

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

Docket No.: Z-2-25

Applicant: Joseph Forliano & Lindsay Draham
42 Sandywood Drive
Doylestown, PA 18901

Owners: Joseph Forliano & Lindsay Draham
42 Sandywood Drive
Doylestown, PA 18901

**Subject
Property:** Tax Parcel No. 09-026-037, which is located at the address of the
Applicants set forth above.

**Requested
Relief:** Applicants seek to construct an accessory structure, greater than 144
square feet in size, to locate approximately one (1) foot seven (7)
inches from the side lot line, where §175-16H-3(d)(2) and §175-39 of
the Doylestown Township Zoning Ordinance require a 25 foot side
yard setback. Applicants seek a variance accordingly.

**Hearing
History:** The application was filed in Doylestown Township on March 6, 2025.
The hearing was held on March 27, 2025 at the Doylestown Township
Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Mailing Date: May 9, 2025

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 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 1.39 acres. The property accommodates the Applicants' single-family dwelling with customary residential amenities.

4. Applicants seek to construct an accessory structure, greater than 144 square feet in size, to locate approximately one (1) foot seven (7) inches from the side lot line, where §175-16H-3(d)(2) and §175-39 of the Doylestown Township Zoning Ordinance require a 25 foot side yard setback. Applicants seek a variance accordingly.

5. Applicants moved to amend application to include both owners of the Subject Property.

6. Applicant Joseph Forliano is a Remodeling Contractor.

7. Applicants operate the remodeling business out of the dwelling and seek to store work tools for the business in the detached garage.

8. Applicants have trucks coming to pick up and drop off the tools from the Subject Property once or twice a day.

9. Applicants prefer to have the detached garage in the proposed location, thus needing zoning relief.

10. Applicants could construct the proposed detached garage in other locations on the property requiring either less relief or no relief at all from the Doylestown Township Zoning Ordinance.

11. Applicants are unwilling to relocate the proposed detached garage because of existing gardens.

12. No one spoke in opposition to the application.

13. 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. Applicants have not credibly established that the proposed detached garage could not be located closer to the dwelling or in another location without the need for relief.

3. The Applicants have failed to demonstrate that the Requested Relief is necessary to enable the reasonable use of the Subject Property.

4. The Applicants have failed to demonstrate that the Requested Relief represents the minimum variances that will afford relief and the least modification possible of the regulations at issue.

5. The Applicants have failed to demonstrate that any unnecessary hardship has not been created by the Applicants.

6. The Applicants have failed to demonstrate that the Requested Relief will not alter the essential character of the neighborhood or district in which Subject Property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

7. The Applicants have failed to demonstrate that they are entitled to the Requested Relief.

8. The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be a negative impact upon surrounding properties or uses.

9. The evidence establishes that the relief sought by the Applicants is not the minimum variance necessary.

10. The Applicants have not 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).

11. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to deny the Applicants' request for relief, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby DENIES a variance from §175-16H-3(d)(2) and §175-39 of the Doylestown Township Zoning Ordinance to permit Applicants to construct an accessory structure, greater than 144 square feet in size, to locate approximately one (1) foot seven (7) inches from the side lot line.

ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP

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By: /s/ William J. Lahr
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/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary