

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

**Applicants:** Vanessa Schmid & Jason Garretson  
10 Bridle Drive  
Furlong, PA 18925

**Owners:** Same.

**Subject Property:** Tax Parcel No. 09-041-053, which is located at the address of the Applicants set forth above.

**Requested Relief:** Applicants seek to construct a detached garage. The garage is proposed to locate between the single-family dwelling and the street right-of-way line, 46 feet from that line. §175-39 of the Doylestown Township Zoning Ordinance (“Ordinance”) requires a 50 foot front yard setback. §175-17.F requires that all accessory structures shall be located behind the principal building setback line closest to the street on which the principal building fronts. §175-16.H.3(d) requires both of those conditions. Applicants seek a variance from each of these provisions to locate the garage as indicated.

**Hearing History:** The application was filed in Doylestown Township on April 20, 2022. The hearing was held on June 20, 2022 Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicants, *Pro Se*

**Mailing Date:** August 1, 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 47,132 square feet. The property accommodates the Applicants' single-family dwelling.
4. Applicants seek to construct a detached garage. The garage is proposed to locate between the single-family dwelling and the street right-of-way line, 46 feet from that line. §175-39 of the Doylestown Township Zoning Ordinance requires a 50 foot front yard setback. §175-17.F requires that all accessory structures shall be located behind the principal building setback line closest to the street on which the principal building fronts. §175-16.H.3(d) requires both of those conditions. Applicants seek a variance from each of these provisions to locate the garage as indicated.
5. The property is a corner lot. As a result, Applicants must comply with the burden of two front yard setbacks, one for each street frontage.
6. The single-family dwelling sits on an angle across the property, as opposed to being parallel to either of the street frontages. Nonetheless, the practical front of the dwelling faces Edison Furlong Road. The driveway accesses Bridle Drive.
7. The proposed garage is to locate immediately adjacent to the existing driveway to the side of the single-family dwelling, but technically within the front yard setback along Bridle Drive.
8. Applicants assert that the proposed location is the only possible location on site for the proposed detached garage. Because the lot is a corner lot, the two front yards are large, but the rear yard is small. The rear yard is also hilly. Location of the utilities also imposes additional site constraints.
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. Applicants seek to construct a detached garage. The garage is proposed to locate between the single-family dwelling and the street right-of-way line, 46 feet from that line. §175-39 of the Doylestown Township Zoning Ordinance requires a 50 foot front yard setback. §175-17.F requires that all accessory structures shall be located behind the principal building setback line closest to the street on which the principal building fronts. §175-16.H.3(d) requires both of those conditions. Applicants seek a variance from each of these provisions to locate the garage as indicated.

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 relief necessary.

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

6. 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).

7. Accordingly, the Doylestown Township Zoning Hearing Board determined, by 2-1 vote publicly taken, 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 §175-39, §175-17.F, 175-16.H.3(d) of the Doylestown Township Zoning Ordinance to permit Applicants to construct a detached garage located between the single-family dwelling and the street right-of-way line along Bridle Drive, 46 feet from that line. §175-39 of the Doylestown Township Zoning Ordinance requires a 50 foot front yard setback. §175-17.F requires that all accessory structures shall be located behind the principal building setback line closest to the street on which the principal building fronts. §175-16.H.3(d) requires both of those conditions. The relief granted is subject to the following conditions.

1. Applicants are to provide an “as built plan” to close out the building permit to assure compliance with the ZHB decision.
2. The present decision does not address Applicants’ potential plan to convert a portion of the existing principal dwelling to an Accessory Apartment (In-Law Suite). Accessory Apartments are permitted by special exception. The present Application contained no such request.
3. Applicants must comply 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