

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

Docket No.: Z-8-25

Applicants: Jeremy Zorn
218 Windsor Way
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-059-035, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicant has improved the subject property with a two story single-family home, deck, patio, shed, in-ground swimming pool, hot tub, walkways and driveway. Resulting impervious surface coverage is 35.5%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 30% impervious surface coverage ratio. Applicant seeks a variance to permit 35.5% impervious surface coverage. Applicant was previously granted a variance to permit 32.4%.

**Hearing
History:** The application was filed in Doylestown Township on May 19, 2025. at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, *Pro Se*

Mailing Date: August 11, 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 14,726 square feet. The property accommodates the Applicants' single-family dwelling with customary residential improvements, and most recently, an in-ground swimming pool (see ZHB-4, December 11, 2023 Decision of Doylestown Township Zoning Hearing Board).

4. Applicant has improved the subject property with a two story single-family home, deck, patio, shed, in-ground swimming pool, hot tub, walkways and driveway. Resulting impervious surface coverage is 35.5%. §175-38 of the Doylestown Township Zoning Ordinance permits a maximum of 30% impervious surface coverage ratio. Applicant seeks a variance to permit 35.5% impervious surface coverage. Applicant was previously granted a variance to permit 32.4%.

5. Applicant was previously granted a variance to permit 32.4% impervious surface coverage in conjunction with the plan to construct the in-ground swimming pool (see ZHB-4). The Findings of Fact, Conclusions of Law, and Order and Conditions of the 2023 Decision are incorporated herein by reference.

6. The previous Zoning Hearing Board Decision required Applicant to submit an "As Built" plan to show compliance with the plan used during the zoning hearing in obtaining the prior zoning relief.

7. Applicant constructed the swimming pool consistent with the previous plan, but upon further review realized that the plan table of calculations contained an error in concluding that the resultant impervious surface coverage was 32.4%. The calculations should have led to the conclusion that the impervious surface coverage was 35.5%. The difference represented by the error in calculating the percentage of impervious surface coverage leads Applicant to the present variance request.

8. The Zoning Hearing Board finds no ill will or intent to deceive in Applicants' prior representations. The table of calculations at issue simply contained a mathematical error.

9. During the course of the hearing, while the Zoning Hearing Board was reviewing the plan in some detail, questions were raised whether Applicants' current fencing encroaches onto adjacent Township property and is located across an existing easement. Neither are permitted. As a condition of relief, Applicants are to clarify and possibly rectify those two encroachments.

10. No one spoke in opposition to the application.

11. 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, and generally consistent with the prior zoning relief, albeit acknowledging the mathematical calculation in the prior request for relief.

2. The Zoning Hearing Board considers the mathematical calculation an innocent mistake, and not an intent to deceive. As such, the same rationale which governed the prior grant of relief governs the present request for relief.

3. 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).

4. 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.

5. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

6. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.

7. Accordingly, the Doylestown Township Zoning Hearing Board determined, by a 2-0 vote, 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 §175-38 of the Doylestown Township Zoning Ordinance to permit 35.5% impervious surface coverage.

The relief granted is subject to the following conditions:

1. Applicant is to follow up with Doylestown Township regarding a possible fence encroaching upon Township property to the rear of the Subject Property and further encroaching on an easement in the rear corner of the Subject Property.
2. Applicant must comply in all other respects with all other applicable governmental ordinances regulations including obtaining a building permit.
3. The conditions supporting the Zoning Hearing Board Decision circulated December 11, 2023 (Z-15-23) are incorporated by reference.

ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP

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By: /s/ William J. Lahr
William J. Lahr, Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary