

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

**Application No.** Z-6-2017

**Applicant:** Stephen D. Miekley  
70 Shady Grove Circle  
Doylestown, PA 18901

**Owners:** Stephen D. and Elizabeth Miekley  
70 Shady Grove Circle  
Doylestown, PA 18901

**Subject  
Property:** Tax Parcel No. 09-031-004 which is located at the address of the  
Applicant set forth above.

**Requested  
Relief:** The Applicant requests a special exception, pursuant to §175-37.B of the Doylestown Township Zoning Ordinance (“Ordinance”), to permit an in-law suite as defined at §175-16.H-12.

**Hearing  
History:** The application was filed in Doylestown Township on August 2, 2017. The hearing was held on September 18, 2017 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant, Pro Se'

**Mailing Date:** October 4, 2017

## 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 is 1.059 acres in size and accommodates the Applicant's single-family detached home with typical residential access walkways and a driveway.

4. The Applicant proposes the conversion of the attached garage on the Subject Property, 550 square feet in size, as well as a portion of an existing bedroom and bathroom, 190 square feet in size, to provide an in-law suite for his wife's parents, Richard and Helen Bretherick.

5. An in-law suite (Use H-12) is permitted by special exception in the R-1 zoning district.

6. In order to obtain a special exception for the proposed use, the Applicant must establish compliance with Ordinance §175-16.H-12. The intent to create the in-law suite is to allow for related family members to reside on the premises, but to prohibit the creation of a for-profit apartment.

7. Relative to the objective criteria of §175-16.H-12, the Board finds that the credible evidence from the Applicant establishes the following:

- a. As described in Exhibit B-1.C, floor area calculations performed by Joseph Borghi, the Applicant's contractor, the proposed in-law suite will occupy an area of 740 square feet. The usable floor area of the principal residence, not including the garage, is 3,354 square feet. The area of the in-law suite therefore represents 22% of the total usable floor area in compliance with §175-16.H-12.a;
- b. The in-law suite will contain separate cooking, sleeping, living and bathroom facilities;
- c. The in-law suite is to be a part of the principal residence and no new separate structures will be built. The in-law suite will not be located in a cellar area;
- d. The plans will provide for one additional off-street parking space for use by the occupants of the in-law suite, in addition to the two

outdoor off-street parking spaces available for parking for the single-family residence;

- e. The in-law suite will be occupied only by related family members;
  - f. There will 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;
  - g. The Applicant understands that no more than one in-law suite is permitted per single-family detached dwelling;
  - h. The Applicant will register on an annual basis with the Township Zoning Officer to insure compliance with these criteria;
  - i. The Subject Property is served by on-lot water and sewer. Exhibit B-1.D is a July 20, 2017 letter from the Bucks County Department of Health indicating that the existing waste water facilities are adequate to accommodate the single-family dwelling as well as the in-law suite proposed.
8. Doylestown Township took no position with regard to this application.

### **CONCLUSIONS OF LAW**

1. The Subject Property has been developed and used as a single-family residence which is permitted by right in the R-1 Zoning District.
2. The proposed in-law suite use on the Subject Property is permitted by special exception pursuant to §175-37.B.
3. The Board concludes that the proposed in-law suite meets all of the objective criteria set forth at Ordinance §175-16.H-12.
4. Ordinance §175-138 requires the Board to consider additional factors in connection with any special exception. The Board concludes compliance with all of the applicable of factors to be considered and determines that the special exception will not result in any threat to public safety or extraordinary public expense, will not create a nuisance, will not cause fraud or victimization of the public, or conflict with local laws or ordinance, as required by §175-138.C.
5. The creation of the in-law suite, provided compliance with the Ordinance criteria, will have no negative impact upon surrounding properties or uses.

6. Accordingly, the Members of the Board in attendance at this hearing, determined, unanimously, to grant relief to the Applicant and the Subject Property as is set forth hereafter<sup>1</sup>.

**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 the construction and use of an in-law suite on the Subject Property consistent with the requirements of §175-16.H-12.

**ZONING HEARING BOARD OF  
DOYLESTOWN TOWNSHIP**

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

/s/ Richard K. Gaver  
Richard K. Gaver, Vice Chairman

***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.

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<sup>1</sup> Board Member Mitchell Aglow was unavailable for this hearing and did not participate in the Decision.