

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

Docket No.: Z-5-24

Applicants: Steve & Clare Cantrell
109 Julie Lane
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-030-195, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants proposed to construct a detached garage on the residential property. As part of the proposed project, Applicants seek a variance from §175-38 of the Doylestown Township Zoning Ordinance (“Ordinance”) to exceed the 20% impervious surface coverage permitted on site.

Hearing History: The application was filed in Doylestown Township on March 15, 2024. The hearing was held on April 25, 2024 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Jim Duffy, *Pro Se*
671 Limekiln Road
Doylestown, PA 18901

Mailing Date: June 10, 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. During the hearing held, the following exhibits were marked and admitted:

ZHB-1: Application filed March 15, 2024 with attachments
ZHB-2: Legal advertisement, proof of publication and posting
ZHB-3: Doylestown Township Zoning Ordinance

Protestor-1: Letter prepared by Jim Duffy
Protestor-2: Flooding in the area nearby
3. Jim Duffy, 671 Limekiln Road, requested and was granted party status.
4. The Applicants are the Owners of the Subject Property and therefore possessed of the requisite standing to make application to this Board.
5. The Subject Property is located in the R-1, Residential Zoning District of Doylestown Township. The lot area is 25,037 square feet. The Subject Property accommodates the Applicants' single-family dwelling with customary residential amenities.
6. Applicants proposed to construct a 700 square foot detached garage on the residential property. As part of the proposed project, Applicants seek a variance from §175-38 of the Doylestown Township Zoning Ordinance to exceed the 20% impervious surface coverage permitted on site and to allow 30.35% impervious surface coverage.
7. The Subject Property is undersized at 25,037 when the Ordinance for the single-family detached B-1 use requires 40,000 square feet minimum lots which results in an allowable 8,000 square feet of impervious surface.
8. Applicants impervious surface coverage if relief is granted, would be under the allowable 8,000 square feet for this use if the lot was not undersized.
9. The Subject Property has several easements that run across it which cannot be built on.
10. As a result of the easements, which must be subtracted out of the lot size, the net buildable site area of the Subject Property is 21,296 square feet.
11. The Applicants' family requires the additional detached garage for the safe keeping of the additional vehicles of their adult children residing with them.
12. Applicants proposed to install an office space on the second floor of the detached garage accessory structure.

13. Applicants would remove the existing shed and pavers on the Subject Property which currently occupy the footprint of the proposed detached garage.

14. Jim Duffy testified that other areas near the Subject Property flood but admitted not as a result of the Applicants' use of the Subject Property.

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

16. Applicants agreed to all conditions set forth by the Zoning Heard Board if relief was granted.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. 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).

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

4. The evidence establishes that the relief sought by the Applicants are 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 Board concludes that there are unique physical characteristics involved with the Subject Property that cause an unnecessary hardship which is not self-created by the Applicants and prohibits use of the Subject Property in strict compliance with the provisions of the Zoning Ordinance.

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 Applicants to construct a 700 square foot detached garage on the residential property with an impervious surface coverage of 30.35% on site where 20% is permitted.

The relief herein granted is subject to the following conditions:

1. Construction of the accessory structure shall be consistent with testimony provided by Applicants during the hearing held and further subject to the plans provided.
2. Applicants are to provide a post-construction “As-Built” Plan to confirm for Doylestown Township that the project was developed without need for additional zoning relief.
3. Applicants must comply with the Bucks County Water and Sewer Authority and Bucks County Board of Health regulations if applicable.
4. Applicants must have a stormwater management plan prepared, by a licensed professional, to be reviewed and approved by the Township Engineer.
5. Applicants must comply with the building permit process, including preparing an erosion and sedimentation control plan to the satisfaction of the Township professionals and staff.
6. Applicants must provide evidence to the Township that Bucks County Water and Sewer Authority has reviewed the existing encroachments on the easements across the Subject Property.
7. Applicants must comply with all other applicable rules, regulations and governmental ordinances.

**ZONING HEARING BOARD
OF DOYLESTOWN TOWNSHIP**

Michael A. Luongo, 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

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary