

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

Docket No.: Z-16-24

Applicants: John & Gina Foody
61 Bittersweet Drive
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-043-042, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to place a basketball court within one of the two required front yards of the subject corner residential lot. In addition, Applicants seek to place the structure closer to the street line than the principal building, and within ten (10) feet from the street line. Applicants seek variances from Doylestown Township Zoning Ordinance §175-16(3) H-3 Residential Accessory Structure, §175-39 Lot Area and Dimensional Requirements, and §175-17 General Dimensional Requirements, to accommodate placement of the court.

Hearing History: The application was filed in Doylestown Township on August 15, 2024. The hearing was held on September 26, 2024 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Mailing Date: November 8, 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 .66 acres. The property accommodates the Applicants' single-family dwelling and customary residential improvements.

4. Applicants seek to place a basketball court within one of the two required front yards of the subject corner residential lot. In addition, Applicants seek to place the structure closer to the street line than the principal building, and within ten (10) feet from the street line. Applicants seek variances from Doylestown Township Zoning Ordinance §175-16(3) H-3 Residential Accessory Structure, §175-39 Lot Area and Dimensional Requirements, and §175-17 General Dimensional Requirements, to accommodate placement of the court.

5. The Subject Property is a corner lot. The property is located at the corner of Bittersweet Drive, a neighborhood thoroughfare, and Hudson Court, a *cul-de-sac*.

6. The existing driveway is located on Hudson Court. An existing 6 foot privacy fence runs along Hudson Court toward the *cul-de-sac* serving to buffer the rear and side yards, even though the rear and side yards are adjacent to the stem and bulb of the Hudson Court *cul-de-sac*, and are therefore legally characterized as front yards.

7. Applicant proposes a 30' x 30' basketball court to locate between the driveway and the bulb of Hudson Court to the interior of the property from the existing privacy fence.

8. The existing privacy fence is located 10 feet from the street line.

9. Since all yards adjacent to streets are technically front yards, the placement of the court puts it squarely within the front yard of the single-family dwelling along Hudson Court.

10. The court is also proposed to locate closer to Hudson Court than the existing single-family dwelling.

11. No lighting is proposed for the court.

12. The property slopes from the bulb of Hudson Court toward Bittersweet Drive.
13. The location was chosen by the Applicant in that it is the most level aspect of the lot.
14. No one spoke in opposition to the application, but the adjacent property owner most directly affected by the application did confirm that a new fence, additional landscaping, and no additional lighting were favorable improvements.
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. 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 Applicant's request for relief, with conditions, as set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS variances from §175-16(3) H-3 Residential Accessory Structure, §175-39 Lot Area and Dimensional Requirements, and §175-17 General Dimensional Requirements to permit placement of a basketball/sport court within one of the two required front yards of the subject corner residential lot; and, to place the structure closer to the street line than the principal building, and ten (10) feet from the street line.

The relief granted is subject to the following conditions:

1. The basketball/sport court must be a minimum of ten (10) feet from the street line, consistent with the plan presented;
2. There shall be no lighting, direct or indirect, on or for the basketball/sport court;
3. Applicants shall place a six foot privacy fence between the basketball/sport court and the street line (in substantially the same location as the existing privacy fence). The privacy fence shall be a minimum of ten (10) feet from the street line;
4. Applicants shall replace all trees removed to facilitate this project, in kind. Applicants shall supplement the plantings between the street line and the fence line to provide a visual and sound barrier from the basketball/sport court. The landscape plan shall be subject to review and approval by Doylestown Township;
5. Applicants shall evaluate and consider noise dampening surface material for the basketball/sport court; and,
6. Applicants shall otherwise comply with all permitting and approvals necessary to complete the proposed project.

**ZONING HEARING BOARD
OF DOYLESTOWN TOWNSHIP**

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Samuel Costanzo, Secretary