

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

Application No. Z-9-2017

Applicant: Karen Jacobs
28 Fox Hill Road
Doylestown, PA 18901

Owners: Verla A. Jacobs and Richard M. Jacobs
28 Fox Hill Road
Doylestown, PA 18901

**Subject
Property:** Tax Parcel No. 09-046-008 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 the construction of an addition to the single-family home for use as an in-law suite as defined at §175-16.H-12.

**Hearing
History:** The application was filed in Doylestown Township on October 23, 2017. The hearing was held on December 18, 2017 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Pro Se'

Herbert K. Sudfeld, Pro Se'
40 Fox Hill Road
Doylestown, PA 18901

Mailing Date: January 19, 2018

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. Verla Jacobs is the surviving Owner of the Subject Property. The Applicant is her daughter who was authorized to file and present this application by a letter of authority dated October 25, 2017 (Exhibit B-1.D) 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 1.18 acres in size and accommodates the Owners' single-family detached home with typical residential access walkways and a driveway.

4. The Applicant resides in the home with her mother. This application proposes that she will remain the principal occupant of the home and a special exception to permit the construction of an in-law suite for occupation by Verla Jacobs.

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 of the in-law suite provisions is, according to the Ordinance, to allow for related family members to reside on the premises but to prohibit the creation of for-profits apartments in districts where multi-family housing is otherwise permitted.

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 A-1, the proposed in-law suite will occupy an area of 566 square feet. The usable floor area of the principal residence, not including the garage, is 3,200 square feet. The area of the in-law suite therefore represents 17.7% 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. There are 4 off-street parking spaces presently available on the Subject Property in compliance with the provisions of this section;
 - 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.
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 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, 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 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, substantially as depicted in Exhibit B-1.C a Floor Plan.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

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

/s/ Mitchell Aglow
Mitchell Aglow, 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-10-2017

Applicant: Denise Sezack
60 Westaway Drive
Warrington, PA 18976

Owner: Same.

**Subject
Property:** Tax Parcel No. 09-042-046 which is located at the address of the Applicant set forth above.

**Requested
Relief:** The Applicant requests a variance from §175-16.H-3.e of the Doylestown Township Zoning Ordinance (“Ordinance”) in order to permit the construction of a detached garage at a side yard setback distance of less than 15 feet.

**Hearing
History:** The application was filed in Doylestown Township on November 8, 2017. The hearing was held on December 18, 2017 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Pro Se'

Joseph Pino, Pro Se'
72 Westaway Lane
Warrington, PA 18976

Mailing Date: January 19, 2018

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. According to the Applicant's testimony, it is 43,277 square feet in size and accommodates the Applicant's single-family detached home with typical residential access walkways and a driveway.

4. The Applicant's testimony was presented by Anthony Grisafi, her husband.

5. The Applicant proposes the construction of a 40' long x 24' wide detached garage on the Subject Property located at the end of an existing paved driveway in order to provide safe and secure storage of the family's vehicles and personal belongings, protected from the elements.

6. The Subject Property and proposed garage is depicted on Exhibit B-2.B, a Site Plan prepared by "Garages by Opdyke", dated October 30, 2017 (the "Site Plan").

7. Grisafi testified that the location was chosen, not only to access the existing driveway, but because there is a septic field and septic tanks on the Subject Property, located as depicted on the Site Plan.

8. Grisafi testified that the septic tank located closest to the proposed garage extends an additional 5 feet from its location on the Site Plan, thereby prohibiting the construction of a detached garage in compliance with the side yard setback requirement of Ordinance §175-16.H-3.e of 15 feet.

9. The detached garage is proposed to be located, at its closest point, at a 7 foot side yard setback distance from its eastern property line.

10. The detached garage will be constructed to an Ordinance conforming height of 20 feet. Its second story will be used as an "attic" to provide area for the storage of household belongings.

11. Electricity will be extended to the proposed detached garage. It will not feature water or sewer service.

12. The doorway entrance to the garage will be on the western side of the proposed structure in order to be less impactful upon the residential neighbor to the east.

13. That neighbor, Joseph Pino, who was granted party status in this hearing, testified in favor of the application.

14. 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 detached garage proposed is a “residential accessory structure” as defined at Ordinance §175-16.H-3.e.

3. A residential accessory structure is permitted by right in the R-1 Zoning District.

4. The credible evidence establishes that the Subject Property is burdened by an on-lot septic field and septic tanks and necessary piping that precludes the construction of a permitted residential accessory structure on the Subject Property in compliance with the side yard setback distance requirement of §175-16.H-3.e.

5. The location of the septic system on the Subject Property creates a hardship, this Board concludes, which precludes strict compliance with all dimensional requirements of the Zoning Ordinance.

6. The detached garage proposed is reasonable in size and height. Its proposed location is logical, and necessary.

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

8. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

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

10. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.

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 §175-16.H-3.e of the Doylestown Township Zoning Ordinance in order to permit the construction of a detached garage, as depicted on Exhibit B-2.B, that will result in a side yard setback distance, from its eastern property line, of 7 feet, instead of the minimum required 15 feet.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

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

/s/ Mitchell Aglow
Mitchell Aglow, 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-11-2017

Applicant: Central Bucks School District
20 Welden Drive
Doylestown, PA 18901

Owner: Same

**Subject
Property:** Tax Parcel No. 09-009-028 which is located at 9 Memorial Drive,
Doylestown, PA 18901.

**Requested
Relief:** The Subject Property is improved with school district athletic
fields and tennis courts. The Applicant desires to demolish and/or
relocate existing sheds; re-orient existing fields; construct an
additional tennis court; construct additional storage sheds; and
install a synthetic turf field with an underground infiltration
basin, and requests the following variances from the Doylestown
Township Zoning Ordinance (“Ordinance”) in order to do so:

1. from §175-16.C.2.c.1, to permit a storage shed, greater than 144 square feet in size, at less than the required 200 foot front yard setback distance;
2. from §175-16.C.2.c.2, to permit sheds, greater than 144 square feet in size, to have a side yard setback distance of less than the required 100 feet;
3. from §175-59.B, to permit an impervious surface coverage ratio of greater than 30%;
4. from §175-27.D.6.b.1, to permit disturbance of greater than 40% of areas of 15-25% steep slopes; and
5. from §175-27.D.6.b.2, to permit disturbance of greater than 15% of areas of steep slopes in excess of 25%.

Hearing

History:

The application was filed in Doylestown Township on November 14, 2018. The hearing was held on December 18, 2018 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances:

Applicant by: Joseph M. Blackburn, Esq.
Wisler Pearlstine, LLP
PO Box 1186
301 North Sycamore Street
Newtown, PA 18940

Mailing Date:

January 24, 2018

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-4, Residential Zoning District of Doylestown Township. Its gross site area is 10.01 acres and its net buildable site area, pursuant to Ordinance definition, is 9.649 acres.

4. The Subject Property is currently improved with athletic facilities consisting of tennis courts, a baseball field, and grass fields used for soccer and lacrosse games and a practice facility for other sports, as well as specific track and field event areas, including numerous storage sheds and walkways.

5. The Subject Property is used as part of the Applicant's C-2 School Use, as depicted on an "Existing Resource Site Analysis Map", prepared by Daley & Jalboot Architects, Inc., dated October 20, 2017 (Exhibit B-1.B).

6. The evidence indicates that the use of the Subject Property as athletic facilities began in 1965 as accessory to the Central Bucks West High School which opened that year.

7. The use of the Subject Property is a C-2 School Use as defined at Ordinance §175-16.C.2. A C-2 Use is permitted in the R-4 Zoning District by Special Exception at §175-58.B.

8. The C-2 School Use of the Subject Property began in 1965 before the applicable provisions of the Doylestown Township Zoning Ordinance from which variances are sought were enacted. Accordingly, it is nonconforming in that it has not received special exception approval.

9. The structures on the Subject Property are nonconforming to Ordinance requirements in the following respects:

- a. a detached storage shed, 348 square feet in size, is located at a front yard setback distance from Memorial Drive of 165.99 feet, instead of the 200 feet required by Ordinance §175-16.C.2.c.1;
- b. a detached storage shed, 154 square feet in size, is located at a side yard setback distance from the southern property line of 16.06 feet, instead of the 100 feet required by Ordinance §175-16.C.2.c.2.

- c. a 98 square foot detached storage shed is located at a 6.57 foot rear yard setback distance, instead of the 200 feet required by Ordinance §175-16.C.2.c.3; and
- d. there are no buffer yards on the Subject Property.

10. The Applicant desires to demolish and/or relocate sheds on the property, reorient existing field areas, construct an additional tennis court, construct a new 448 square foot shed and two (2) 200 square foot sheds, and install a 461' x 376' synthetic turf field with an underground infiltration basin, all as depicted on a "Zoning Plan" prepared by Daley & Jalboot Architects, Inc., dated October 20, 2017 (Exhibit B-1.C).

11. Robert Kleimenhagen, Jr., the Central Bucks School District Director of Facilities and Energy Management Operations, testified that studies of the existing fields identified them as requiring safety improvements. The tennis courts require rehabilitation and a seventh tennis court is proposed to be constructed in order to accommodate the number of matches in a typical high school tennis match.

12. Kleimenhagen established that, since 1965, the fields have become so compacted as to become the hardest in the Central Bucks School District. As a result, the compacted areas do not drain stormwater runoff appropriately. Kleimenhagen also established that complaints have been received by the school district by members of the general public who use these fields regarding their condition and safety.

13. Accordingly, the Applicant proposes the installation of a synthetic turf field, 461' x 376' in size (173,336 square feet) as depicted on the Zoning Plan.

14. Kleimenhagen further established that the proposed synthetic turf field will resolve the safety and adequacy concerns about the fields and are satisfactory to the School District Athletic Director. He also indicated that a synthetic turf field requires much less maintenance than the existing natural fields.

15. The baseball field will be improved with new fencing, a new backstop and a walking path will be provided to it.

16. Terry DeGroot is a civil engineer who prepared the Existing Features and Zoning Plans.

17. He testified that the synthetic turf field is considered by the Township to be impervious surface. Its construction, in and of itself, results in an impervious surface coverage area of 41% of the Subject Property. It will accommodate an underground stormwater management facility to be designed consistent with governmental ordinances and regulations to the satisfaction of the Doylestown Township Municipal Engineer.

18. DeGroot established that the synthetic turf field, although considered impervious, drains better than the existing fields. The detention basin proposed beneath the synthetic turf field will be located on its southwest corner and occupy an area that constitutes approximately 20-25% of the area of the field. It will be designed to detain

and infiltrate water and distribute it by existing underground pipe to the Central Bucks YMCA. He opined that the new stormwater management facility will reduce stormwater impacts upon the Subject Property and neighboring properties.

19. The existing detached storage sheds depicted on the Existing Features Plan will be demolished. This application proposes the construction of three new detached storage sheds:

- a. a 448 square foot shed located to the west of the proposed new tennis court at a front yard setback distance from Memorial Drive of 130.06 feet and a side yard setback distance of 86.27 feet from the southern property boundary line; and
- b. two (2) 200 square foot storage sheds adjacent to the southwest corner of the proposed synthetic turf field. One of them will be located at a side yard setback distance of 31.18 feet; and the other at a side yard setback distance of 61.18 feet, all as depicted on the Zoning Plan.

20. The Board notes that the southern property line of the Subject Property borders a walking path from the Teversall residential development to Memorial Drive and, beyond that, a parking field for the Central Bucks YMCA.

21. The side yard setback variances proposed result in a decrease in the side yard setback nonconformity of one of the sheds that presently exists on the Subject Property.

22. The development of the Subject Property proposes an impervious surface coverage ratio of 56.60%. 41% of that impervious surface coverage ratio contains the proposed synthetic turf field. Ordinance §175-59.B limits the impervious surface coverage ratio, in the R-4 District, to 30%.

23. There are two areas of steep slopes on the Subject Property:
- a. surrounding the existing detention pond. The pond is to be removed and replaced with a new stormwater management facility designed consistent with the Doylestown Township Stormwater Management Ordinance requirements and applicable governmental regulations, and installed in the same area, requiring disturbance of those steep slope areas; and
 - b. along the northern property line as depicted in the Zoning Plan. The improvements proposed will require disturbance of these steep slope areas.

24. The evidence establishes that all areas of steep slopes on the Subject Property were man-made at the time of the development of the property in 1965 and do not require protection as natural features.

25. The Existing Resource Site Analysis Map (Exhibit B-1.B) establishes that there are .0547 acres (2,383 square feet) of steep slopes in the 15%-24% range with an area of greater than 2,000 square feet on the Subject Property. §175-27.D.6.b.1 requires protection of 60% of the area of those slopes. The evidence establishes, that due to the location of those man-made steep slopes, 100% of them must be disturbed.

