

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

Applicant: Christopher Van Schijndel
9 Greenway Drive
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-004-083-005, which is located at the address
of the Applicant set forth above.

**Requested
Relief:** Applicant seeks to place a fence in the rear yard of the single-
family dwelling. The fence is proposed to encroach upon an
easement which crosses the property. §175-16.H(3)(c)[3]
prohibits fences which encroach on public or private easements.
Applicant seeks a variance accordingly.

**Hearing
History:** The application was filed in Doylestown Township on March 23,
2022. The hearing was held on May 16, 2022 at the Doylestown
Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, *Pro Se*

Mailing Date: June 28, 2022

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 R2b, Residential Zoning District of Doylestown Township. The lot area is 19,942 square feet gross. The property accommodates the Applicant's single-family dwelling with customary residential amenities.
4. Along the south side property line runs a 20 foot wide storm sewer easement, 10 feet on Applicant's property and 10 feet on the adjacent property. The easement forms an "L" shape to accommodate an underground water quality infiltration inlet which runs perpendicular to the side lot line but essentially at a 45 degree angle to the rear lot line in that the rear lot line is not perpendicular to the side lot line. Because of the "L" shape of the easement the proposed fence crosses the tip of the posterior aspect of the "L" shape easement. The proposed fence along the southern side lot line runs directly through the middle of the easement lengthwise as far as the easement runs toward the rear corner of Applicant's yard.
5. §175-16.H(3)(c)[3] of the Ordinance prohibits fences which encroach on public or private easements. Applicant seeks a variance accordingly.
6. Applicant testified that fencing the rear yard would provide for greater use of the rear yard and access to the rear yard.
7. Applicant is willing to have the fence installed in removable sections to accommodate access by the easement holder as needed.
8. Applicant testified that other property owners in the area have similar fences within the easement.
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. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested 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).
3. 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.
4. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.
5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
6. The Board concludes that there are unique physical characteristics involved with the Subject Property that cause an unnecessary hardship which is not self-created by the Applicants and prohibits use of the Subject Property in strict compliance with the provisions of the Zoning Ordinance.
7. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief, 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)(c)[3] of the Doylestown Township Zoning Ordinance to permit Applicant to place a fence in the rear yard of the single-family dwelling encroaching upon the storm sewer easement running along the southern side lot line and toward the rear of the property perpendicular to that lot line, subject to the following specific conditions:

1. The fence must contain removable sections where the fence crosses the easement area to facilitate removal in the event the easement area needs to be accessed.
2. Applicant is required to maintain, replace, and repair the fence as needed.
3. Applicant bears the cost of removal and replacement of the fence sections to provide for Township maintenance access of the easement.
4. Applicant shall provide to the Township additional detail regarding the posts and gates for the fencing in relation to any physical structures supporting the storm sewer easement to assure that the fencing infrastructure does not interfere with the preexisting storm sewer infrastructure.
5. Applicant must obtain all appropriate permits prior to construction of the fence. This condition includes applying for a fence permit with Doylestown Township.
6. 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

/s/ Samuel D. Costanzo
Samuel D. Costanzo

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

Applicants: Thomas and Kathleen Maclin
23 Woodstone Drive
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-066-024, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicants seek to place a fence in the rear yard of the single-family dwelling. The fence is proposed to encroach upon a storm sewer easement which crosses the property. §175-16.H(3)(c)[3] prohibits fences which encroach on public or private easements. Applicants seek a variance accordingly.

**Hearing
History:** The application was filed in Doylestown Township on April 5, 2022. The hearing was held on May 16, 2022 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, *Pro Se*

Mailing Date: June 28, 2022

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. The lot area is 16,010 square feet. The property accommodates the Applicants' single-family dwelling within a neighborhood of single-family dwellings.
4. The Subject Property is located on the turn of Woodstone Drive. Accordingly, the property is an odd pie-shape with a large front yard and street frontage considerably in excess of the width of the rear lot line. A 20 foot wide storm sewer easement runs parallel to the side lot line.
5. Applicants seek to place a fence in the rear yard of the single-family dwelling. The fence is proposed to encroach upon a storm sewer easement which crosses the property. §175-16.H(3)(c)[3] prohibits fences which encroach on public or private easements. Applicants seek a variance accordingly.
6. Applicant submitted an annotated plot plan which illustrates the proposed fencing within the rear yard. Applicants were not intending to fence the rear yard from side lot line to side lot line. Instead, the fence line runs roughly from the rear corners of the home to the rear corners of the yard. As such, the fence traverses the 20 foot wide storm sewer easement (all of which lies within Applicants' property directly parallel to the side lot line, to the rear of the property).
7. Applicants appear to be requesting the minimum variance necessary to fence the rear yard and encroach as little as possible into the storm sewer easement.
8. No one spoke in opposition to the application.
9. 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. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested 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).
3. 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.
4. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.
5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
6. The Board concludes that there are unique physical characteristics involved with the Subject Property that cause an unnecessary hardship which is not self-created by the Applicants and prohibits use of the Subject Property in strict compliance with the provisions of the Zoning Ordinance.
7. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief, 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)(c)[3] of the Doylestown Township Zoning Ordinance to permit Applicants to place a fence in the rear yard of the single-family dwelling which encroaches upon a storm sewer easement, subject to the following specific conditions:

1. The fence must contain removable sections where the fence crosses the easement area to facilitate removal in the event the easement area needs to be accessed.
2. Applicants are required to maintain, replace, and repair the fence as needed.
3. Applicants bear the cost of removal and replacement of the fence sections to provide for Township maintenance access of the easement.
4. Applicants shall provide to the Township additional detail regarding the posts and gates for the fencing in relation to any physical structures supporting the storm sewer easement to assure that the fencing infrastructure does not interfere with the preexisting storm sewer infrastructure.
5. Applicants must obtain all appropriate permits prior to construction of the fence. This condition includes applying for a fence permit with Doylestown Township.
6. 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

/s/ Samuel D. Costanzo
Samuel D. Costanzo

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

Applicants: Brian and Jillian Dunlap
25 Radcliff Road
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-059-063, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to construct an in-ground swimming pool and related improvements in the rear yard of the subject residential site. The pool and related improvements result in impervious surface coverage of 33.8%, as proposed. §175-38 of the Doylestown Township Zoning Ordinance (single-family detached cluster) permits a maximum 30% impervious coverage. Applicants seek a variance accordingly.

Hearing History: The application was filed in Doylestown Township on April 14, 2022. The hearing was held on May 16, at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Mailing Date: June 28, 2022

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. The lot area is 17,982 square feet. The property accommodates the Applicants' single-family dwelling and usual and customary residential improvements, including walkways, a driveway, and storage shed.

4. Applicants seek to construct an in-ground swimming pool to the rear of the single-family dwelling. The project complies with all bulk area and dimensional requirements of the Ordinance, but for total impervious surface area. The proposed improvements include the following impervious surface area: 656 square foot pool plus 32 square foot heater/filter pad plus 1,555 square foot concrete deck area plus 85 square foot walk way and steps equal 2,328 square feet of proposed impervious surface area. 742 square of impervious surface will be removed. The total resulting impervious surface area is approximately 6,085 square feet or 33.8% of the 17,982 square foot lot area. The aforementioned calculations are consistent with the Pool Plot Plan submitted by Applicants in conjunction with the zoning application dated February 25, 2022, last revised April 14, 2022 and prepared by The Reynolds Group Inc.

5. Applicant testified that the pool size and dimensions are consistent with other projects in the area and therefore fit the character of the neighborhood in which they have proposed.

6. No one spoke in opposition to the application.

7. 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. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested 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).
3. 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.
4. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.
5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
6. The Board concludes that there are unique physical characteristics involved with the Subject Property that cause an unnecessary hardship which is not self-created by the Applicants and prohibits use of the Subject Property in strict compliance with the provisions of the Zoning Ordinance.
7. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief, 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 of the Doylestown Township Zoning Ordinance to permit Applicants to construct an in-ground swimming pool and related improvements in the rear yard of the subject residential site. The pool and related improvements result in impervious surface coverage of 33.8% consistent with the February 25, 2022 Pool Plot Plan prepared by The Reynolds Group Inc., last revised April 14, 2022, and submitted with the zoning application as part of ZHB-1, and subject to the following specific conditions:

1. Applicants shall provide to the Township an as-built survey plan illustrating the 33.8% impervious surface coverage to close out the permit process, to the satisfaction of the Township.
2. Applicant must have prepared a stormwater management plan, by a licensed professional, to be reviewed by the Township Engineer, to account for and manage the stormwater for the impervious surface greater than 30%.
3. Applicant must comply in all other respects with all other applicable governmental ordinances and regulations, including obtaining a pool permit.

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