

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

Docket No.: Z-6-24

Applicants: Ryan & Alison Morris
312 Buker Hollow Road
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-020-098, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek a variance from §175-38 of the Doylestown Township Zoning Ordinance (“Ordinance”) to permit impervious surface coverage to exceed the 20% permitted, and to exceed the approximately 30% existing, to accommodate a partially covered patio in the rear yard.

Hearing History: The application was filed in Doylestown Township on March 18, 2024. The hearing was held on April 25, 2024 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Jane & Raymond Blanchfield, *Pro Se*
320 Bunker Hollow Road.
Doylestown, PA 18901

Phil & Maria Iannuzzi, *Pro Se*
322 Bunker Hollow 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 18, 2024 with attachments
ZHB-2: Legal advertisement, proof of publication and posting
ZHB-3: Doylestown Township Zoning Ordinance (the “Ordinance”)

Applicant-1: Application filed March 18, 2024 with attachments
Applicant-2: Aerial photo of patio
3. The following parties requested and were granted party status:
 - a. Jane & Raymond Blanchfield, 320 Bunker Hollow Road.
 - b. Phil & Maria Iannuzzi, 322 Bunker Hollow Road.
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 15,000 square feet. The Subject Property accommodates the Applicants’ single-family dwelling with customary residential amenities.
6. Applicants seek a variance from §175-38 of the Doylestown Township Zoning Ordinance to permit impervious surface coverage to exceed the 20% permitted, to 35.6%, when 30.24% already exists, to accommodate an 817 square foot patio with a portion covered by an 18’ x 20’ roof in the rear yard.
7. The land of the Subject Property was originally purchased by Toll Brothers, Inc. and passed to The Cutler Group, Inc. for development.
8. Applicants testified that the Subject Property, as developed, was nonconforming at 30.24% impervious surface coverage from the building, driveway and walkway.
9. Applicants testified that the previous owner had installed a 541 square foot unpermitted deck.
10. Applicants retained DiCenso Landscaping to remove the deck and install a larger patio.
11. Applicants testified that DiCenso was responsible for permitting for the project and Applicants never confirm if a permit was obtained.

12. DiCenso installed the 817 square foot patio without permit.
13. Applicants testified that upon learning his contractor had not filed a permit for the patio, they filed this application requesting the abovementioned relief from the Board to bring the Subject Property into compliance.
14. Jane and Raymond Blanchfield testified to the existing stormwater problems in the development that affect their property and their neighbors, the Iannuzzi's property.
15. Phil Iannuzzi testified to confirm the stormwater issues, but he was in support of Applicants' application as long as the effects of the additional impervious surface coverage on the stormwater were mitigated.
16. Edward Devlin of 304 Bunker Hollow testified during public comment in support of the application but confirmed the stormwater issues in the development.
17. Doylestown Township took no position with regard to this application.
18. 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 used but not developed 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 impervious surface coverage to exceed the 20% permitted, to 35.6%, when 30.24% already exists, to accommodate an 817 square foot patio with a portion covered by an 18' x 20' roof in the rear yard.

The relief herein granted is subject to the following conditions:

1. Applicants are to provide an "As-Built Plan" to close out the permit to assure compliance with the ZHB decision.
2. Construction of the 18' x 20' roof shall be consistent with testimony provided by Applicants during the hearing held and further subject to the plans provided.
3. Applicants must survey existing stormwater management system and must have a stormwater management plan prepared, by a licensed professional, to mitigate the increase of impervious to be reviewed and approved by the Township Engineer. Said stormwater management plan shall include provisions to address existing roof leader discharge existing on the Subject Property.
4. Applicants must curtail the point discharge of existing and future stormwater management system (i.e. pop-up emitters) away from the rear property line to terminate on the Subject Property.
5. Applicants must comply with the permit process and all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD
OF DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary