

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

Docket No.: Z-15-24

Applicants: Walter & Amara Senski
316 Bunker Hollow Road
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-020-096, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek authorization to locate an accessory structure (shed less than 144 square feet in size) closer than seven (7) feet from the rear and/or side lot line on the subject property. Applicants seek a variance from §175-17.F and/or §175-16.H(3)(d) of the Doylestown Township Zoning Ordinance (“Ordinance”), accordingly.

Hearing History: The application was filed in Doylestown Township on July 15, 2024. The hearing was held on August 22, 2024 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Mailing Date: October 4, 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 0.37 acres. The property accommodates the Applicants' single-family dwelling and customary residential improvements.

4. Applicants seek authorization to locate an accessory structure (shed less than 144 square feet in size) closer than seven (7) feet from the rear and/or side lot line on the subject property. Applicants seek a variance from §175-17.F and/or §175-16.H(3)(d) of the Doylestown Township Zoning Ordinance, accordingly.

5. The request for zoning relief represents ratification of an existing condition. The shed in question has been in the present location for 20 years.

6. The need for zoning relief was identified following an "anonymous" complaint related to a neighboring property.

7. Applicants conceded that no permit was sought, or issued, when Applicants obtained and placed the shed in the present location 20 years ago.

8. Applicants have since fenced the rear yard in question. Applicants obtained a permit to fence the yard. When Applicants obtained the permit, no mention was made of the shed being in violation.

9. The property in question is unusually shaped, like a baseball diamond. The shed is located at home plate. The street line is the outfield fence.

10. Due to the shape of the lot, and the placement of the single-family dwelling thereon, the front yard is large and the rear yard is small and shallow.

11. The rear yard slopes severely.

12. Applicants indicated that the shed is placed in the only reasonably flat location in the rear yard.

13. The shed is screened, at least partially, by the recently constructed 6 foot privacy fence.

14. No one spoke in opposition to 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, but for the placement of the existing shed 20 years ago 3 feet from the side and rear lot lines where 7 feet is required.

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. 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 §175-17.F and §175-16.H(3)(d) of the Doylestown Township Zoning Ordinance to permit Applicants to retain the shed (less than 144 square feet in size) in its present location, closer than seven (7) feet from the rear and side lot lines on the Subject Property. Credible evidence establishes that the shed has been in its present location, some three (3) feet from the side and rear lot lines, for 20 years. The Zoning Hearing Board ratifies the location as permissible.

Thomas E. Panzer, Esq.
Solicitor
Doylestown Township
Zoning Hearing Board
High Swartz LLP
116 East Court Street
Doylestown, PA 18901
(215) 345-8888
E-Mail: tpanzer@highswartz.com

**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