

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

**Docket No.:** Z-10-2025

**Applicant/Owner:** Dianna Berger  
540 West Swamp Road  
Doylestown, PA 18901

**Subject**  
**Property:** Tax Parcel No. 09-006-034, which is located at the address of the Applicant set forth above.

**Requested Relief:** The property in question supports Applicant's single-family dwelling as well as an accessory building. The Applicant is requesting two special exceptions; (1) to permit a homebased business; and (2) to permit an accessory family apartment, both to be contained within the existing accessory structure. In addition, Applicant is requesting variances with regard to usable floor area. Usable floor area for the business is proposed at 30.45%, after construction of the addition, where 25% is permitted. Usable floor area for the accessory family apartment is proposed at 53.52%, after construction of the addition, where 25% is permitted. Applicant is also seeking confirmation of an existing nonconformity. The existing dwelling is 17' 4" from the side lot line. A 15 foot minimum side yard is required with an aggregate of 40 feet or more. Applicant seeks to construct an addition which extends the 17' 4" nonconforming setback for a length of 12 feet along the same lot line. The special exceptions are requested pursuant to §175-37.B H-1 and §175-37.B H-12 of the Doylestown Township Zoning Ordinance ("Ordinance"), respectively. The variances are from Ordinance §175-16.H-1(m), §175-16.H-12(a) and §175-39, respectively.

**Hearing**  
**History:** The application was filed in Doylestown Township on July 31, 2025. Hearings were held on September 29, 2025 and October 20, 2025 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant, *Pro Se*  
  
William Moffett, *Pro Se*  
546 W. Swamp Road  
Doylestown, PA 18901

**Mailing Date:** December 4, 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 Applicant is the Owner of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. During the hearings held, the following exhibits were marked and admitted:

ZHB-1: Application with attachments and amendment of calculations

ZHB-2: Legal advertisement, proof of publication and posting for Hearings held

ZHB-3: Doylestown Township Zoning Ordinance (the "Ordinance")

A-1: Bucks County Water and Sewer Authority Letter dated October 1, 2025

A-2: Green Tree Leaf Service Letter dated October 3, 2025

A-3: December 2023 Land Survey

A-4: March 2024 Land Survey

4. William Moffet, of 546 West Swamp Road, requested and was granted party status without objection:

5. The Subject Property is located in the R-1, Residential Zoning District of Doylestown Township. The lot area is 61,952 square feet. The property accommodates the Applicant's with customary residential amenities.

6. The property in question supports Applicant's single-family dwelling as well as an accessory building. The Applicant is requesting two special exceptions; (1) to permit a homebased business; and, (2) to permit an accessory family apartment, both to be contained within the existing accessory structure. In addition, Applicant is requesting variances with regard to usable floor area. Usable floor area for the business is proposed at 30.45%, after construction of the addition, where 25% is permitted. Usable floor area for the accessory family apartment is proposed at 53.52%, after construction of the addition, where 25% is permitted. Applicant is also seeking confirmation of an existing nonconformity. The existing dwelling is 17' 4" from the side lot line. A 15 foot minimum side yard is required with an aggregate of 40 feet or more. Applicant seeks to construct an addition which extends the 17' 4" nonconforming setback for a length of 12 feet along the same lot line. The special exceptions are requested pursuant to §175-37.B H-1 and §175-37.B H-12 of the Doylestown Township Zoning Ordinance ("Ordinance"), respectively. The variances are from Ordinance §175-16.H-1(m), §175-16.H-12(a) and §175-39, respectively.

7. The Subject Property was originally used as a tree farm by Applicant's father which had just a small structure on it in support of the tree farm business and over 100 pine trees.

8. The current residential dwelling on the Subject Property is 1,089 square feet.

9. The proposed addition to that dwelling is 1,054 square feet for a total of 2,143 square feet after construction.

10. Applicant seeks to utilized part of the accessory structure for her Interior Design business and part of it for as an accessory family apartment for friends and family only.

11. Applicant expects the occasional builder/contractor and client to come to the Subject Property in the course of her business.

