

**ZHB #1-2010**

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

**Applicant:** Gina F. Rubel  
Clifford S. Rubel  
2 Hidden Lane  
Doylestown, PA 18901

**Owner of Premises:** Same.

**Subject Property:** Tax Parcel #9-4-22, which is located at the address of the Applicant set forth above.

**Prayer of Application:** The Applicants request a special exception, pursuant to §175-37.B of the Doylestown Township Zoning Ordinance ("Ordinance"), to permit the use of a portion of the barn located on the property as a home-based business, as described in §175-16.H-1. Additionally, the Applicants request variances from §175-16.H-1 to permit five (5) employees, in addition to the resident owners, instead of the maximum permitted two (2) employees, and to permit the floor area for the home-based business to exceed five hundred (500) square feet.

**Hearing History:** The application was filed in Doylestown Township on January 7, 2010. The initial hearing was scheduled for January 28, 2010 but postponed, at the request of the Applicants, due to the unavailability of one of the Board members, and the Applicants' desire to have the hearing before the full Board. The hearing was rescheduled, resumed and concluded on March 8, 2010. Hearings were held at the Doylestown Municipal Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant By: Krista P. Harper, Esquire  
CURTIN & HEEFNER LLP  
1980 South Easton Road, Suite 220  
Doylestown, PA 18901

## 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 Applicants are the Owners of the subject property and therefore possessed of the requisite standing to make this application to this Board.
3. The subject property is located in the R-1, Residential District of Doylestown Township. It is 2.223 acres in size and located at the intersection of Limekiln Road and Hidden Lane in Doylestown Township.
4. The property is known as Pine Run Farm and accommodates a renovated farm residence structure that was originally constructed in 1754. Relevant to this Application, it has a ground floor area of one thousand (1,000) square feet and is the residence of the Applicants and their children.
5. There is also a large barn building, originally constructed as part of the original farm, which was rebuilt in 1917. The testimony indicates that the useable first-floor area of the barn is approximately two thousand (2,000) square feet. This floor was renovated by previous owners and presently accommodates a nine hundred (900) square-foot area within which Ms. Rubel intends to conduct her home-based business. The balance of the first floor is devoted to fitness and movie rooms.
6. Ms. Rubel has been operating a public relations and marketing firm for a number of years. She intends this use to occur within the nine hundred (900) square-foot space on the first floor of the barn. She presently employs one (1) full-time and two (2) part-time workers.
7. The evidence indicates that the barn structure is very expensive to maintain. It is much larger in area than the single-family residence. The first-floor space, which had been previously rehabilitated, is not easily again subdividable.
8. Ms. Rubel testified that in order to assist in the cost of the maintenance and rehabilitation of the barn structure, she hoped to fill the nine hundred (900) square-foot existing space with up to five (5) employees, anticipating an increase in revenues as a result.
9. There is an existing parking area adjacent to the barn, which, the Applicants indicate, can accommodate up to eight (8) vehicles. The evidence does not indicate that the parking area contains delineated off-street parking spaces.
10. §175-37.B of the Ordinance permits the use of a portion of the subject property as a home-based business (Use H-1) by special exception.

11. §175-16.H-1 lists the criteria necessary to establish a special exception for a home-based business.

12. The Board finds, relevant to those criteria, as follows:

(a) The public relations/marketing firm proposed will be accessory to the residence and will be conducted within an accessory structure. Its proposed use is clearly incidental and subordinate to the residential use;

(b) Based upon the evidence, the proposed use will be compatible with the existing surrounding residential uses;

(c) The use of the property is as a single-family, detached dwelling;

(d) There will be no use of show windows, display or advertising visible outside the premises;

(e) There will be no exterior storage of material or building material;

(f) There will be no parking of commercial vehicles on the property;

(g) No methods will be employed in connection with the proposed business activity that would cause the premises to differ from its residential character;

(h) The Applicants will comply with the sign requirements;

(i) No articles will be sold or offered for sale on the premises;

(j) There will be no stockpiling, storage or inventory of products on the premises;

(k) There will be no deliveries to the premises other than by vehicles typically employed for such purpose in residential deliveries;

