

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

Application No. Z-2-2014

Applicant: Cynthia Carter-Betancourt
 275 Alyssa Lane
 Doylestown, PA 18901

Owners: Claude and Cynthia Betancourt
 275 Alyssa Lane
 Doylestown, PA 18901

**Subject
Property:** Tax Parcel No. 9-6-75, located at the address listed above.

**Requested
Relief:** The Applicant requests a special exception pursuant to §175-37.B
 of Doylestown Township Zoning Ordinance (“Ordinance”) to
 permit an in-law suite on the Subject Property pursuant to the
 terms of §175-16.H-12.

**Hearing
History:** The application was filed in Doylestown Township on July 16,
 2014. The hearing was held on August 28, 2014 at the
 Doylestown Township Building, 425 Wells Road, Doylestown,
 PA 18901.

Appearances: Applicant, Pro Se’

Date of Issuance: September 23, 2014

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 one of 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. It is 40,946 square feet in size (slightly less than one acre). It accommodates a by right use as a single-family detached dwelling and its structures include an existing two-story residence, a storage shed, and typical residential access walkways and a driveway.

4. The Applicant proposes the renovation of the existing attached garage, approximately 442 square feet in size, to accommodate an in-law suite for the Applicant's mother-in-law.

5. Pursuant to Ordinance §175-37.B, an in-law suite is permitted by special exception in the R-1 Zoning District.

6. Ordinance §175-16.H-12 contains the Ordinance definition of an in-law suite and the criteria necessary to obtain a special exception.

7. The credible evidence presented by the Applicant indicates that the intent of the in-law suite is to permit a related family member to reside on the premises but to prohibit the creation of for-profit apartments in districts where multi-family housing is otherwise permitted.

8. The Board finds, based upon the credible evidence presented, as follows regarding the criteria for an in-law suite use in accordance with §175-16.H-12:

a. The in-law suite will be approximate 442 square feet in size. The total useable floor area of the principal residence, not including its garage, is 2,752 square feet. Accordingly, the in-law suite will not occupy more than 25% of the total usable floor area.

b. The in-law suite will contain a bedroom, bathroom, walk-in closet, living room, and nook area as depicted on the First Floor Plan of Exhibit B-1.C.

c. The in-law suite is proposed to be located in the existing attached garage which is part of the principal residence. The Applicant proposes the construction of a new detached garage which, according to the Applicant, is otherwise permitted under the terms of the Ordinance.

- d. The Applicant has indicated that an additional parking space for the in-law suite will be provided in a parking area adjacent to the new garage.
 - e. The in-law suite will be occupied by a related family member.
 - f. Although a new side entrance to the proposed in-law suite will be created, there will be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single-family dwelling.
 - g. The Applicant indicated her understanding that no more than one in-law suite shall be permitted.
 - h. The Applicant acknowledged the requirements of this section to register this use with the Township's Zoning Officer.
 - i. The Subject Property is serviced by public water and public sewer.
9. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

- 1. The Subject Property has been developed and used as a single-family home, which use is permitted by right in the R-1 Zoning District.
- 2. The Applicant's desire to accommodate a related family member in an in-law suite is logical, and its size is reasonable and consistent with Ordinance standards.
- 3. Consistent with the requirements of §175-38, the Board has considered the additional factors set forth therein.
- 4. Pursuant to §175-37, the Applicant has credibly established compliance with all of the criteria and conditions necessary to justify a special exception for an in-law suite use required by the Ordinance.
- 5. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the special exception for an in-law suite requested as is set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township hereby GRANTS a special exception pursuant to §175-37.B, to permit the use and occupancy of the existing attached garage by a related family member of the Owners as an in-law suite, defined at §175-16.H-12 of the Doylestown Township Zoning Ordinance, subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ W. Andrew McPherson
W. Andrew McPherson, Chairman

/s/ William J. Lahr
William J. Lahr, Vice Chairman

/s/ Richard K. Gaver
Richard K. Gaver, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.