of the units are proposed to be located within the rear yard setback distance of 75 feet imposed by Accordingly, variances are sought therefrom.

Hearing History: The application was filed in Doylestown Township on February 28, 2011. The hearing was held on April 28, 2011 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA. 18901².

Appearances: Applicant by: G. Michael Carr, Esq.
Eastburn & Gray
60 E. Court Street
Doylestown, PA 18901

Date of Issuance: **June 6, 2011**

¹ The Applicant amended the relief sought to include the front yard variances at the outset of the hearing

² The Applicant agreed to the hearing being scheduled on this date, and waived any timeliness issues raised by the Pennsylvania Municipalities Planning Code in that regard.

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 CR, Commercial Retirement Zoning District of Doylestown Township. It is developed as the Pine Run Retirement Community, a use permitted by right in that district. The two tax parcels that compose the subject property have been consolidated by deed dated June 5, 1998. As merger, the gross lot area of the subject property is 42.1863 acres. Its net area, pursuant to the Ordinance definition, is 40.7938 acres.

4. The Pine Run Community was developed in 1976. Several other retirement communities have been developed in the Central Bucks area since that time that provide modern amenities, so the Applicant desires to construct sunroom additions to 27 of the units within the community in order to increase the living space and remain competitive with other local retirement communities.

5. The additions proposed are sunrooms containing 200 square feet of area, to extend from the existing units a distance of 10 feet with a width of 20 feet.

6. The development of the units proposed is depicted on Exhibit A-1, a Zoning Hearing Board Plan for the Pine Run Community, prepared by Cowan Associates, Inc., dated 1-20-2011.

7. Fourteen (14) of the sunrooms can be constructed consistent with Ordinance requirements.

8. Some of the structures on the subject property exist at front yard setback distances less than 100 feet, as depicted on Exhibit A-1. Ten (10) of the sunrooms proposed will extend 10 feet further into the front yard than the existing non-conforming setback distance.

9. The evidence provided by the Applicant's engineer indicates that the property's frontage along Ferry Road is steeply sloped, and these 10 units will not be visible from vehicular passersby on Ferry Road, or residences across it. One of the residential neighbors confirmed this evidence.

10. Three (3) of the proposed sunrooms are to be attached to structures on the subject property that are presently non-conforming to the 75 foot rear yard setback distance required, as depicted on Exhibit A-1. These 3 units will, similarly, protrude 10 feet further into the rear yard setback.

11. The evidence of mature landscaping greatly diminishes the visual impact of the sunroom additions from neighboring residential properties.

12. Although 5,400 square feet of additional impervious surface will result from the construction of the 27 sunrooms as proposed, the Applicant will reduce the existing impervious surface coverage on the subject property by 6,973 square feet, by reducing the width of existing walkways in the community. The reduced-width walkways will still be adequate for walking purposes and, importantly, for access by emergency vehicles.

13. One residential neighbor testified in support of the Applicant's proposals.

14. Doylestown Township to no position with regard to this application.

CONCLUSIONS OF LAW

1. The Board concludes that improvements of the retirement community, such as is proposed by the addition of sunrooms to several of the units in this application, is necessary for the Applicant to remain competitive, in terms of the design and aesthetics of its units, with more recently constructed retirement communities in the area.

2. The existing use of the property is permitted by right and hence the variances sought are dimensional.

3. Because several of the structures on the property are non-conforming to the front or rear yard setback distances required by the Ordinance, the construction of the proposed sunrooms would be made impossible on units located within those structures, if strict Ordinance compliance is required.

4. The Board concludes that the 3 sunrooms proposed to infringe upon the rear yard setback distances are adequately screened from neighboring residential properties, and their construction will have no impact upon them.

5. A majority of the Board³ determined that the 10 sunrooms proposed to further infringe into the front yard are also adequately screened from view, and will have no impact upon neighboring properties or uses.

6. Accordingly, the Board unanimously determined that the Applicant had presented evidence of sufficient factors to warrant the grant of the rear yard setback dimensional variance. A majority of the Board determined that evidence of sufficient factors to warrant the front yard setback dimensional variances were proven.

WHEREFORE, the Zoning Hearing Board of Doylestown Township GRANTS a variance from §175-64.A.3.c of the Doylestown Township Zoning Ordinance in order to permit the construction of 13 sunroom additions to existing structures at front and rear yard setback distances, as depicted in Exhibit A-1, subject to compliance with all other applicable governmental ordinances and regulations.

³ Bolard Chairman, Andrew McPherson, voted to deny the variances sought from the front yard requirements of the Ordinance.

**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.