

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

Applicant: Doylestown Country Club
20 Country Club Lane
Doylestown, PA 18901

Owner: Same.

Subject Property: Tax Parcel No. 09-009-087, which is located at the address of the Applicants set forth above.

Requested Relief:

Applicant seeks to reconfigure the existing parking lot and construct an addition and related renovations to the existing clubhouse. In so doing Applicant, requests an interpretation of the following provisions of the Doylestown Township Zoning Ordinance ("Ordinance") or a variance therefrom: (1) §175-23.A.1, a determination that the current 9' x 18' parking space dimension is an existing nonconforming condition and no variance is required, or in the alternative, a variance to permit the new parking spaces to have dimensions of 9' x 18', where 10' x 20' is required; (2) §175-21.B and §175-16(C)(7)(C), a determination that the current parking area encroachment in the buffer yard abutting residential properties is an existing nonconforming condition and no variance is required, or in the alternative, a variance to permit an expansion of the existing nonconforming condition, where no parking area shall be permitted in the buffer yard and where the property is in a residential district and abuts residential uses; (3) §175-23.B(4), a determination that, since the current parking area does not have any existing planting islands and/or planting strips (where no less than 10% of the parking area shall be used for parking islands and planting strips is required), it is a legal existing nonconforming condition and no variance is required, or in the alternative, a variance to permit an expansion of this existing nonconforming condition. Applicant further seeks the following relief: (4) §175-17, to not provide all required setbacks and buffers for the entire site when applying for building permits as the proposed project only affects one small piece of the property; (5) §175-27(B), to not provide natural resource calculations for the entire site when applying for building permits as the proposed project only affects one small piece of the property; (6) §175-38, to not provide site capacity calculations for the entire site as the proposed project only affects one small piece of the property; and (7) §175-39, to not provide lot area and dimensional requirements for the entire site as the proposed project only affects one small piece of the property.

Hearing

History: The application was filed in Doylestown Township on July 8, 2022. The hearing was held on August 15, 2022 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Daniel Lyons, Esq.
Fox Rothschild, LLP
2800 Kelly Road, Suite 200
Warrington, PA 18976

Mailing Date: September 28, 2022

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 within the R-1, Residential Zoning District of Doylestown Township, pursuant to the Doylestown Township Zoning Map. The Subject Property consists of approximately 118 acres and is improved by the Doylestown Country Club, including existing clubhouse, parking fields, accessory buildings, and a swimming facility.

4. Applicant seeks to update and upgrade its facilities and amenities for its growing membership. As such, Applicant proposes to reconfigure the existing parking lot and construct an addition and related renovations to the existing clubhouse.

5. The renovations proposed for the existing clubhouse include a 4,993 square foot building coverage addition, two stories in height. No variances are requested referable to the building itself.

6. In order to satisfy the Ordinance, and provide for adequate parking for members and guests, the Applicant is proposing to expand the parking lot to the north of the clubhouse. While the addition of impervious surface coverage is not considerable, redesigning and reconfiguring the parking lot will improve its functionality, efficiency, and internal traffic flow while adding 59 parking spaces.

The addition of macadam will encroach into the buffer required between the residential uses to the north and the existing parking lot and drive access.

7. Applicant presented expert testimony, and a Zoning Plan dated August 27, 2021, last revised June 30, 2022, and sealed by Daniel B. Humes, PA PE, Van Cleef Engineering Associates, LLC, dated July 6, 2022. The testimony and the plan reflect that the new parking area will encroach no closer than the closest aspect of the existing parking field. The existing parking field is 16 feet 2 inches from the residential properties to the north. The new parking field will extend that line at 16 feet 2 inches, where 30 feet is required.

The access drive and western end of the parking field is presently 7 feet 7 inches from the adjacent residential properties. That 7 foot 7 inch line will be extended to accommodate the additional parking field and handicapped parking spaces, consistent with the Zoning Plan submitted.

8. Applicant did submit a copy of the aforementioned Zoning Plan, reflecting existing features (A-2), as well as proposed features (A-1), along with site photographs (A-3), aerial photographs (A-4), an Aerial Overlay Plan (A-5), and several renderings of the proposed clubhouse (A-6).

9. In addition to requesting relief from the aforementioned parking provisions, Applicant also sought several variances to permit Applicant to prepare plans which do not reflect and incorporate the entire 118 acre property where the project affects only a small portion of the 118 acre site.

