

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

Docket No.: Z-9-24

Applicants: John Burpee & Cristina Wheatley
490 Almshouse Road
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-007-015, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to place an accessory structure within eight (8) feet of the side lot line of the residential property. §175-39, §175-16 H-3(d)2 and §175-17 F of the Doylestown Township Zoning Ordinance require a 25 foot side yard. Applicants, to accommodate the accessory structure, request a variance from the Doylestown Township Zoning Ordinance, accordingly.

Hearing History: The application was filed in Doylestown Township on April 22, 2024. Hearings were held on June 17, 2024 and July 25, 2024 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Party Thomas Kelso, *Pro Se*
450 Almshouse Road
Doylestown, PA 18901

Mailing Date: September 6, 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 1 acre in size. The property accommodates the Applicants' single-family dwelling and additional residential amenities, including an existing barn structure.

4. Applicants seek to place an accessory structure within eight (8) feet of the side lot line of the residential property. §175-39, §175-16 H-3(d)2 and §175-17 F of the Doylestown Township Zoning Ordinance requires a 25 foot side yard. Applicants, to accommodate the accessory structure, request a variance from the Doylestown Township Zoning Ordinance, accordingly.

5. The purpose of the barn structure is to use the building as a home office (Use H-2). Applicant testified that the home office would be a no-impact home-based business.

6. Immediately next door to the proposed accessory building is a Delaware Valley University farm field.

7. The home office use will not include any client or customer visits.

8. Applicants propose electricity to the building, but no plumbing.

9. There will be no storage in the accessory structure.

10. There will be no signage in the accessory structure.

11. An H-2 no-impact home-based business is a permitted use within the R-1 Residential Zoning District in which the property is located.

12. Applicants will comply with the requirements of the H-2 use.

13. Applicants require a dimensional variance for the side yard setback. Eight (8) feet is proposed. 25 feet is required.

14. No one spoke in opposition to the application. Additional Party Kelso requested party status to support the application.

15. 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 place an accessory structure within eight (8) feet of the side lot line of the residential property. §175-39, §175-16 H-3(d)2 and §175-17 F of the Doylestown Township Zoning Ordinance requires a 25 foot side yard. Applicants, to accommodate the accessory structure, request a variance from the Doylestown Township Zoning Ordinance, accordingly.

3. The relief requested is dimensional in nature.

4. 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).

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 the Applicant 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. 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, §175-16 H-3(d)2 and §175-17 of the Doylestown Township Zoning Ordinance to permit Applicants to place an accessory structure within eight (8) feet of the side lot line of the residential property where a 25 foot side yard is required. Applicants must comply with all other applicable governmental ordinances and regulations.

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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