

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

Application No. Z-5-2016

Applicant: Eileen McDonnell
179 Ash Way
Doylestown, PA 18901

Owner: Same.

**Subject
Property:** Tax Parcel No. 9-31-88 which is located at the address of the Applicant set forth above.

**Requested
Relief:** The Applicant desires to construct an addition, approximately 90 square feet in size, and requests a variance from §175-33 from the Doylestown Township Zoning Ordinance (“Ordinance”) in order to exceed the maximum impervious surface coverage ratio of 15% permitted thereby.

**Hearing
History:** The application was filed in Doylestown Township on August 23, 2016. The hearing was held on Monday, September 19, 2016 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Pro Se'

Mailing Date: October 14, 2016

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 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-1a, Residential Zoning District of Doylestown Township, and accommodates the Applicant's single-family detached dwelling (Use B-1) with typical residential access walkways and a driveway, an in-ground swimming pool, pool house, and surrounding brick work.

4. The Subject Property is undersized and nonconforming to the minimum lot area requirement of 2 acres set forth at Ordinance §175-33. It is approximately 43,560 square feet in size.

5. The Subject Property is also nonconforming to the maximum permitted impervious surface coverage ratio of 15% set forth in that same Ordinance section. Its existing impervious surface coverage ratio is 15.1%.

6. The Applicant credibly testified, and the Board finds, that all of the impervious surface on the Subject Property had been permitted by Doylestown Township and, accordingly, that the Subject Property is lawfully nonconforming as to its impervious surface coverage ratio.

7. The Applicant established that the home on the Subject Property accommodates a small galley kitchen that prohibits occupation by two people at the same time. The Applicant, her daughter, and her mother would all prefer to be in the kitchen at various times as all are interested in cooking.

8. Accordingly, the Applicant proposes the construction of a 81 square foot addition to the kitchen in order to increase its size and accommodate more than one person.

9. That small proposed addition of impervious surface increases the nonconforming impervious surface coverage ratio from 15.10% to 15.37%.

10. The Subject Property, and the proposed addition, are depicted in Exhibit B-1.D, a sketch plan prepared by Scott Starke, a residential neighbor to the Applicant.

11. Exhibit B-1.B proposes the addition of three new trees in order to offset the impact of the additional 81 square feet proposed. The trees will be located as depicted on Exhibit B-1.D.

12. The Board finds the Applicant's testimony to be credible that the planting of these trees will assist in the stormwater management of the Subject Property and lessen any impact of the small addition proposed.

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

CONCLUSIONS OF LAW

1. The Subject Property has been developed and used as is permitted by right in the R-1a Zoning District.

2. The Subject Property is lawfully nonconforming as its lot area and maximum impervious surface coverage ratio.

3. These lawful nonconformities represent hardships that would preclude the construction of any addition to the Subject Property.

4. The expansion of the kitchen proposed is logical, reasonable in size, and necessary in order to improve the kitchen in the Subject Property and bring it up to current residential standards.

5. The credible evidence presented leads the Board to conclude that any impact of the proposed addition on stormwater runoff will be minimized as a result of the planting of trees proposed in Exhibit B-1.B.

6. The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses.

7. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

8. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.

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

10. Notwithstanding this Board's conclusion that hardship exists on the Subject Property which warrants the grant of the variance requested, the Board further concludes that the variance requested is so small as to be de minimis in nature.

11. The Board further concludes that rigid compliance with the impervious surface coverage ratio limitations of Ordinance §175-33 is not necessary to preserve the public interest sought to be protected by the Ordinance and is mitigated by the tree planting proposed.

12. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant relief to the Applicant and the Subject Property as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-33 of the Doylestown Township Zoning Ordinance to construct an addition, approximately 81 square feet in size, as depicted on Exhibit B-1.D, a sketch plan of the Subject Property, that will result in an impervious surface coverage ratio of 15.37%, instead of the maximum permitted 15%. The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations, and the specific condition that the Applicant plant 3 trees on the property as described in Exhibit B-1.B and located as proposed on Exhibit B-1.D.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ William J. Lahr
William J. Lahr, Chairman

/s/ Mitchell Aglow
Mitchell Aglow, 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.