

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

Docket No.: Z-12-23

Applicants: Christopher & Alisa Talke
31 Sheridan Road
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-019-147, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicants propose to construct an addition to the existing single-family dwelling. The proposed addition will encroach into the required 25 foot side yard. The existing side yard is 24.5 feet. The proposed side yard is 8.8 feet. Applicants seek variances from §175-39 (re dimensional requirements) and §175-112.B (re extending and altering nonconformities) of the Doylestown Township Zoning Ordinance accordingly.

**Hearing
History:** The application was filed in Doylestown Township on August 21, 2023. Hearings were held on October 26, 2023 and December 18, 2023 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants by: Andrew R. Freimuth, Esq.
Wisler Pearlstine, LLP
460 Norristown Road, Suite 110
Blue Bell, PA 19422

Mailing Date: February 1, 2024

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 29,999.88 square feet. The property accommodates the Applicants' single-family dwelling and customary residential improvements.
4. Applicants propose to construct an addition to the existing single-family dwelling. The proposed addition will encroach into the required 25 foot side yard. The existing side yard is 24.5 feet. The proposed side yard is 8.8 feet.
5. Applicants seek variances from §175-39 (re dimensional requirements) and §175-112.B (re extending and altering nonconformities) of the Doylestown Township Zoning Ordinance accordingly.
6. The Property is a deep and narrow lot.
7. The Property is bordered by a paper street, which presents the burden of a corner lot with two front yards
8. The Property currently has several nonconforming characteristics including a side yard setback of 24.5 feet where 25 feet is required and also the lot area and width.
9. Applicants assert that the proposed location is the only possible location on site for the proposed addition.
10. The physical characteristics of the property limit the possible area for the proposed addition.
11. No one spoke in opposition to the application.
12. Doylestown Township has no intention of adopting the paper street.
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 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 §175-39 and §175-112.B of the Doylestown Township Zoning Ordinance to permit Applicants to construct an addition to the existing single-family dwelling. The proposed addition will have an 8.8 foot side yard where a 25 foot side yard is required.

The relief herein granted is subject to the following conditions:

1. Construction of the addition shall be consistent with testimony provided by Applicants during the hearings held and further subject to the plans provided.
2. Applicants are to provide a post-construction “As-Built” Plan to confirm for Doylestown Township that the project was developed without need for additional zoning relief.
3. Applicants shall apply for all required permits, including building permits and compliance with all other applicable governmental ordinances and regulations.

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Michael A. Luongo, Esq.
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**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