

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

Docket No.: Z-17-24

Applicants: Frank & Mary Kate Kern
77 Pebble Valley Drive
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-034-018, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to construct an accessory building (two car detached garage) 15 feet from the side lot line. §175-16 H-3(d)[2] of the Doylestown Township Zoning Ordinance (“Ordinance”) requires that accessory structures greater than 144 square feet in size comply with the setbacks for principal buildings for the applicable zoning district. §175-17.F requires compliance with §175-16 H-3(d)[2]. §175-39 requires a 25 foot side yard setback. Applicants seek variances from the Ordinance to place the garage closer to the side lot line than permitted by Ordinance.

Hearing History: The application was filed in Doylestown Township on August 28, 2024. The hearing was held on September 25, 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 1.01 acres. The property accommodates the Applicants' single-family dwelling and customary residential improvements.

4. Applicants seek to construct an accessory building (two car detached garage) 15 feet from the side lot line. §175-16 H-3(d)[2] of the Doylestown Township Zoning Ordinance requires that accessory structures greater than 144 square feet in size comply with the setbacks for principal buildings for the applicable zoning district. §175-17.F requires compliance with §175-16 H-3(d)[2]. §175-39 requires a 25 foot side yard setback. Applicants seek variances from the Ordinance to place the garage closer to the side lot line than permitted by Ordinance.

5. The proposed detached garage would be used for storage of family belongings as well as a vehicle or two.

6. The existing attached garage would be converted into living space.

7. Applicant indicated that, based upon the location of the existing septic bed, any new construction would need to encroach into the 25 foot side yard setback. Applicant does propose a 24' x 24' one story garage.

8. Applicant is adding some impervious surface coverage but removing some impervious surface coverage (most notably part of the macadam driveway) resulting in a net zero gain of impervious surface coverage.

9. Applicants' adjacent neighbor, Norman and Eleanor Melling, at 17 Hillside Lane, testified to concerns regarding stormwater flow based upon the proximity of the structure to the adjacent property.

10. There was a considerable exchange regarding stormwater issues along Pebble Valley Drive and the impact upon the properties on Pebble Valley Drive and Hillside Lane.

11. Much of the discussion included reference to the negative impacts of existing stormwater road runoff onto the Melling's property and through the swale between Applicants' driveway and the Melling's property.

12. Other than the comments noted above, no one spoke in opposition to the application.

13. The Zoning Hearing Board suggested that the Property Owners consult Township staff regarding existing offsite stormwater management concerns.

14. The Zoning Hearing Board considers imposition of conditions as the most appropriate way to address and mitigate concerns raised by the adjacent property owner.

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, as set forth hereafter, with conditions to address the concerns raised by the adjacent property owner.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-16 H-3(d)[2] of the Doylestown Township Zoning Ordinance to permit an accessory structure greater than 144 square feet in size (detached garage) to locate 15 feet from the side lot line instead of the 25 feet required.

The relief granted is subject to the following conditions:

1. There shall be no plumbing in the structure;
2. There shall be no second floor window on the side of the structure facing the nearest side lot line;
3. Applicants shall plant screen plantings (which may include extending the existing forsythia hedge, and new plantings of Arborvitae, and/or Cypress), with the planting plan to be reviewed and approved by the Zoning Officer;
4. Any lighting on or for the exterior of the structure shall be down lit to prevent light wash onto adjacent properties;
5. Applicants shall direct roof leaders away from the adjacent property nearest the structure;
6. Applicants shall explore incorporating a swale between the existing driveway and adjacent neighbor;
7. The location of the structure shall be consistent with the plans presented, but in no event closer than 15 feet from the side lot line; and,
8. Applicants shall obtain all permits and approvals beyond the present zoning decision, as necessary.

ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP

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By: /s/William J. Lahr
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/s/Mitchell Aglow
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Samuel Costanzo, Secretary