

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

Application No. Z-20-2019

Applicants: Michael Taratuski and Robert Taurino
111 2nd Street
Feasterville, PA 19053

Owners: Same.

Subject Property: Tax Parcel Nos. 09-025-035, 09-025-036, 09-025-057, 09-025-058 which are located at the proximity of 45 Bedford Avenue in Doylestown Township.

Requested Relief: Applicants seek to merge a number of undersized lots and construct a single-family dwelling (Use B-1) on the resulting undersized lot. In order to do so, the Applicants seek the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-38, to build on an 8,000 square foot lot, where a 40,000 square foot lot is required, and to allow impervious surface coverage at 37.5% as opposed to the 20% allowed.
2. from §175-39, to allow construction on the undersized lot, to allow a lot width of 40 feet where 150 feet is required, and to allow a side yard setback of 6 feet on each side where 25 feet is required; and
3. from §175-27.D(5)(b), to allow woodland disturbance in excess of 50%.

Hearing History: The application was filed in Doylestown Township on September 12, 2019, most recently amended August 13, 2020. The initial hearing was held on November 18, 2019. Multiple hearings were held culminating in the final hearing which took place on September 21, 2020 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.¹

¹ Applicants were provided with an Act 15 notice, among other things, notifying Applicants that the hearing timeframes under MPC §908(1.2) were tolled or suspended as a result of the COVID-19 emergency declaration. Applicants further signed serial waivers of the subsequent hearing timeframes to accommodate the stay at home orders and social distancing protocols of the COVID-19 health emergency, and to provide Applicants the opportunity to refine and revise the zoning plans and amend its application.

Appearances: Applicants by: Nathan Fox, Esq.
Obermayer Rebmann Maxwell & Hippel, LLP
10 S. Clinton Street
Doylestown, PA 18901

Mailing Date: November 5, 2020

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 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.

4. Applicants filed the initial application Pro Se. The application was received by Doylestown Township on September 12, 2019. Multiple hearings were held, including the following: November 18, 2019, January 22, 2020, February 27, 2020, March 16, 2020, June 15, 2020, and September 21, 2020.

5. On each occasion, the hearing was opened, and the matter was continued to the following date certain. However, the September 21, 2020 hearing was re-advertised due to Applicants' amendment dated August 13, 2020. Testimonial evidence was received on November 18, 2019 and September 21, 2020, respectively.

6. The August 13, 2020 amendment, filed by counsel for the Applicants, identified five areas of relief necessary for Applicants' requested use of the property to support a B-1, single-family detached dwelling. The five requests for relief are as reflected in the Relief Requested aspect of the present Zoning Decision, to wit: (1) from §175-38, to build on an 8,000 square foot lot, where a 40,000 square foot lot is required; (2) from §175-38, to allow impervious surface coverage at 37.5% as opposed to the 20% allowed; (3) from §175-39, to allow a lot width of 40 feet where 150 feet is required; (4) from §175-39, to allow a side yard setback of 6 feet on each side where 25 feet is required; and (5) from §175-27.D(5)(b), to allow woodland disturbance in excess of 50%.²

² Applicants have at all times, filed and maintained a companion application which speaks to an adjacent tax parcel known as 09-025-029, which is located at 43 Bedford Avenue. The present application speaks to the four lots to be consolidated, at Tax Parcel Nos. 09-025-035, 09-025-036, 09-025-057, 09-025-058, which are located at 45 Bedford Avenue.

7. Applicants offered into evidence a Zoning Decision issued by the Doylestown Township Zoning Hearing Board, circulated in 2007. Through that application, Applicants requested variances in order to consolidate the five lots at issue, and subdivide the consolidated five lots creating two equal, but undersized lots. The relief was denied, but the Zoning Hearing Board did find that, “Both the Applicant and the Township agreed that construction of a single-family detached dwelling on each of the existing lots is possible and that they would each be considered existing nonconforming lots which would require the right to develop each of the properties for a permitted use, subject to other zoning relief.” (Finding of Fact No. 13); and “Lastly on the basis of the evidence presented, it is clear that the neighborhood in which the Subject Property is located includes lots that are as small as or smaller than the existing 8,000 square foot lot, and therefore development of the two existing lots for single-family homes, would be considered consistent with the existing neighborhood.” (Conclusion of Law No. 5)

8. Michael Taratuski testified with regard to the present application. Mr. Taratuski has been a contractor and developer since 1971. He has built nearly 50 homes in that time. In addition, he has performed home remodeling and constructed residential additions.

