

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

Application No. Z-2-2015

Applicant: Hallmark Building Group, Inc.
865 Easton Road, Suite 250
Warrington, PA 18976

Owner: Christopher & Maureen Serpico
18 Berkeley Court
Doylestown, PA 18901

**Subject
Property:** Tax Parcel No. 9-52-32, located at 149 Pine Mill Circle,
Doylestown, PA 18901.

**Requested
Relief:** The Applicant requests a variance from §175-27.D.5.b of the
Doylestown Township Zoning Ordinance (“Ordinance”) to allow
the disturbance of more than 50% of the woodlands on the
Subject Property in order to permit construction of a single
family residence with an attached garage.

**Hearing
History:** The application was filed in Doylestown Township on February
18, 2015. The hearing was held on March 26, 2015 at the
Doylestown Township Building, 425 Wells Road, Doylestown,
PA 18901.

Appearances: Applicant by: Giovanna M. Raffaelli, Esq.
c/o Hallmark Building Group, Inc.
865 Easton Road, Suite 250
Warrington, PA 18976

Mailing Date: April 21, 2015

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 equitable Owner of the Subject Property pursuant to an Agreement of Sale with the Owner dated October 24, 2014 (Exhibit B-1.B), and is 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. It is 50,208 square feet in size.

4. The Subject Property is one of three residential building lots created by subdivision in 1974 from a property known as "Serendipity Farm". Another of those lots, Tax Parcel No. 9-52-33, with an address of 155 Pine Mill Circle, was the subject of a zoning hearing and decision in Application Z-1-2015 which requests the same variance relief by the same Applicant. The record of that proceeding, which took place immediately prior to this hearing, was incorporated within the record of this hearing.

5. The Applicant proposes to develop the Subject Property as a single-family detached dwelling with accessory walkways and a driveway as depicted on Exhibit B-1.A, a Plot Plan prepared by Holmes Cunningham LLC, dated January 21, 2015 (the "Plan").

6. As depicted on the Plan, the Subject Property narrows from back to front and enjoys only 77.4 feet of frontage on Pine Mill Circle.

7. The evidence establishes that, due to the narrowness of the Subject Property at its Pine Mill Circle frontage, the property does not support sufficient width to accommodate a building until that building is set back, as proposed, over 115 feet from the street line.

8. Development of the Subject Property requires an on-site septic system. Public water will be available to the home. Additionally, appropriate stormwater management facilities must be designed to accommodate the runoff generated by the construction, consistent with applicable ordinances and regulations.

9. After testing and engineering was done to the Subject Property, the Applicant's Vice President of Land Development, John Maczonis, credibly established that the proposed sewage disposal area and stormwater management systems must be located substantially as depicted on the Plan.

10. Unfortunately, the only stand of trees on the Subject Property is situated on it in the area that will require disturbance by construction of the residential structure and required accessory features and utilities.

11. The credible evidence indicates that the otherwise permitted location for the proposed residential structure and necessary accessory features and structures will result in significant impact upon the existing woodlands.

12. 15 trees were identified on the Subject Property. Of those, 5 of the trees are either dead or so unhealthy as to require removal.

13. Ordinance §175-27.D.5.b permits the disturbance of up to 50% of the 10 healthy trees remaining on the designated woodlands.

14. The credible evidence establishes that the trees on the property are very tall and mature white pines that are susceptible to storm damage.

15. One of the Owners, Maureen Serpico, testified that several white pines, standing alone, on the property, have been uprooted by storms, and the photographic evidence she submitted confirmed her testimony.

16. Aside from the variance for the disturbance of woodlands requested, the development of the Subject Property will be compliant with all other Ordinance requirements.

17. The Applicant proposes that a new driveway to the original residential structure will be constructed prior to extinguishment of the current access easement across the Subject Property.

18. A number of residential neighbors appeared at the hearing with concerns about disturbance of the woodlands and the impacts of construction on the neighborhood.

19. The Applicant indicated that it will comply with the tree restoration requirements of §153-34.C of the Doylestown Township Subdivision and Land Development Ordinance.

