

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

**Docket No.:** Z-11-24

**Applicant:** Scott Hartman, Jr.  
110 Davids Way  
Warrington, PA 18976

**Owners** Same.

**Subject Property:** Tax Parcel No. 09-040-027, which is located at the address of the Applicants set forth above.

**Requested Relief:** Applicant seeks a special exception pursuant to Doylestown Township Zoning Ordinance (“Ordinance”) §175-37.B to construct a use H-12 Accessory Family Apartment.

**Hearing History:** The application was filed in Doylestown Township on April 30, 2024. The hearing was held on June 27, 2024 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant, *Pro Se*

**Mailing Date:** August 9, 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 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 in the R-1, Residential Zoning District of Doylestown Township. The lot area is 1.04 acres. The property accommodates the Applicant's single-family dwelling with customary residential improvements.
4. Applicant seeks a special exception pursuant to Doylestown Township Zoning Ordinance §175-37.B to construct a use H-12 Accessory Family Apartment.
5. The provisions of the Ordinance defining an accessory family apartment are found at §175-16.H(12), and read as follows:

H-12. Accessory family apartment. One accessory dwelling unit to a single-family detached dwelling shall be permitted as a residence by family members or a family caregiver, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to the zoning district wherein the proposed accessory dwelling unit is to be constructed or to be used.

[Added 5-4-1993 by Ord. No. 224; amended 2-16-2021 by Ord. No. 401]

- (a) The accessory family apartment shall occupy no more than 25% of the total usable floor area of the principal residence, not including any garage.
- (b) Accessory family apartments shall be part of the principal residence or may be contained in the existing accessory structure such as a garage.
- (c) The required off-street parking for the principal dwelling plus one additional off-street parking space for the accessory family apartment shall be provided.
- (d) There shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the single-family character of the neighborhood. Manufactured

homes, industrialized housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as an accessory family apartment.

- (e) No more than one accessory family apartment shall be permitted per single-family detached dwelling.
- (f) A maximum of two occupants are permitted in such units. Accessory family apartment shall be occupied by family members or a family caregiver.
- (g) Each accessory family apartment shall be registered with the Township Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by the Township Board of Supervisors for the registration of said use, which said fee shall be fixed periodically by the Board of Supervisors by resolution. Registration of an accessory family apartment shall expire upon conveyance of the property, at which time the new property owner may reregister said use if warranted.
- (h) A certification shall be received from the Bucks County Board of Health or other regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family dwelling as well as the accessory family apartment as defined in this subsection.
- (i) The record owner of the property shall grant a deed restriction limiting such use in accordance with the foregoing provisions in favor of the Township, which agreement shall contain the following provisions:
  - [1] A description of the dimensions and location of accessory use.
  - [2] Being in a recordable document acceptable to the Township for filing with the Bucks County Recorder of Deeds Office. All costs for the preparation and recording of the foregoing document are the responsibility of the applicant for the accessory use.
  - [3] The rental of an accessory family apartment shall not be permitted, nor shall it be used in any way as an income property.

6. Applicant testified to complying with all of the above requirements to accommodate the accessory family apartment.

7. The usable floor area in the existing single-family dwelling is 3,330 square feet (after reducing square footage for the garage). Applicant proposes a 721 square foot accessory family apartment. The accessory family apartment represents 19.2% of the overall usable floor area.

8. Applicant submitted floor plans and elevations prepared by Matthew V. Piotrowski, Architect, in support of the application. Applicant indicated that he would be constructing consistent with those plans.

9. No one spoke in opposition to the application.

10. 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. Applicant has met the specific criteria for the special exception requested. Accordingly, the special exception is granted.

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

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

5. Accordingly, the Doylestown Township Zoning Hearing Board determined, by a 2-0<sup>1</sup>, with conditions, to grant the Applicant's request for relief, as is set forth hereafter.

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<sup>1</sup> Board Member Samuel Costanzo was not present for this hearing and did not participate in the Decision. Applicant had no objection with a two Member Board adjudicating the matter.

## ORDER

Upon consideration, and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a special exception pursuant to §175-37.B of the Doylestown Township Zoning Ordinance to permit Applicant to construct a use H-12 Accessory Family Apartment, subject to compliance the following specific conditions:

1. Applicant is to construct consistent with the plans submitted;
2. As a condition to granting the special exception for the accessory family apartment, the Applicant has agreed that the accessory family apartment shall not be used as a rental unit, does not constitute an unrestricted duplex, and that the accessory family apartment must be registered with the Township and deed restricted; and,
3. Applicant must comply in all other respects with all other applicable governmental ordinances and regulations including obtaining a building permit.

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### **ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow  
Mitchell Aglow, Vice Chairman