9. Mr. Taratuski described the neighborhood in which the Subject Property is located as a mix of single-family dwellings with different sized lots. Mr. Taratuski considered his proposal for lot #1, a 8,000 square foot unimproved consolidated lot, as consistent with the neighborhood.

10. In support of his testimony, Mr. Taratuski commented upon the zoning plan, prepared by Gilmore & Associates, dated July 16, 2020 (Exhibit A-3) as well as renderings of the proposed single-family dwelling for the subject lot (Exhibit A-4). Mr. Taratuski described a 28 foot wide single-family dwelling, which would fit on the undersized 8,000 square foot lot, provided additional dimensional relief was provided. Mr. Taratuski did indicate that a certain number of trees would need to be removed as a result of the development of the property.

11. Applicants presented the testimony of Eric Clase, PE. Mr. Clase testified regarding the plan prepared by Gilmore & Associates, dated July 16, 2020.

12. Mr. Clase indicated that a stormwater management plan would be addressed at the building permit phase. Mr. Clase was aware of no stormwater problems, but did indicate that any would be discovered and addressed while engineering the site issues.

13. Mr. Clase identified lot #1 as containing a number of trees which would be disturbed as result of the proposed development. In fact, 90% of woodlands would need to be disturbed on the 8,000 square foot lot, in order to accommodate the modest sized home for said lot. Mr. Clase characterized the two lots at issue as two wooded lots in the midst of a neighborhood. In all other respects, Mr. Clase described the two lots as consistent with the size of other lots within the neighborhood.

14. Nearby property owner John Kearines testified to his desire to leave the lots in question as wooded lots.

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

CONCLUSIONS OF LAW

1. A B-1 single-family residential detached dwelling is a permitted use within the R-1 Zoning District in which the Subject Property is located.

2. Through a prior Zoning Decision, circa 2007, the Doylestown Township Zoning Hearing Board documented that the Township acknowledged that the Subject Property was a legally nonconforming lot as to size, and that subject to any other zoning relief, the lot would support a permitted use.

3. As such, the Zoning Hearing Board concludes that the lot in question, at 8,000 square feet, is a preexisting nonconforming lot as to lot size (40,000 square feet is required).

4. The Board turns its attention to Applicants' request for a variance from §175-27.D(5)(b), to allow woodland disturbance in excess of the 50% permitted. Applicants request up to 90% disturbance.

5. Given the undersized nature of the lot, and the fact that the lot is "entirely wooded", and that the use of the property to support a B-1 single-family detached dwelling is a use permitted by right, the Zoning Hearing Board concludes that the variance requested by Applicants is necessary for reasonable use of the property.

6. The undersized nature of the lot further drives the need for impervious surface variance. The Board considers that the Applicants are entitled to impervious surface coverage of 37.5% of the gross lot area, not to exceed 3,000 square feet.

7. Lot width is driven by the physical dimensions of the existing consolidated lot. Accordingly, a variance to allow a lot width of 40 feet, where 150 feet is required, is appropriate.

8. The narrowness of the lot, at 40 feet drives the needs for side yard variances to permit side yards of 6 feet each, where 25 feet is required. The 6 foot side yards accommodate the 28 foot wide dwelling, which fits snugly on the property.

9. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested. Most relevant to this conclusion is the Applicants' use of the previous Zoning Decision and the intent to develop a single-family dwelling consistent with the character of the neighborhood.

10. 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. The Applicants have established the basis for the use of the property as a single-family dwelling.

11. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. The Board observes that the need for the dimensional variances is driven by the considerable undersized lot. The undersized lot is a preexisting legal nonconformity.

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

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 permit construction of a single-family dwelling (Use B-1) on a combined undersized lot:

1. from §175-38, to build on an 8,000 square foot lot, where a 40,000 square foot lot is required,
2. from §175-38, to allow impervious surface coverage at 3,000 square feet, which exceeds the 20% permitted;
3. from §175-39, to allow a lot width at 40 feet, where 150 feet is required;
4. from §175-39, to allow a side yard setback of 6 feet on each side, where 25 feet is required; and
5. from §175-27.D(5)(b), to allow a woodland disturbance in excess of the 50% permitted, not to exceed 90% disturbance.