12. When constructing the accessory structure originally, it increased Applicant's impervious surface area ratio but the new proposed plans will decrease that ratio.

13. Applicant has not implemented nor proposes to implement any stormwater management.

14. Applicant did not obtain an erosion and sedimentation control permit.

15. Applicant hired a contractor to cut down over 100 trees on the property that were allegedly disease or dying/ dead.

16. The accessory structure was previously built as an office/storage area with a kitchenette and bathroom.

17. Mr. Moffett was not in opposition of the application but was concerned about the impact of the accessory building, which was already built has had and the impact it will have when used as part of the Applicant's business.

18. Mr. Moffett agreed that the Board's conditions would help alleviate his concerns.

19. No one spoke in opposition to the application.

20. Applicant agreed to the conditions imposed by the Board.

21. Doylestown Township took no position with regard to this application.

## **CONCLUSIONS OF LAW:**

1. Since the accessory structure was built prior to the need for relief, the Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. 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.

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

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

5. 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).

6. The grant of the requested variances satisfies Appellant's burden to meet the objective criteria set forth in the Ordinance for a special exception. New Bethlehem Borough Council v. McVay, 78 Pa. Commw. 167, 467 A.2d 395 (Pa. Cmwlth. 1983). A use permitted by special exception is presumptively consistent with the public health, safety and welfare; the denial of a special exception can be based only on proof that the use would create an adverse effect on the public welfare in a way not normally associated with proposed use. Kern v. Zoning Hearing Board of Tredyffrin Township, 68 Pa. Cmmw. 396, 449 A.2d 781 (1982). Here, the objecting witnesses failed to present proof that the proposed use would present a substantial threat of harm to the health, safety and welfare of the community. Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 126 Pa. Commw. 235, 559 A.2d 107 (PA. Cmwlth. 1989).

7. The Board confirmed there was no need for a confirmation of a nonconforming setback as none existed as proposed.

8. Applicant agreed to the conditions imposed by the Board.

9. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, 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 the following relief from the Doylestown Township Zoning Ordinance:

1. a special exception pursuant to §175-37.B H-1 to permit a homebased business;
2. a special exception pursuant to §175-37.B H-12 to permit an accessory family apartment, both to be contained within the existing accessory structure;
3. a variance from §175-16.H-1(m), to permit a usable floor area of 30.45%, where 25% is permitted; and,
4. a variance from §175-16.H-12(a), to permit a usable floor area for the accessory family apartment of 53.52%, where 25% is permitted.

The relief granted is subject to the following conditions:

1. The accessory family apartment/in-law suite shall comply with §175-16 H-12 of the Ordinance.
2. Construction of the addition must be completed first and a U&O issued before the accessory structure can be used as a business and apartment.
3. Construction of the addition shall be consistent with testimony provided by Applicant during the hearings held and further subject to the plans provided.
4. Applicant is to provide a post-construction "As-Built" Plan to confirm for Doylestown Township that the project was developed without need for additional zoning relief.
5. Applicant must have a stormwater management plan, based off the original site prior to construction of the accessory building and the change in ground coverage, prepared, by a licensed professional, to be reviewed and approved by the Township Engineer.
6. Parking for the residential dwelling, business and apartment uses must comply with the Doylestown Township Zoning Ordinance, but at a minimum two (2) spaces for the residential dwelling, two (2) spaces for the business and one (1) space for the apartment.
7. Hours of operation for the business must be limited to 8:00 AM to 6:00 PM on Mondays to Fridays and 9:00 AM to 4:00 PM on Saturdays.
8. The business is only allowed to have two (2) visitors and two (2) vehicles at the Property at one time.
9. There shall be no entertainment at the Property associated with the business at any time.
10. To address the removal of over 100 trees from the property, Applicant shall plant a double row of deer resistant, 6' to 8' green giant or similar trees across the whole rear property line of 546 West Stump Road to the satisfaction and approval of the Township Landscape Architect.
11. Applicant shall grant a deed restriction in accordance with §175-16(H)(12)(i).

12. Applicant must comply with all other applicable rules, regulations and governmental ordinances.

**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

/s/ Richard Gaver  
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