(l) Although presently compliant, the Applicants propose to expand to up to five (5) employees in order to occupy the available space and generate income to enable the rehabilitation and maintenance of the barn. The Board finds that the evidence presented establishes, as fact, that the Applicants will incur significant costs to continue the maintenance and rehabilitation of the barn structure. Further, the evidence indicates that only approximately one (1%) percent of Ms. Rubel's customers and clients would actually visit the property;

(m) Given that the ground floor area of the principal residential structure is only one thousand (1,000) square feet, a permitted home-based business could not occupy more than two hundred fifty (250) square feet of the barn. Such a limitation would preclude the natural growth of Ms. Rubel's business.

(n) The Applicants have established that there will be no noxious results from the intended use;

(o) There will be no manufacturing, repairing or other mechanical work performed on the property;

(p) The business activity proposed will not generate any solid waste or sewage discharge which is not normally associated with a residential use in the neighborhood;

(q) This provision limits the number of off-street parking spaces to six (6), not including any garage spaces. The Applicant has not sought a variance from this section of the Ordinance which has the effect of limiting the number of employees that can work in the home-based business;

(r) There will be no more than one home-based business located on the property;

(s) The Applicants' hours of operation will be from 8:30 a.m. until 5:30 p.m., Monday through Friday;

(t) The parking spaces required by the home-based business will be located behind existing natural growth and foliage along Hidden Lane and a six (6') foot high privacy fence along Limekiln Road and unobtrusive to any vehicular passersby; and

(u) The business use proposed is a lawful one.

13. Some residential neighbors appeared at the hearing, indicating that they wanted information about the project and were not opposed to it.

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

#### **CONCLUSIONS OF LAW:**

1. The subject property houses an historic agrarian farmhouse and bank barn building.

2. The use of a portion of the barn structure is permitted by special exception in the R-1 District in which the subject property is located pursuant to §175-37.B of the Ordinance.

3. The Board recognizes and applauds the Applicants' commitment to the maintenance of the barn on the property and its future rehabilitation. The Board is mindful that, throughout Bucks County, the salvation of original barn structures is encouraged and that recognition of the expense necessary to do so is given.

4. The size of the barn relative to that of the principal structure precludes the permitted use of a portion of it for a home-based business.

5. The Board accepts that the further partitioning of the existing nine hundred (900) square-foot space, would adversely impact the residential appearance of the barn structure.

6. Given the size of the space available within the barn and the necessity to generate income to defray maintenance expenses, the Board agrees that natural expansion of Ms. Rubel's business is to be anticipated and permitted.

7. However, given that only six (6) parking spaces may be devoted, pursuant to the Ordinance, to the home-based business, the Board determines that there shall be more than six (6) employees, including resident employees, of the home-based business. This has the effect of limiting the potential impact of this use on the residential character of the neighborhood.

8. With the variances approved hereby, the Board concludes that the Applicants have satisfied the criteria necessary to justify the special exception to permit the use of the nine hundred (900) square-foot area located on the first floor of the barn structure as a public relations and marketing firm.

9. The Applicants have satisfied the Board that the variance in the area devoted to the proposed home-based business is necessary.

10. Accordingly, the Doylestown Township Zoning Hearing Board, by a majority vote of 2-1<sup>1</sup>, determined to grant the relief to the Applicant set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township GRANTS a special exception to permit the use of a portion of the property as a public relations and marketing firm pursuant to §175-37.B of the Doylestown Township Zoning Ordinance. It GRANTS a variance from §175-16.H-1(l) to allow up to, but no more than, six (6) total employees, including household members or residents; and from §§(m) to permit the home-based business to occupy an area of nine hundred (900) square feet on the first floor of the barn structure, subject to compliance with all other applicable government ordinances and regulations.

**ZONING HEARING BOARD OF  
DOYLESTOWN TOWNSHIP**

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

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<sup>1</sup> Board Chairman McPherson voted against the Motion to grant relief.

William J. Lahr  
William J. Lahr

William J. Hodgkiss  
William J. Hodgkiss

**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.