The grant of relief is subject to compliance with all other applicable governmental ordinances and regulations, including, but not limited to, Applicant preparing, constructing and maintaining adequate stormwater management systems on the Subject Property to the satisfaction of Doylestown Township.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, 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-21-2019

Applicants: Michael Taratuski and Robert Taurino
111 2nd Street
Feasterville, PA 19053

Owners: Same.

Subject Property: Tax Parcel No. 09-025-029, which is located at 43 Bedford Avenue in Doylestown Township.

Requested Relief: Applicants seek to construct a single-family dwelling (Use B-1) on an undersized lot. In order to do so, Applicants seek the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-39, to build on a 36,000 square foot lot, where 40,000 square feet is required; and
2. from §175-27.D(5)(b), to allow woodland disturbance in excess of the 50% permitted.

Hearing History: The application was filed in Doylestown Township on September 12, 2019, most recently amended August 13, 2020. The initial hearing was held on November 18, 2019. Multiple hearings were held culminating in the final hearing which took place on September 21, 2020 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.¹

Appearances: Applicants by: Nathan Fox, Esq.
Obermayer Rebmann Maxwell & Hippel, LLP
10 S. Clinton Street
Doylestown, PA 18901

Mailing Date: November 5, 2020

¹ Applicants were provided with an Act 15 notice, among other things, notifying Applicants that the hearing timeframes under MPC §908(1.2) were tolled or suspended as a result of the COVID-19 emergency declaration. Applicants further signed serial waivers of the subsequent hearing timeframes to accommodate the stay at home orders and social distancing protocols of the COVID-19 health emergency, and to provide Applicants the opportunity to refine and revise the zoning plans and amend its application.

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 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.

4. Applicants filed the initial application Pro Se. The application was received by Doylestown Township on September 12, 2019. Multiple hearings were held, including the following: November 18, 2019, January 22, 2020, February 27, 2020, March 16, 2020, June 15, 2020, and September 21, 2020.

5. On each occasion, the hearing was opened, and the matter was continued to the following date certain. However, the September 21, 2020 hearing was re-advertised due to Applicants' amendment dated August 13, 2020. Testimonial evidence was received on November 18, 2019 and September 21, 2020, respectively.

6. The August 13, 2020 amendment, filed by counsel for the Applicants, identified two areas of relief necessary for Applicants' requested use of the property to support a B-1, single-family detached dwelling. The two requests for relief are as reflected in the Relief Requested aspect of the present Zoning Decision, to wit: (1) from §175-39, to build on a 36,000 square foot lot where 40,000 square feet is required; and (2) from §175-27.D(5)(b), to allow woodland disturbance in excess of the 50% permitted.²

7. Applicants offered into evidence a Zoning Decision issued by the Doylestown Township Zoning Hearing Board, circulated in 2007. Through that application, Applicants requested variances in order to consolidate the five lots at issue, and subdivide the consolidated five lots creating two equal, but undersized lots. The relief was denied, but the Zoning Hearing Board did find that, "Both the Applicant and the Township agreed that construction of a single-family detached dwelling on each of the existing lots is possible and that they would each be considered existing nonconforming lots which would require the right to develop each of the properties for a permitted use, subject to other zoning relief." (Finding of Fact No. 13); and "Lastly on the basis of the evidence presented, it is clear that the neighborhood in which the Subject Property is located includes lots that are as small as or smaller than the existing 8,000 square foot lot, and therefore development of the two existing

² Applicants have at all times, filed and maintained a companion application which speaks to four adjacent tax parcels known as 09-025-035, 09-025-036, 09-025-057, and 09-025-058, which are located in the vicinity of 45 Bedford Avenue. The present application speaks to a single lot, 09-025-029, which is located at 43 Bedford Avenue.

lots for single-family homes, would be considered consistent with the existing neighborhood.”
(Conclusion of Law No. 5)

8. Michael Taratuski testified with regard to the present application. Mr. Taratuski has been a contractor and developer since 1971. He has built nearly 50 homes in that time. In addition, he has performed home remodeling and constructed residential additions.

