

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

Application No.: Z-17-2022

Applicants: Jennifer & Joseph Notte
1225 Pebble Hill Road
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-022-141, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to add or extend a roof onto a garage of a nonconforming building. The resulting structure is proposed to be 25-feet from the street line. §175-34 of the Doylestown Township Zoning Ordinance (“Ordinance”) requires a 100-foot front yard. Existing conditions include a 37-foot front yard setback for the structure to be altered and a 21.7-foot front yard for the existing primary single-family dwelling structure. §175-112.B(1) of the Ordinance permits alteration of a nonconforming structure provided the alteration does not increase the nonconformity. Applicants seek variances from the Ordinance accordingly.

Hearing History: The application was filed in Doylestown Township on November 18, 2022. The hearing was held on January 9, 2023, at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Mr. Joseph Notte, *Pro Se*

Mailing Date: February 21, 2023

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 Applicants are the Owners of the Subject Property and therefore possess 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. The lot is approximately 6 acres and is used by Applicants as their primary residence.
4. Applicants seek to add or extend a roof onto an existing barn/garage, a nonconforming building. The resulting structure is proposed to be 25-feet from the street line. The current barn/garage is 37-feet from the street line.
5. The existing single-family dwelling structure is 21.7-feet from the street line.
6. §175-34 of the Doylestown Township Zoning Ordinance (“Ordinance”) requires a 100-foot front yard.
7. §175-112.B(1) of the Ordinance permits alteration of a nonconforming structure provided the alteration does not increase the nonconformity.
8. Mr. Notte testified of their recent purchase of this historically significant home, and their efforts to restore it.
9. The age of the structures accounts for the existing nonconformities, an existing condition that Applicants did not create and cannot change.
10. Mr. Notte desires to use the additional space for needed storage.
11. No other location exists in and around the garage or house to place the expanded roof as these areas are populated with established and healthy trees.
12. Mr. Notte showed pictures of the existing nonconformities and the proposed roof.
13. The roof addition would add 276 square feet to the existing garage.
14. The 276 square feet area is the minimal area needed to provide Applicants relief.
15. The proposed roof addition to the existing garage, extends but does not increase the extent of nonconformity on the lot. The existing dwelling is closer to the street line than the proposed garage addition.

16. No one spoke in opposition to the application.
17. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.
2. 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.
3. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.
4. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
5. In the alternative, the Applicants have 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).
6. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS Applicants' request for a variance from §175-34 and from §175-112.B(1) of the Doylestown Township Zoning Ordinance to permit Applicants to add or extend a roof onto a garage of a nonconforming building leaving a minimum 25-foot front yard from the addition to the street line. Applicants' variances are subject to compliance with all applicable governmental ordinances and regulations and the following specific conditions:

1. Applicants shall comply with the averments in the Application, and the testimony and exhibits introduced at the hearing in this matter.
2. The roof over the garage shall never be enclosed.
3. The roof structure shall be limited to the area shown on the plan attached to the Application, Board Exhibit ZHB-1; 12' x 23' or 276 square feet.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary