

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

Docket No.: Z-3-25

Applicants: Tom & Lynn Utermark
809 Heckler Hollow Court
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-020-086, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicants seek to construct a 998 square foot addition, and add a 795 square foot paver patio to the existing single-family dwelling. Applicants calculate the post-construction impervious surface coverage at 22.9%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 20% impervious surface coverage on a lot in this district supporting a single family dwelling. Applicants seek a variance accordingly.

**Hearing
History:** The application was filed in Doylestown Township on March 7, 2025. The hearing was held on April 24, 2025 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, *Pro Se*

Mailing Date: June 6, 2025

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 26,571 square feet. The Subject Property accommodates the Applicants' single-family dwelling with customary residential amenities.

4. Applicants seek to construct a 998 square foot addition, and add a 795 square foot paver patio to the existing single-family dwelling. Applicants calculate the post-construction impervious surface coverage at 22.9%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 20% impervious surface coverage on a lot in this district supporting a single family dwelling. Applicants seek a variance accordingly.

5. Applicants seek to add a master bedroom suite to the first floor to facilitate Applicants needs as they get older.

6. There is currently no bedroom on the first floor and to allow Applicants to live on the first floor only.

7. The Property is a hexagon shape, currently undersized at 26,571 square feet, when the lot sizes in the R1 district are required to be 40,000 square feet.

8. Applicants represented that neighbors were generally supportive of the application and had no objection to it.

9. No one spoke in opposition to the application.

10. 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 §175-38 of the Doylestown Township Zoning Ordinance to permit Applicants to construct a 998 square foot addition, and add a 795 square foot paver patio to the existing single-family dwelling with a post-construction impervious surface coverage of 22.9% when 20% is allowed.

The relief granted is subject to the following conditions:

1. Construction of the addition and patio shall be consistent with testimony provided by Applicants during the hearing 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 must install a dry well to address the increase in impervious surface coverage over the 20% allowed to the satisfaction of the Township Engineer.
4. Applicants must comply with the building permit process, which may include preparing an erosion and sedimentation control plan to the satisfaction of the Township professionals and staff if required by the permitting process.
5. Applicants must comply with all other applicable rules, regulations and governmental ordinances.

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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