9. Mr. Taratuski described the neighborhood in which the Subject Property is located as a mix of single-family dwellings with different sized lots. Mr. Taratuski considered his proposal for lot #2, a 36,000 square foot existing unimproved lot, as consistent with the neighborhood.

10. In support of his testimony, Mr. Taratuski commented upon the zoning plan, prepared by Gilmore & Associates, dated July 16, 2020 (Exhibit A-3) as well as renderings of the proposed single-family dwelling for the subject lot (Exhibit A-4). Mr. Taratuski described a 3,000 square foot single-family dwelling which would fit comfortably on the 36,000 square foot lot, with no additional dimensional relief required. Mr. Taratuski did indicate that a certain number of trees would need to be removed as a result of the development of the property.

11. Applicants presented the testimony of Eric Clase, PE. Mr. Clase testified regarding the plan prepared by Gilmore & Associates, dated July 16, 2020.

12. Mr. Clase indicated that a stormwater management plan would be addressed at the building permit phase. Mr. Clase was aware of no stormwater problems, but did indicate that any would be discovered and addressed while engineering the site issues.

13. Mr. Clase identified lot #2 as containing some 200 trees. In essence, the lot is “entirely wooded”. 75% of the lot must be disturbed as part of land development, and in developing the property consistent with other improved lots in the neighborhood. Mr. Clase characterized the two lots at issue as two wooded lots in the midst of a neighborhood. In all other respects, Mr. Clase described the two lots as consistent with the size of other lots within the neighborhood.

14. No one spoke in opposition to the application.

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

CONCLUSIONS OF LAW

1. A B-1 single-family residential detached dwelling is a permitted use within the R-1 Zoning District in which the Subject Property is located.

2. Through a prior Zoning Decision, circa 2007, the Doylestown Township Zoning Hearing Board documented that the Township acknowledged that the Subject Property was a legally nonconforming lot as to size, and that subject to any other zoning relief, the lot would support a permitted use.

3. As such, the Zoning Hearing Board concludes that the lot in question, at 36,000 square feet, is a preexisting nonconforming lot as to lot size (lot size is 36,000 square feet, 40,000 square feet is required).

4. The Board turns its attention to Applicants' request for a variance from §175-27.D(5)(b), to allow woodland disturbance in excess of the 50% permitted. Applicants request up to 75% disturbance.

5. Given the undersized nature of the lot, and the fact that the lot is "entirely wooded", and that the use of the property to support a B-1 single-family detached dwelling is a use permitted by right, the Zoning Hearing Board concludes that the variance requested by Applicants is necessary for reasonable use of the property.

6. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested. Most relevant to this conclusion is the Applicants' use of the previous Zoning Decision and the intent to develop a single-family dwelling consistent with the character of the neighborhood.

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. The Applicants have established the basis for the use of the property as a single-family dwelling.

8. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. The Board observes that 50% clearance is allowable. Given that the site is "entirely wooded", reasonable use of the property requires the additional relief. Applicants were unequivocal in representation that 75% was the minimum relief necessary. No alternative evidence was offered.

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

10. 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 permit construction of a single-family dwelling (Use B-1) on an undersized lot:

1. from §175-39, to build on a 36,000 square foot lot where 40,000 square feet is required; and
2. from §175-27.D(5)(b), to allow woodland disturbance in excess of the 50% permitted, up to, but no greater than 75%.

The grant of relief is subject to compliance with all other applicable governmental ordinances and regulations, including, but not limited to, Applicant preparing, constructing and maintaining adequate stormwater management systems on the Subject Property to the satisfaction of Doylestown Township.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, 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-9-2020

Applicant: Brian Dusault
117 Wagon Wheel Lane
Doylestown, PA 18901

Owner: Same.

Subject Property: Tax Parcel No. 09-002-005-007, which is located at the address of the Applicant set forth above.

Requested Relief: Applicant seeks to renovate portions of an existing single-family dwelling to create an in-law suite. Applicant seeks a special exception under §175-32.B.H-12 of the Doylestown Township Zoning Ordinance ("Ordinance"), to permit the in-law suite, consistent with the factors identified at §175-138 of the Ordinance, and a variance from §175-16.H(12) to permit the in-law suite to occupy greater than 25% of the total usable floor area of the principal residence.

