

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

Docket No.: Z-15-23

Applicants: Jeremy & Riannon Zorn
218 Windsor Way
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-059-035, 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. Post construction impervious surface coverage on site is 32.4%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 30% impervious surface coverage for the lot in question. Applicants seek a variance accordingly.

Hearing History: The application was filed in Doylestown Township on August 28, 2023. The hearing was held on October 26, 2023 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901

Appearances: Applicant, *Pro Se*

Mailing Date: December 11, 2023

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 14,726 square feet. The property accommodates the Applicant's single-family dwelling with usual and customary improvements.

4. Applicants seek to construct an in-ground swimming pool and related improvements. Post construction impervious surface coverage on site is 32.4%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 30% impervious surface coverage for the lot in question. Applicants seek a variance accordingly.

5. Applicant testified that the property is already a nonconforming undersized lot at 14,726 square feet when 15,000 square feet is required.

6. Applicant testified to no existing stormwater issues on site.

7. The lot backs up to a wooded lot.

8. Neighbor Wayne Henderson of 220 Windsor Way was given party status but neither presented any evidence nor questioned any witness.

9. Mr. Henderson read a closing statement during public comment regarding the concerns for potential stormwater runoff onto his property.

10. Evidence was presented through the plan that showed the stormwater flows to the rear of the property into the wooded lot and not onto Mr. Henderson's property.

11. 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 in-ground swimming pool proposed by Applicants is a reasonable residential amenity.
3. Applicants requires a variance from §175-38 of the Ordinance to permit up to 32.4% impervious surface coverage on the lot.
4. 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).
5. 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.
6. The evidence establishes that the relief sought by Applicants is the minimum variance necessary.
7. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
8. 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 Applicants and prohibits use of the Subject Property in strict compliance with the provisions of the Zoning Ordinance.
9. 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 variance from §175-38 of the Doylestown Township Zoning Ordinance to permit construction of an in-ground swimming pool and related improvements in which post construction impervious surface coverage is 32.4% where a maximum of 30% is allowed.

The relief granted is subject to the following conditions:

1. Applicants shall provide to the Township an as-built survey plan illustrating the 32.4% impervious surface coverage to close out the permit process, to the satisfaction of the Township.
2. Applicants 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. Applicants 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**

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By: /s/ William J. Lahr
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Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary