

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

**Application No.** Z-3-2015

**Applicant:** David Beebee  
227 East Road  
Doylestown, PA 18901

**Owners:** David and Jennifer Beebee  
227 East Road  
Doylestown, PA 18901

**Subject Property:** Tax Parcel No. 9-22-39, located at the address of the Applicant set forth above.

**Requested Relief:** The Applicant desires to construct a detached garage on the Subject Property and, in order to do so as proposed, requests the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-23.C.5, which requires that all parking areas shall be constructed in accordance with the applicable specifications of the Township’s Subdivision and Land Development Ordinance. The driveway to the proposed garage is to be located at a setback distance of less than 10 feet from a side property line as required by §153-27.A.4 thereof; and
2. from §175-38, in order to permit an impervious surface coverage ratio of greater than the maximum 20%.

**Hearing History:** The application was filed in Doylestown Township on March 31, 2015. The hearing was held on April 23, 2015 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant, Pro Se’

**Mailing Date:** May 11, 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 one of the Owners 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. It accommodates the Applicant's single-family detached dwelling.

4. The Subject Property is undersized and nonconforming to the minimum lot area requirement of 40,000 square feet contained at Ordinance §175-39. It is 22,500 square feet in size.

5. The lot width of the Subject Property is 100 feet, which is nonconforming to the minimum lot width of 150 feet set forth in that Ordinance section.

6. Further, the structure on the Subject Property is nonconforming to the minimum side yard setback distance of 25 feet required by §175-39. The setback distance from its western side property line is 15 feet.

7. The Applicant credibly established that he and his wife purchased the Subject Property in January 2004. In 2012, the on-lot septic system on the Subject Property failed. As a result, the septic system was replaced. At that time, in order to accommodate the tri-axle trucks necessary to install and construct the new septic system, the driveway was extended in order to allow access to the rear yard location of the new system.

8. The Applicant now proposes the construction of a 20' x 30' two story detached garage on the Subject Property to be accessed by the driveway extension.

9. The improvements to the property are depicted on Exhibit B.1-A, a "Proposed Garage Site Plan" dated April 6, 2015. The Plan was prepared by the Applicant who is a registered Pennsylvania Engineer.

10. The Site Plan depicts the existing impervious surface coverage ratio, prior to the proposed improvements, of approximately 19.98%. Ordinance §175-38 limits the impervious surface coverage ratio on properties in the R-1 Zoning District to 20%.

11. The additional proposed impervious surface is 935 square feet in size, which will increase the impervious surface coverage ratio on the Subject Property to 24%.

12. The Site Plan depicts a proposed infiltration trench that is designed to, and will handle, according to the Applicant, stormwater runoff from the proposed impervious surface in excess of the 20% limitation.

13. The driveway that existed on the property at the time of its purchase was located on the western side property line and hence there is no setback distance for that driveway.

14. The extension of the driveway, as proposed, will be located at a setback distance greater than the existing condition. As depicted, it will curve away from the western side property line in order to access the proposed detached garage.

15. Ordinance §175-23.C.5 requires that a driveway be constructed in accordance with the specifications of the Doylestown Township Subdivision and Land Development Ordinance (SALDO).

16. SALDO §153-27.A.4 requires that all driveways shall be at least 10 feet from any side lot line.

17. The credible evidence presented by the Applicant indicates that the setback distance for the driveway is lawfully nonconforming to SALDO §153-27.A.4.

18. The second story of the detached garage will be limited to use by the property Owners as storage space for their personal belongings.

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

## **CONCLUSIONS OF LAW**

1. The Subject Property has been developed and used as is permitted by right in the R-1 Zoning District.

2. The Subject Property is lawfully nonconforming as to its lot area, lot width, and existing side yard setback distance.

3. A detached garage is an accessory residential structure that is permitted by right throughout the residential zoning districts of Doylestown Township.

4. The proposed detached garage is necessary to create safe and secure indoor storage of the Owners' motor vehicles. It is logically located to connect with the existing driveway which extends to the rear of the Subject Property.

5. The Applicant has addressed any potential negative impact of the additional impervious surface proposed by the creation and installation of a stormwater management system to accommodate the runoff from the impervious surface that exists on the Subject Property in excess of 20%.

6. The Board concludes that the side yard setback distance that exists for the driveway and the Subject Property is also lawfully nonconforming to the Ordinance and the SALDO at a 0 foot setback distance. The driveway depicted on the Site Plan shows that it will be located more in conformity with the side yard setback distance requirement of the SALDO than presently exists.

7. Accordingly, the Board determines that a variance from Ordinance §175-23.C.5 is not necessary as the driveway is already nonconforming to the SALDO requirement of 10 feet.

8. As a result of the installation of the stormwater management system proposed, any negative impact of the additional impervious surface is eliminated.

9. The Applicant has established evidence of sufficient factors to warrant the grant of the dimensional variance requested.

10. The Applicant has established that the relief sought is the minimum variance from Ordinance requirements necessary to construct the otherwise permitted detached garage.

11. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant relief to the Applicant and the Subject Property 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 Doylestown Township Zoning Ordinance in order to permit the construction of a 600 square foot detached garage, as depicted on Exhibit B-1.A, that will result in an impervious surface coverage ratio of 24%, instead of the maximum permitted 20%, subject to the requirement that the Applicant install a stormwater management system designed to accommodate runoff in excess of that caused by the 20% impervious surface coverage on the property. The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations and the specific condition that the second story of the proposed detached garage be limited in use to storage of personal belongings.

**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.