26. Exhibit B-1.B establishes that the area of steep slopes, greater than 25% that exist on the Subject Property, greater than 1,000 square feet in size, is .0312 acres (1,352 square feet). §175-27.D.6.b.2 requires protection of 85% of those steep slope areas. Due to their location on the Subject Property, 100% of those steep slope areas are proposed to be disturbed.

27. George Tice, the President of the Teversall Homeowners Association, testified with Association concerns about the development of the Subject Property. Essentially, he was concerned about protection from foul balls from the baseball field which has existed since 1965. Mr. Tice was advised that this is not a zoning issuing and should be addressed at the time of land development.

28. Kathi Mahanes, 39 Latham Court, testified with concerns about noise and stormwater drainage. The Board finds that the noise that emanates from the playing field naturally results from its use and that stormwater management will be improved by the development contemplated in this application.

29. Heather Walton, 48 Magnolia Court, had concerns about the permanency of bleachers, the presence of scoreboards and/or a public address system and other impacts. It was suggested that Ms. Walton meet with appropriate school district officials to resolve these non-zoning issues.

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

CONCLUSIONS OF LAW

1. The use of the Subject Property as athletic fields in connection with a C-2 School Use is nonconforming to the requirement that such use obtain a special exception as it preexisted the enactment of ordinances requiring that relief. Some of the structures on the Subject Property are lawfully nonconforming to Ordinance setback requirements as set forth in the Findings of Fact.

2. The Board concludes that the improvements to the Subject Property are necessary in order to increase safety and utility by the school district and members of the general public.

3. The detached storage sheds proposed to be constructed on the Subject Property, and their location, adjacent to athletic facilities, are reasonable, logical and necessary.

4. The front yard setback distance of the proposed 448 square foot detached shed is non-impactful as it will be located west of tennis courts that exist and are to be constructed along Memorial Drive.

5. The side yard setback distances proposed for all of the detached sheds have no impact, this Board concludes, upon the adjacent walking path or parking field.

6. The impervious surface coverage ratio of 56.6 square feet is necessary, given the definition of the proposed synthetic turf field as impervious. The Board concludes that stormwater management of the Subject Property proposed will improve the impacts of stormwater runoff on it and neighboring properties.

7. Without the proposed synthetic turf field, the impervious surface coverage on the Subject Property would be 15.6%, in compliance with the maximum impervious surface coverage limitation of 30%.

8. The steep slopes that exist on the Subject Property are man made and therefore do not deserve protection as natural resources.

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

10. The evidence establishes that the relief sought by the Applicant represents the minimum variances necessary.

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

12. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variances requested.

13. 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 the following variances from the Doylestown Township Zoning Ordinance in order to demolish and/or relocate existing sheds; re-orient existing fields; construct an additional tennis court; construct additional storage sheds; and install a synthetic turf field with an underground infiltration basin, all as depicted on Exhibit B-1.C.

1. from §175-16.C.2.c.1, to permit the new 448 square foot shed to have a front yard setback distance of 130.06 feet from Memorial Drive where, given its size (greater than 144 square feet), a 200 foot front yard setback distance would be required;

2. from §175-16.C.2.c.2, to permit the new 448 square foot shed to have a side yard setback distance from the southern property line of 86.27 feet where, given its size (greater than 144 square feet), a 100 foot side yard setback distance would be required;
3. from §175-16.C.2.c.2, to permit two (2) new 200 square foot sheds to have side yard setback distances from the southern property line of 31.18 feet and 61.18 feet, respectively, where, given their size (greater than 144 square feet), a 100 foot side yard setback distance would be required;
4. from §175-59.B, to permit a 56.6% impervious surface coverage ratio on the Subject Property, instead of the maximum permitted 30%;
5. from §175-27.D.6.b.1, to permit disturbance of 100% of areas greater than 2,000 contiguous square feet of 15-24% steep slopes, where a maximum disturbance of 40% is permitted; and
6. from §175-27.D.6.b.2, to permit disturbance of 100% of areas greater than 1,000 contiguous square feet of steep slopes in excess of 25%, where a maximum disturbance of 15% is permitted.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations and the specific condition that a stormwater management facility be designed and constructed on the Subject Property consistent with governmental ordinances and regulations and to the satisfaction of the Doylestown Township Municipal Engineer.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

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

/s/ Mitchell Aglow
Mitchell Aglow, 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.