

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

Application No. Z-2-2011

Applicant: Delaware Valley College of Science and Agriculture
700 E. Butler Avenue
Doylestown, PA 18901

**Owner of
Premises:** Same as Applicant

Subject Tax Parcel #9-7-42, which is located at 700 E. Butler Avenue in Doylestown Township and operates as the Delaware Valley College of Science and Agriculture.

**Prayer of
Relief:** The Applicant desires to construct a parking field, consisting of approximately one hundred (100) parking spaces, to serve existing academic and athletic facilities. In order to do so, the Applicant requests the following relief from the Doylestown Township Zoning Ordinance ("Ordinance"):

1. A variance from §175-23.B.1 in order to eliminate the obligation to install a dense buffer of vegetation not less than four (4) feet in height around the parking area;
2. A variance from §175-23.B.3 to eliminate the need for the construction of ten (10) foot wide islands between each row of parking spaces; and
3. A variance from §175-23.B.4 to eliminate the requirement to use ten (10%) percent of the proposed parking area as parking islands and planting strips.

Hearing History: The application was filed in Doylestown Township on March 11, 2011. The hearing was held on April 28, 2011 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA. 18901.

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

Date of Issuance: June 6, 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 is therefore possessed of the requisite standing to make application to this Board.
3. The subject property is located in the I, Institutional Zoning District of Doylestown Township. Its use meets the definition of a "School" contained at §175-16.C.2 of the Ordinance.
4. The subject property is approximately 293 acres in size and developed as the college campus.
5. The applicant's Director of Facilities and Operations, Ted Staniewicz, testified that the amount of parking spaces provided on campus has become insufficient due to the growth that the college has experienced. Additionally, the college is sponsoring large community events and an increased outreach program to senior citizens residing in the area.
6. According to Staniewicz, parking for athletic events is insufficient due to the high level of play that the college's athletic teams has achieved in recent years.
7. As a result, parking occurs in unlawful places, such as fire lanes and identified handicapped parking spaces, or on grassy areas not improved for parking.
8. Accordingly, the Applicant proposes the construction of a paved parking area containing one hundred (100) identified and delineated parking spaces and, in addition, a driveway to access the parking area from an existing interior campus roadway. The parking field is proposed to be located in the interior of the campus on the side of the SEPTA regional rail line that bisects it.
9. Its proposed location borders a mature woodland area to the south, the SEPTA rail line to the east, existing athletic fields to the north, and an agricultural research field to the west.
10. The evidence indicates that the closest residential property to the proposed parking area is located at a distance of approximately 600 feet, with an existing parking field and football stadium located within that distance.
11. The Applicant's engineer, Tom Hanna, established that there is an existing steep slope that is located to the southeast of the proposed parking field. Accordingly, in order to provide as many parking spaces as possible, the parking field is

designed so as to accommodate one-way traffic circulation and angled parking, diminishing the width that would be required.

12. However, §175-23.B.3 requires a ten (10) foot wide island to be constructed between each row of parking within a parking area.

13. Similarly impacting this application is §175-23.B.4, which requires that ten (10%) percent of any parking area be devoted to parking islands and planting strips.

14. Accordingly, to accommodate these required features, the width of the parking lot would have to be significantly expanded and, if ordinance compliance would be required, Hanna opined it would result in the disturbance of the existing steep slopes and/or the destruction of a portion of the existing nearby woodlands.

15. Ordinance compliance would further, in Hanna's opinion, require, at the very least, reconfiguration of existing athletic fields in the area of the parking field, or elimination of one of them.

16. Additionally, §175-23.B.1 requires the installation of a dense vegetative buffer, not less than four (4) feet in height around the proposed parking field.

17. As proposed, the location of the parking field is in a mostly unvegetated location bordered by woodlands, athletic fields and the railway.

18. Installation of a dense vegetative buffer around the parking lot, the evidence indicates, makes no sense given its location and use. Further, it would potentially impede access to the pedestrian walkway over the SEPTA line.

19. The plan contemplates subsurface storage of storm water in compliance with the storm water management regulations applicable. Lighting will be low impact and consistent with ordinance requirements.

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

CONCLUSIONS OF LAW:

1. Application of the Ordinance provisions from which variances are sought in this matter would unreasonably require the removal of existing facilities and/or negatively impact natural resources that should be protected and hence, operate as a hardship upon the Applicant's plan to provide needed parking within its campus.

2. Based upon the competent and credible evidence presented, the Board determines that the relief sought represents appropriate modifications of ordinance requirements with de minimis impact.

3. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief as set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township GRANTS variances from of the Doylestown Township Zoning Ordinance as follows:

1. A variance from §175-23.B.1 in order to eliminate the obligation to install a dense buffer of vegetation not less than four (4) feet in height around the parking area;

2. A variance from §175-23.B.3 to eliminate the need for the construction of ten (10) foot wide islands between each row of parking spaces; and

3. A variance from §175-23.B.4 to eliminate the requirement to use ten (10%) percent of the proposed parking area as parking islands and planting strips, subject to compliance with all other applicable governmental ordinances and regulations and construction of the proposed parking field and related features as proposed in the parking lot sketch plan prepared by Gilmore & Associates, Inc. dated 12-21-10, or substantially similar thereto as determined during the land development process.

**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.