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

CONCLUSIONS OF LAW

1. The Subject Property is proposed for development as a single-family detached residential dwelling, a use that is permitted by right in the R-1 Zoning District.
2. The Subject Property is over 50,000 square feet in size and located in a zoning district with a minimum lot area requirement of 40,000 square feet.
3. The competent evidence establishes that the residential structure, its access walkways and driveways, its stormwater management facility, its on-lot sewage disposal facility, and its utilities will all be constructed consistent with all Ordinance dimensional and bulk criteria; however, the only location of trees on the Subject Property are at the proposed permitted location of the residential structure.
4. The competent evidence establishes that the stand of trees is tall and mature. Many of the trees are dying and have become susceptible to storm damage.
5. While preservation of existing woodlands within the Township is necessary, the credible evidence in this case establishes that there is a hardship unique to the Subject Property in that the permitted location of the structure proposed on it will eliminate the woodlands that exist.
6. The Subject Property is a lawfully existing residential building lot which, if strict compliance with Ordinance §175-27.D.5.b is required, would prevent its development in an otherwise permitted manner.
7. The Board concludes that the Applicant has established that all of the existing trees on the Subject Property may require removal.
8. The residence on the Subject Property is proposed to be consistent with neighborhood standards and, therefore, there is no negative impact to surrounding properties or uses if the requested variance relief is granted.
9. The location of the trees on the property is a physical feature that creates the unique hardship and was not caused by the Applicant.
10. Although total disturbance of the woodlands is authorized by this decision, the Applicant has established that based upon the facts of this case, the relief requested is the minimum relief necessary.
11. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief as set forth and conditioned hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-27.D.5.b of the Doylestown Township Zoning Ordinance to allow the disturbance of all of the woodlands on the Subject Property in order to permit construction of a single-family residence, utilities and features as depicted on the Plan, subject to compliance with all other applicable governmental ordinances and regulations and the following specific conditions:

1. compliance with the tree replacement provisions of §153-34.C of the Doylestown Township Subdivision and Land Development Ordinance;
2. receipt of Bucks County Department of Health approval of the proposed on-lot sewage disposal system;
3. compliance with all stormwater management requirements of applicable ordinances and regulations; and
4. construction of the new access driveway to the original residential structure shall be completed before extinguishment of the existing driveway access easement.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ W. Andrew McPherson
W. Andrew McPherson, Chairman

/s/ William J. Lahr
William J. Lahr, Vice Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.

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

Application No. Z-1-2015

Applicant: Hallmark Building Group, Inc.
865 Easton Road, Suite 250
Warrington, PA 18976

Owners: Christopher & Maureen Serpico
18 Berkeley Court
Doylestown, PA 18901

**Subject
Property:** Tax Parcel No. 9-52-33, located at 155 Pine Mill Circle,
Doylestown, PA 18901.

**Requested
Relief:** The Applicant requests a variance from §175-27.D.5.b of the
Doylestown Township Zoning Ordinance (“Ordinance”) to allow
the disturbance of more than 50% of the woodlands on the
Subject Property in order to permit construction of a single-
family residence with an attached garage.

**Hearing
History:** The application was filed in Doylestown Township on February
18, 2015. The hearing was held on March 26, 2015 at the
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Appearances: Applicant by: Giovanna M. Raffaelli, Esq.
c/o Hallmark Building Group, Inc.
865 Easton Road, Suite 250
Warrington, PA 18976

Mailing Date: April 21, 2015

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 equitable Owner of the Subject Property pursuant to an Agreement of Sale with the Owner dated October 24, 2014 (Exhibit B-1.B), and is 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. It is 60,424 square feet in size and undeveloped.
4. The Subject Property is one of three residential building lots created by subdivision in 1974 from a property known as "Serendipity Farm".
5. The Applicant proposes to develop the Subject Property as a single-family detached dwelling with accessory walkways and a driveway as depicted on Exhibit B-1.A, a Plot Plan prepared by Holmes Cunningham LLC, dated November 12, 2014 (the "Plan").
6. As depicted on the Plan, the Subject Property is unusually shaped with only 88 feet of frontage on Pine Mill Circle.
7. The evidence establishes that, due to the narrowness of the Subject Property at its Pine Mill Circle frontage, the property does not support sufficient width to accommodate a building until that building is set back, as proposed, over 126 feet from the street line.
8. Development of the Subject Property requires an on-site septic system. Public water will be available to the home. Additionally, appropriate stormwater management facilities must be designed to accommodate the runoff generated by the construction, consistent with applicable ordinances and regulations.
9. After testing and engineering was done to the Subject Property, the Applicant's Vice President of Land Development, John Maczonis, credibly established that the proposed sewage disposal area and stormwater management systems must be located substantially as depicted on the Plan.
10. Unfortunately, there are two stands of trees on the Subject Property on either side of the current access way to the original residence at Serendipity Farm.
11. The credible evidence indicates that the otherwise permitted location for the proposed residential structure and necessary accessory features and structures will result in significant impact upon the existing woodlands.

