

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

**Applicant:** Elaina Adelman  
34 Linda Lane  
Warrington, PA 18976

**Owners:** Same.

**Subject  
Property:** Tax Parcel No. 09-040-011, which is located at the address of the  
Applicants set forth above.

**Requested  
Relief:** Applicant seeks a variance from Doylestown Township Zoning  
Ordinance §175-16 H-3(d)(2) and §175-39 to place a detached  
garage greater than 144 square feet in size at less than 25 feet  
from the side lot line.

**Hearing  
History:** The application was filed in Doylestown Township on October  
13, 2021. The hearing was held on November 15, 2021 at the  
Doylestown Township Building, 425 Wells Road, Doylestown,  
PA 18901.

**Appearances:** Applicant, *Pro Se*

**Mailing Date:** December 30, 2021

## 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. The lot area is 30,332 square feet. The property accommodates the Applicant's single family residential dwelling with attached two car garage, and other residential improvements including an inground swimming pool.
4. Applicant proposes to construct a 400 square foot two car detached garage, with a 200 square foot overhang, for a total building coverage of 600 square feet (20x30), at the base of the driveway, in the side and rear yards, seven (7) feet from the side lot line.
5. Doylestown Township Zoning Ordinance §175-16 H-3(d)(2) and §175-39 require a detached garage greater than 144 square feet in size to locate no closer than 25 feet from the side lot line. Applicant seeks a variance accordingly.
6. The stated purpose of the 600 square foot structure is storage for pool equipment and amenities, and parking of a vehicle.
7. Applicant asserts that there is insufficient space on the lot to place the structure 25 feet from the side lot line. The existing dwelling with existing two car garage is located 40 feet from the side lot line. There exists a creek and wetlands to the rear of the lot. The lot is a corner lot burdened by two front yard setbacks. An inground swimming pool was recently constructed in the rear yard.
8. Applicant spoke to her neighbor to the affected side. That neighbor had no objection.
9. Mr. Chris Oliver, 149 Willow Lane, a nearby neighbor, spoke in opposition to the Application. Mr. Oliver expressed concern regarding a 600 foot structure being located seven (7) feet from the side lot line, where twenty-five (25) feet is required. Mr. Oliver also reminded the ZHB that he had requested similar relief for a 400 foot structure on his property, within the same neighborhood, one year earlier, and the request was denied. Ms. Adelman was among those in opposition. Public comment during the Oliver hearing included concerns over the size of the structure, potential stormwater issues, reduction in open space, aesthetics, and concern that a detached structure of that size was not in character with the neighborhood.
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 accessory structure greater than 144 square feet in size must comply with the dimensional requirements of the zoning district in which the structure is placed. (See §175-16.H.3(b)(2) of the Doylestown Township Zoning Ordinance). The side yard setback for principal buildings in the R-1, Residential Zoning District is 25 feet. (See §175-39 of the Ordinance)

3. Applicant has proposed an accessory structure greater than 144 square feet to be placed on the Subject Property, and therefore must comply with the 25 foot side yard setback, or establish the legal basis for obtaining relief from the Ordinance.

4. The Zoning Hearing Board has considered the evidence presented by the Applicant and concludes that the Applicant has failed to establish the legal basis justifying a variance. There is simply no competent or compelling evidence to establish a hardship for failure to permit a 600 foot detached structure seven (7) feet from the side lot line. As such, the Board concludes that the Applicant has failed to establish the physical circumstances or conditions of the property drive the need for variance. Accordingly, the Zoning Hearing Board is not convinced that the Applicant has established any legally justifiable hardship, or is requesting the minimal relief necessary for use of the subject property.

5. The Zoning Hearing Board is similarly unpersuaded with regard to Applicant's argument that the physical circumstances or conditions of the property have made development in strict conformity with the Ordinance impossible. The property is currently being utilized to support single family dwelling use (with an attached two car garage).

6. The Board has considered the prior zoning determination in the matter of Oliver, 179 Willow Lane, and while each zoning matter turns on its own facts, and each property is unique, the ZHB believes that the findings and conclusions regarding the character of the neighborhood must carry over to the present matter, and therefore the ZHB concludes that Applicant's request is not consistent with the character of the neighborhood.

7. Applicant has failed to establish by competent evidence that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses.

8. Applicant has failed to present evidence of sufficient factors to warrant the grant of the dimensional variance requested even under the relaxed variance standard applicable to dimensional variance cases, as articulated by the Pennsylvania Supreme Court, in *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 554 Pa. 249, 721 A.2d. 43 (1998).

9. Applicant has failed to establish that the relief sought by the Applicant is the minimum variance necessary.

10. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to DENY 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 DENIES the requested variance from §175-16 H-3(d)(2) and §175-39 of the Doylestown Township Zoning Ordinance.

**ZONING HEARING BOARD OF  
DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow  
Mitchell Aglow

/s/ Samuel D. Costanzo  
Samuel D. Costanzo