Hearing History: The application was filed in Doylestown Township on August 20, 2020. The hearing was held on September 21, 2020 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Pro Se

Mailing Date: November 5, 2020

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 R1-A, Residential Zoning District of Doylestown Township. The lot area is approximately 1.169 acres. The property accommodates the Applicant's single-family dwelling with a detached two-car garage, and the usual residential amenities, including a driveway and walkways.
4. Applicant seeks to renovate portions of an existing single-family dwelling to create an in-law suite. Applicant seeks a special exception under §175-32.B.H-12 of the Doylestown Township Zoning Ordinance, to permit the in-law suite, consistent with the factors identified at §175-138 of the Ordinance, and a variance from §175-16.H(12) to permit the in-law suite to occupy greater than 25% of the total usable floor area of the principal residence.
5. The renovation is essentially a space reallocation to include a former garage and allocating space above the former garage to be used as living space.
6. Applicant presented plans showing no exterior wall modifications proposed as part of the renovation. The in-law suite would be comprised of one bedroom with an accessible bathroom, and adequate living space to include a kitchen, dining room and living room. The total in-law space is proposed at 1,205 square feet. The total square footage of the main house is 3,230 square feet. Accordingly, the proposed in-law space would occupy 37% of the main house structure.
7. The in-law suite would be used for Applicant's mother-in-law.
8. Applicant testified to the specific provisions of §175-16.H(12), and testified to compliance with all provisions, except for §175-16.H(12)(a), the 25% limitation.
9. No one spoke in opposition to the application.
10. 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. An in-law suite is allowed within the R-1A, Residential Zoning District of Doylestown Township by special exception, as provided for in §175-32.B.
3. The provisions of the Ordinance defining an in-law suite are found at §175-16.H(12), and read as follows:

H-12. In-law suites. One in-law suite to a single-family detached dwelling shall be permitted, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to the zoning district wherein the proposed in-law suite is to be constructed or to be used. The intent of these provisions is to allow for related family members to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multifamily housing is otherwise permitted. The conditions are as follows:

[Added 5-4-1993 by Ord. No. 224]

- (a) The in-law suite shall occupy no more than 25% of the total usable floor area of the principal residence, not including any garage.
- (b) In-law suites may contain separate cooking, sleeping, living and bathroom facilities.
- (c) In-law suites shall be part of the principal residence or may be contained in the existing accessory structure such as a garage. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use. In-law suites shall not be located in cellar areas (an area having 1/2 or more of its floor to ceiling height below the average level of the adjoining ground).
- (d) The required off-street parking for the principal dwelling plus one additional off street parking space for the in-law suite shall be provided.
- (e) In-law suites shall be occupied only by related family members such as elderly parents or dependent adult children.
- (f) There shall 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) No more than one in-law suite shall be permitted per single-family detached dwelling.
- (h) Each in-law suite shall be registered with the Township Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by the Township Board of Supervisors for the registration of said use, which said fee shall be fixed annually by the Board of Supervisors by resolution.[12]
[12] Editor's Note: See Ch. A180, Fees.
- (i) A certification shall be received from the Bucks County Board of Health or other regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family dwelling as well as the in-law suite as defined in this subsection.

4. The Zoning Hearing Board concludes that the Applicant does meet, or has the ability to meet each of the above provisions, except for the 25% of usable floor area provision.

5. Applicant has demonstrated by competent evidence that a variance may be granted with regard to the 25% provision, locate at §175-16.H(12)(a).

6. 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.

7. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. The Applicant has further established that the space reallocation is the most logical re-use of existing space with minimal exterior impact to the existing single-family dwelling.

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

9. The Applicant has presented evidence of sufficient factors to warrant the grant of the relief requested.

10. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a special exception under §175-16.H(12), with a variance from the 25% provision, at §175-16.H(12)(a), to allow up to 37% of the total usable floor area of the principal residence to be used to support the in-law suite, subject to conditions, as set forth hereafter:

1. Applicant obtaining all permits prior to construction of the in-law suite; and
2. 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/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, 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.