

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

**Docket No.:** Z-22-23

**Applicants:** Peter & Donna Acquavella  
2038 Country Club Drive  
Doylestown, PA 18901

**Owners:** Same.

**Subject Property:** Tax Parcel No. 09-057-053, which is located at the address of the Applicants set forth above.

**Requested Relief:** Applicants seek to have constructed an in-ground swimming pool accessory to the existing single-family dwelling. The impervious surface coverage on the subject lot, post construction, is proposed at 30.1%. §175-38 of the Doylestown Township Zoning Ordinance (“Ordinance”) permits a maximum of 20% impervious surface coverage within the R-1 Residential Zoning District. Applicants seek a variance accordingly.

**Hearing History:** The application was filed in Doylestown Township on December 20, 2024. Hearings were held on January 25, 2024, and February 22, 2024, at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicants, *Pro Se*

**Mailing Date:** April 8, 2024

## 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 possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the R1, Residential Zoning District of Doylestown Township. The lot area is 18,578 square feet (gross). The property accommodates the Applicants' single-family dwelling with usual and customary residential improvements.

4. Applicants seek to have constructed an in-ground swimming pool, in the rear yard, accessory to the existing single-family dwelling. The impervious surface coverage on the subject lot, post construction, is proposed to exceed 20%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 20% impervious surface coverage. Applicants seek a variance accordingly.

5. "Impervious surface ratio" is a defined term within the Ordinance. The term is defined as, "The total area of all impervious surfaces divided by the net buildable site are, as defined in Article V." see, Ordinance §175-9.

6. "Impervious surface is a defined term within the Ordinance. The term is defined as, "Any surface which does not absorb rain; all buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, packed stone or other equivalent surfaces." see, Ordinance §175-9.

7. "Net buildable site area an impervious surface ratio" is addressed in Ordinance §175-27.E, as follows

E. Net buildable site area and impervious surface ratio.

- (1) Net buildable site area is calculated for the purpose of determining allowable impervious surface and land permitted to be developed. Net buildable site area equals total lot area contained in the subdivision or land development application:
  - (a) Minus ultimate rights-of-way of existing streets;
  - (b) Minus land which is not contiguous or which is separated from the site by a road or railroad;
  - (c) Minus land shown on previous subdivision or land development plans as reserved for open space or other uses which restrict it from development;
  - (d) Minus all land restricted by easements or covenants; and

(e) Minus land required to be left open for resource protection or to meet minimum open space requirements of this chapter.

(2) Impervious surface permitted to be developed = net buildable site area x impervious surface ratio required by this chapter.

8. Applicants testified to the on-site features, including steep slopes to the rear of the lot. The pool is being located to the rear of the dwelling, and the slopes will therefore be affected.

9. Applicants provided a revised engineered Pool Plot Plan, prepared by Integrated Engineering, LLC, dated 11/2/9/2023, last revised 02/14/2024, which reflected calculations to arrive at net buildable site area, and therefore the appropriate impervious surface coverage calculation. The plan supports the existing gross site area of 18,578 sf, and the existing natural resources to be protected, pursuant to Ordinance §175-27.E, 3,423 sf, resulting in net buildable site area of 15,155 sf.

10. Applicants propose adding 1,052 sf of impervious surface coverage as part of the pool project.

11. The additional 1,052 square feet of impervious coverage increases the impervious surface coverage on site to 4,558, for a total of 30.1% impervious surface ratio (4,558 impervious coverage / 15,155 net buildable site area).

12. The ZHB observes that the existing impervious surface coverage exceeds 20% (at 23.1%), without existing stormwater management controls.

13. An in-ground swimming pool is a reasonable residential amenity.

14. As part of the present project, Applicants have prepared a stormwater management plan which will reduce impervious surface coverage to an “effective rate” of 20% by managing stormwater runoff for impervious surface coverage greater than 20%.

15. No one spoke in opposition to the application.

16. 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, but for an existing impervious surface ratio in excess of the permitted 20%, without corresponding storm water management best management practices or controls.

2. Applicants seek to have constructed an in-ground swimming pool, in the rear yard, accessory to the existing single-family dwelling. The impervious surface coverage on the subject lot, post construction, is proposed at 30.1%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 20% impervious surface coverage. Applicants seek a variance accordingly.

3. 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).

4. 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. The ZHB has imposed certain conditions in an attempt to address any possible negative impacts.

5. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.

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

7. 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 a variance from §175-38 of the Doylestown Township Zoning Ordinance to permit construction of an in-ground swimming pool and related improvements in which post construction impervious surface coverage is 30.1% where a maximum of 20% is otherwise allowed.

The relief granted is subject to the following conditions:

1. Applicants shall provide to the Township an as-built survey plan illustrating the 30.1% impervious surface coverage to close out the permit process, to the satisfaction of the Township.
2. Applicants must have prepared a stormwater management plan, by a licensed professional, to be reviewed by the Township Engineer, to account for and manage the stormwater for the impervious surface greater than 20%, thereby creating an “effective impervious surface ratio” of 20%.
3. Applicants must comply in all other respects with all other applicable governmental ordinances and regulations, including obtaining a pool permit.

Thomas E. Panzer, Esq.  
Solicitor  
Doylestown Township  
Zoning Hearing Board  
High Swartz LLP  
116 East Court Street  
Doylestown, PA 18901  
(215) 345-8888  
E-Mail: tpanzer@highswartz.com

**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