12. After consultation with the arborist for Doylestown Township, 55 trees were identified on the Subject Property in the two woodlands areas. Of those, 15 of the trees are either dead or so unhealthy as to require removal.

13. Ordinance §175-27.D.5.b permits the disturbance of up to 50% of the 38 healthy trees remaining on the designated woodlands.

14. The credible evidence indicated that construction of the house and necessary utilities will result in the disturbance of all but 5 or 6 of the trees.

15. Additionally, the Board finds, based upon the competent evidence, that the trees at issue are white pines and that leaving only 5 or 6 trees in the stand will likely result in their inability to withstand the elements to which the Subject Property is subjected.

16. One of the Owners, Maureen Serpico, testified that several white pines, standing alone, on the property, have been uprooted by storms, and the photographic evidence she submitted confirmed her testimony.

17. Aside from the variance for the disturbance of woodlands requested, the development of the Subject Property will be compliant with all other Ordinance requirements.

18. The Applicant proposes that a new driveway to the original residential structure will be constructed prior to extinguishment of the current access easement.

19. A number of residential neighbors appeared at the hearing with concerns about disturbance of the woodlands and the impacts of construction on the neighborhood.

20. The Applicant indicated that it will comply with the tree restoration requirements of §153-34.C of the Doylestown Township Subdivision and Land Development Ordinance.

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

CONCLUSIONS OF LAW

1. The Subject Property is proposed for development as a single-family detached residential dwelling, a use that is permitted by right in the R-1 Zoning District.
2. The Subject Property is over 60,000 square feet in size and located in a zoning district with a minimum lot area requirement of 40,000 square feet.
3. The competent evidence establishes that the residential structure, its access walkways and driveways, its stormwater management facility, its on-lot sewage disposal facility, and its utilities will all be constructed consistent with all Ordinance dimensional and bulk criteria; however, the only location of trees on the Subject Property are at the proposed permitted location of the residential structure.
4. The competent evidence establishes that the stand of trees is tall and mature. Many of the trees are dying and have become susceptible to storm damage.
5. While preservation of existing woodlands within the Township is necessary, the credible evidence in this case establishes that there is a hardship unique to the Subject Property in that the permitted location of the structure proposed on it will eliminate the woodlands that exist.
6. The Subject Property is a lawfully existing residential building lot which, if strict compliance with Ordinance §175-27.D.5.b is required, would prevent its development in an otherwise permitted manner.
7. The Board concludes that the Applicant has established that all of the existing trees on the Subject Property may require removal.
8. The residence on the Subject Property is proposed to be consistent with neighborhood standards and, therefore, there is no negative impact to surrounding properties or uses if the requested variance relief is granted.
9. The location of the trees on the property is a physical feature that creates the unique hardship and was not caused by the Applicant.
10. Although total disturbance of the woodlands is authorized by this decision, the Applicant has established that based upon the facts of this case, the relief requested is the minimum relief necessary.
11. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief as set forth and conditioned hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-27.D.5.b of the Doylestown Township Zoning Ordinance to allow the disturbance of all of the woodlands on the Subject Property in order to permit construction of a single-family residence, utilities and features as depicted on the Plan, subject to compliance with all other applicable governmental ordinances and regulations and the following specific conditions:

1. compliance with the tree replacement provisions of §153-34.C of the Doylestown Township Subdivision and Land Development Ordinance;
2. receipt of Bucks County Department of Health approval of the proposed on-lot sewage disposal system;
3. compliance with all stormwater management requirements of applicable ordinances and regulations; and
4. construction of the new access driveway to the original residential structure shall be completed before extinguishment of the existing driveway access easement.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ W. Andrew McPherson
W. Andrew McPherson, Chairman

/s/ William J. Lahr
William J. Lahr, Vice Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.