10. A number of nearby property owners were present, some offering comment. Comments included addressing, bolstering, and maintaining the planted buffer and screening area between the parking field and the residential properties. Concerns were addressed through testimony offered by Mr. Eric Hogan, General Manager of the Doylestown Country Club, who testified on behalf of the Applicant.

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

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used as permitted in the R-1 Zoning District pursuant to the Doylestown Township Zoning Map, albeit with certain preexisting legal nonconformities affecting the layout and design of the existing parking lot.

2. With regard to the variances and/or determinations requested by the Applicant, the Zoning Hearing Board concludes as follows:

- a. The ZHB determines that the parking spaces at 9' x 18' represent a lawfully preexisting nonconforming condition, and that the adding of additional parking spaces in an 9' x 18' dimension as opposed to the 10' x 20' dimension required under the current Ordinance, at §175-23.A.1, represents the natural expansion of the preexisting nonconformity;
- b. The ZHB grants a variance from §175-21.B and §175-16(C)(7)(C), to permit encroachment into the buffer yard abutting residential properties to the north of the subject entranceway and parking field, as reflected on the plan submitted;

- c. The ZHB determines that the parking field lacking any parking island and/or planting strips (where §175-23.B(4) required 10% of the parking area shall be used for parking islands and planting strips) represents a lawfully preexisting nonconforming condition and that the additional parking field proposed without islands or planting strips represents a natural expansion of that preexisting nonconformity;
- d. The ZHB grants a variance from §175-17, to not provide all required setbacks and buffers for the entire site when applying for building permits as the proposed project only affects one small piece of the property;
- e. The ZHB grants a variance from §175-27(B), to not provide natural resource calculations for the entire site when applying for building permits as the proposed project only affects one small piece of the property;
- f. The ZHB grants a variance from §175-38, to not provide site capacity calculations for the entire site as the proposed project only affects one small piece of the property; and
- g. The ZHB grants a variance from §175-39, to not provide lot area and dimensional requirements for the entire site as the proposed project only affects one small piece of the property.

3. 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.

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

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

6. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested under the relaxed variance standard applicable to dimensional variance cases, as articulated by the Pennsylvania Supreme Court, in Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d. 43 (1998).

7. Accordingly, the Doylestown Township Zoning Hearing Board determined, by a 2-0 vote, to grant the Applicant's request for relief, as is set forth hereafter.¹

¹ Board Secretary Samuel Costanzo recused himself from this matter and did not participate in the Decision.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the relief from the Doylestown Township Zoning Ordinance, as requested by the Applicant, as follows, subject to conditions.

The relief granted follows:

- a. A determination that the parking spaces at 9' x 18' represent a lawfully preexisting nonconforming condition, and that the adding of additional parking spaces in an 9' x 18' dimension as opposed to the 10' x 20' dimension required under the current Ordinance, at §175-23.A.1, represents the natural expansion of the preexisting nonconformity;
- b. A variance from §175-21.B and §175-16(C)(7)(C), to permit encroachment into the buffer yard abutting residential properties to the north of the subject entranceway and parking field, as reflected on the plan submitted;
- c. A determination that the parking field lacking any parking island and/or planting strips (where §175-23.B(4) required 10% of the parking area shall be used for parking islands and planting strips) represents a lawfully preexisting nonconforming condition and that the additional parking field proposed without islands or planting strips represents a natural expansion of that preexisting nonconformity;
- d. A variance from §175-17, to not provide all required setbacks and buffers for the entire site when applying for building permits as the proposed project only affects one small piece of the property;
- e. A variance from §175-27(B), to not provide natural resource calculations for the entire site when applying for building permits as the proposed project only affects one small piece of the property;
- f. A variance from §175-38, to not provide site capacity calculations for the entire site as the proposed project only affects one small piece of the property; and
- g. A variance from §175-39, to not provide lot area and dimensional requirements for the entire site as the proposed project only affects one small piece of the property.

The above relief is granted subject to the following specific conditions:

1. Applicant shall proceed through the land development process, and during that process prepare landscape plans which address screening between the new parking area and the Comisarow property, located on Hillendale Drive, to the north, where plantings are being removed from the existing parking fields adjacent to the Comisarow property. In addition, Applicant is to evaluate and remove dead or dying trees along the residential boundary line to the north as part of the landscape plan in conjunction with the land development.

2. Applicant shall in all respects comply with the land development process and the other ordinances, rules and regulations applicable.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman