

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

**Docket No.:** Z-8-23

**Applicants:** Daniel Gillard  
1225 Tockington Court  
Rydal, PA 19046

**Owners:** Same.

**Subject Property:** Tax Parcel No. 09-017-042, 09-017-044, and 09-017-045, which are located at 1953, 1965, and 1961 Turk Road, Doylestown, PA 18901.

**Requested Relief:** Applicant seeks to redevelop the subject property by demolishing the existing structures and replacing them with eight (8) single-family attached dwellings (townhomes) and one single-family semi-detached (twin) dwelling (2 units) and a total of 30 parking spaces. Applicant seeks a use variance from §175-67.A of the Doylestown Township Zoning Ordinance ("Ordinance") to permit the Twin and Townhouse units and an interpretation of the Ordinance to find multiple dimensional nonconformities legally preexisting, or in the alternative, variances therefrom, along with a variance from the parking provisions of the Ordinance.<sup>1</sup>

**Hearing History:** The application was filed in Doylestown Township on June 30, 2023. The hearing was held on August 24, at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant by: Carrie Nase-Poust  
Fox Rothschild, LLP  
2800 Kelly Road, Suite 200  
Warrington, PA 18976

Joseph Bucciarelli  
JJJ & N Acres LLC  
Edison Quarry  
25 Quarry Road  
Doylestown, PA 18901

**Mailing Date:** October 6, 2023

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<sup>1</sup> During the course of the hearing held Applicant amended the relief requested to include an additional variance from §175-17.D(3) to address the front yard setback along an arterial collector road, to provide a 20 foot front yard setback where a 65 foot front yard setback is required.

## 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 C-1, Commercial Zoning District of Doylestown Township. The collective property is located at 1953, 1961 and 1965 Turk Road, Doylestown, Pennsylvania. The property is more specifically identified as tax parcel numbers 09-017-042, 09-017-044, & 09-017-045.

4. Applicant proposes to demolish the existing structures on tax parcel number 09-017-044 (four non-conforming multifamily dwelling units and related site improvements), consolidate the vacant lots on 09-017-042 and 09-017-045. Applicant then proposes to construct eight single-family attached dwellings (townhomes) on tax parcel number 09-017-044 and 09-017-045 (which will be consolidated) and construct one single-family semi-detached (twin) dwelling (two units) on tax parcel number 09-017-042, and an overflow parking area with ten (10) additional parking spaces. In addition to the overflow parking area each of the ten (10) residential units will include two (2) off street parking spaces for a total of thirty (30) parking spaces.

5. The proposed single family semi-detached dwelling (twin) and the single-family attached dwellings (townhouses) are not permitted within the C-1 Commercial Zoning District. Therefore, Applicant requests a use variance for the residential structures and multiple dimensional variances as reflected through the attached Order.

6. The property has frontage on Turk Road, a community collector road and the Doylestown Bypass ramp, State Road 611, a regional arterial road. The properties (parcel A and parcel B) are bisected by Snyder Road, a private road which connects Turk Road and the 611 Bypass ramp. The single-family dwellings are located on parcel B, toward the corner of Turk Road and the Doylestown Bypass. The townhouses are located on parcel A, immediately adjacent to the Edison quarry, with a street address of 25 Quarry Road but frontage along Turk Road. Immediately across the street from parcel B and the corner of parcel A, as well as the entrance to Snyder Road is Kutz Elementary School.

7. The following exhibits were presented during the course of the hearing:

#### Exhibits:

- ZHB-1: Application received June 30, 2023 with attachments:
- a. Addendum identifying the relief required
  - b. List of property owners within 500 feet

- c. Deeds to the three Subject Properties
- d. A sketch plan prepared by Van Cleef Engineering Associates, dated June 26, 2023

ZHB-2: Legal notice of the 8/24/2023 hearing held  
ZHB-3: Doylestown Township Zoning Ordinance

8. Applicant presented exhibits as follows:

Exhibits:

- A-1: CV of Scott Mill, R.L.A.
- A-2: Ariel photograph of the subject site and surrounding area
- A-3: Site plan prepared by Van Cleef Engineering Associates, dated June 26, 2023
- A-4: Site plan rendering prepared by Van Cleef Engineering Associates, dated August 23, 2023
- A-5: CV of David Horner
- A-6: Trip Generation Report, prepared by Horner and Associates, dated August 18, 2023
- A-7: Photographs of the property
- A-8: Building elevations and renderings prepared by Kramer and Marks Architects, dated August 18, 2023

9. In addition to the documentary evidence presented, Applicant presented expert testimony of Scott Mill, R.L.A. and David Horner, Horner and Associates as well as testimony of Daniel Gillard, property owner.

10. Applicant indicated that use of the property as a “by right” use is not practical. Attempts at marketing the property for permitted uses have left the property unsold and unimproved.

11. The physical characteristics of the property include an odd shape, bisected by the private road, Snyder Road, carrying three front yards with exaggerated setbacks due to special ordinance requirements for the use proposed and for the regional arterial road (Route 611 Bypass).

12. Applicant established that the traffic for the proposed use will be less than that expected from permitted uses. Applicant addressed potential conflicts between Snyder Road traffic and Kutz Elementary School traffic. That issue will be further addressed during the land development process.

13. Mr. Gillard provided insights into the improvements to be made to the Subject Property and compared same to the existing features, which include dilapidated residential structures.

14. Mr. Joseph Bucciarelli, principal of Edison Quarry, appeared primarily to emphasize and disclose to the Applicants that the property adjacent to the townhomes is, in fact, an active quarry.

15. No one spoke in opposition to the application.

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

### **CONCLUSIONS OF LAW:**

1. The Subject Property is an odd-shaped collection of lots bisected by a private road. Two of the lots are vacant and one lot is “improved” by existing non-conforming residential uses.

2. Applicant seeks to redevelop the subject property by demolishing the existing structures and replacing them with eight (8) single-family attached dwellings (townhomes) and one single-family semi-detached (twin) dwelling (2 units) and a total of 30 parking spaces. Applicant seeks a use variance from §175-67.A of the Doylestown Township Zoning Ordinance (“Ordinance”) to permit the Twin and Townhouse units and an interpretation of the Ordinance to find multiple dimensional nonconformities legally preexisting, or in the alternative, variances therefrom, along with a variance from the parking provisions of the Ordinance.

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 Applicant 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 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).

7. Accordingly, the Doylestown Township Zoning Hearing Board determined, by 2-0 vote, 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 variance from §175-67.A of the Doylestown Township Zoning Ordinance to permit Applicant to redevelop the subject property by demolishing the existing structures and replacing them with eight (8) single-family attached dwellings (townhomes) and one single-family semi-detached (twin) dwelling (2 units) and a total of 30 parking spaces. The relief granted includes the following:

- 1) A variance from §175-67.A to permit the B-2 single-family semi-detached (twin) use on tax parcel number 09-017-042 within the C1 Commercial Zoning District.
- 2) A variance from §175-67.A to allow a B-4 single-family attached (townhomes) use to be constructed on tax parcel numbers 09-017-044 and 09-017-045 within the C1 Commercial Zoning District.
- 3) A variance from §175-68.A and §175-16.B(4d)[1] to permit a 15.43 front yard setback where 50 feet is required under §175-68.A and 100 feet is required under §175-16.B(4d)[1] (the proposed front yard setback for the townhouses is 40 feet and the proposed front yard setback for the twin is 20 feet).
- 4) A variance from §175-23.C(1) to eliminate the buffer between parking areas and Snyder Road, a private road.
- 5) A variance from §175-69.D and §175-23.C(13) to allow the off street parking areas to be located within the front yard.
- 6) A variance from §175-22.F to allow the ten (10) space parking area to not have one required handicapped space.
- 7) A variance from §175-23.B(2) to permit the ten (10) space parking area along Snyder Road, a private road, to be constructed without a barrier planting strip.
- 8) A variance from §175-23.B(4) to permit the ten (10) space parking area without parking islands or planting strips.
- 9) A variance from §175-21 to permit less than the required buffer yards along adjacent non-residential uses.
- 10) A variance from §175-16.B(4d)[2] to permit a side yard setback for the proposed townhomes at 20 feet where 50 feet is required.
- 11) A variance from §175-16.B(4d)[3] to permit a rear yard setback for the townhomes of 25 feet with 75 feet as required.
- 12) A variance from §175-16.B(4d)[3] to permit a lot width of 100 feet for the townhomes where a lot width of 300 feet is required.
- 13) A variance from §175-17.D(3) to permit a 20 foot front yard where a 65 foot front yard is required along a collector street.

The above relief is subject to the following conditions:

1. Applicant must proceed through the land development process.
2. Given the location of the project in relation to the nearby elementary school and the 611 ramp, the Zoning Hearing Board requests that Applicant prepare a complete traffic study including assessment of pedestrian versus vehicular circulation, for consideration by the Board of Supervisors during the land development process.

3. The relief granted is based upon the testimonial and documentary evidence presented during the course of the hearing.
4. The Applicant shall in all other respects comply with the rules and regulations of Doylestown Township, County of Bucks and Commonwealth of Pennsylvania.

Thomas E. Panzer, Solicitor  
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Zoning Hearing Board  
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(215) 345-8888

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

/s/ Mitchell Aglow  
Mitchell Aglow, Vice Chairman

RECUSED  
Samuel Costanzo, Secretary