

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

Docket No.: Z-16-23

Applicants: Ed and Donna Zalewski
700 Pebble Hill Road
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-034-031, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to construct an accessory structure (detached garage) on the Subject Property. The lot is a corner lot. The detached garage, as proposed, encroaches into the rear yard, leaving a 25 foot setback where 50 feet is required by §175-39 of the Doylestown Township Zoning Ordinance (“Ordinance”). Applicants also seek a variance from the impervious surface coverage requirements of 20% maximum, as found at §175-38 of the Ordinance to permit 28.56%, where a nonconforming 23.8% currently exists.

Hearing History: The application was filed in Doylestown Township on September 14, 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 50,401.25 square feet. The property accommodates the Applicant's existing single-family dwelling and customary residential amenities.

4. Applicants seek to construct an accessory structure (detached garage) on the subject property. The lot is a corner lot. The detached garage, as proposed, encroaches into the rear yard, leaving a 25 foot setback where 50 feet is required by §175-39 of the Doylestown Township Zoning Ordinance ("Ordinance"). Applicants also seek a variance from the impervious surface coverage requirements of 20% maximum, as found at §175-38 of the Ordinance to permit 28.56%, where a nonconforming 23.8% currently exists.

5. Applicants must comply with the burden of two front yard setbacks, one for each street frontage.

6. The Property actually has frontage on the road on three sides making strict compliance even more difficult than a normal corner lot.

7. The existing single-family dwelling was dilapidated and required a complete renovation.

8. 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 Pebble Valley Drive.

9. 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.

10. The physical characteristics of the property limit the possible area for the detached garage.

11. Proposed placement of the detached garage would still allow it to be in compliance with other requirements of the Zoning Ordinance.¹

¹ The Board considered §175-16H(3)(d)[6] during the hearing.

12. No one spoke in opposition to the application.
13. 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 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 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 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 §175-39 and §175-38 of the Doylestown Township Zoning Ordinance to permit Applicants to construct an accessory structure (detached garage) on the subject property. The relief is from §175-39 allowing a 25 foot setback in the rear yard when 50 feet is required and from §175-38 permitting impervious surface coverage of 28.56% where 20% is required, where the property is currently nonconforming at 23.8%.

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 any potential plan by Applicant to convert a portion 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**

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Mitchell Aglow, Vice Chairman

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Samuel Costanzo, Secretary