

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

Application No. Z-5-2014

Applicant: Stephanie Lawfer-Schenck
325 Edison Furlong Road
Doylestown, PA 18901

Owner: Same.

Subject Property: Tax Parcel No. 9-25-105, located at the address of the Applicant set forth above.

Requested Relief: The Applicant desires to construct a pole barn on the Subject Property and, in order to do so as proposed, requests the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-39, to allow its location at a side yard setback distance of less than 25 feet; and
2. from §175-23.C.5, to allow a driveway to be located less than 10 feet from the side yard property line as required by §153-27.A.4 of the Subdivision and Land Development Ordinance.

Hearing History: The application was filed in Doylestown Township on October 6, 2014. The hearing was held on November 17, 2014 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Pro Se’

Date of Issuance: December 17, 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 the Owner 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 approximately one acre in size and accommodates the Applicant's single family detached dwelling with attached garage and a driveway as depicted on Exhibit A-1, a sketch plan of the property received into evidence during the hearing (the "Sketch Plan").
4. The garage is accessed from its rear by means of the driveway which is approximately 8 feet wide and runs along the side of the garage to the area that provides that access.
5. The Applicant purchased the property in 2006. The driveway, as depicted on the Sketch Plan, existed at the time of purchase. The Applicant testified that to her knowledge, the driveway was installed in approximately 1965.
6. According to the Applicant's testimony, the driveway is located, at its closest point, at a setback distance of 7 feet from its nearest side property line.
7. Relative to the existing driveway, the Applicant requested a variance from Ordinance §175-23.C.5 which by reference to the Doylestown Township Subdivision and Land Development Ordinance, at §153-27.A.4, requires a side yard setback distance of 10 feet.
8. The evidence indicates that the driveway has been at its present nonconforming side yard setback distance since 1965 and is therefore nonconforming to the 10 foot side yard setback distance requirement of SALDO §153-27.A.4.
9. Additionally, the Applicant proposes the construction of a 50' x 24' one-story pole barn to the rear of the attached garage accessed by the existing driveway between it and the proposed pole barn.
10. The Applicant testified that the pole barn will have a 10 foot ceiling height and a 5 foot pitched roof resulting in a 16 foot height at its ridge. It will be accessed by two bays and will be painted to match the colors of the existing residential structure.

11. The Applicant's husband Kenneth T. Schenck, Jr., is a carpenter who performs nothing other than related paperwork on the Subject Property but does store carpentry materials and equipment. Mr. Schenck also owns a large pickup truck.

12. The purpose of the pole barn is for the storage of lawn equipment and materials in connection with the maintenance of the property as well as Mr. Schenck's carpentry tools and materials and his pickup truck.

13. Based upon the credible evidence presented by the Applicant, the Board finds that the existence of the proposed pole barn will enable the storage of equipment, materials and a large pickup truck indoors eliminating the necessity for outdoor storage of those items.

14. The pole barn is proposed to be located at a side yard setback distance of 21 feet to its nearest wall.

15. The credible evidence of the Applicant, and an examination of the Sketch Plan, indicates that due to the existence of a septic tank and septic fields behind the existing residential structure, the location of the pole barn proposed is necessary.

16. Ordinance §175-39 requires a side yard setback distance of at least 25 feet.

17. The Board finds that since access to the proposed pole barn from the existing driveway is necessary, and since the pole barn's location at an Ordinance compliant setback distance would negatively impact the septic fields, the proposed location is the most logical and feasible for the pole barn.

18. Although Mr. Schenck stores his carpentry related materials on the property and will store them within the pole barn if relief is granted, he conducts no carpentry work on the Subject Property. According to his testimony, he performs his job at the location of his customers and does not perform any carpentry work on the Subject Property.

19. The Applicant presented Exhibit B-1.B, a letter from five neighboring residential property owners, indicating no objection to the location of the pole barn or its access driveway.

20. 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 residence, which is permitted by right in the R-1 Zoning District.
2. The credible evidence presented by the Applicant satisfies the Board that the existing driveway is lawfully nonconforming to the minimum side yard setback distance of 10 feet required by the Subdivision and Land Development Ordinance as referenced in Ordinance §175-23.C.5. Accordingly, no variance from that provision is required.
3. The proposed pole barn is reasonably sized and necessary to store household and carpentry related materials. It is located at the only part of the Subject Property which is accessible to the existing driveway and does not interfere with the septic system or fields.
4. The Board concludes that the construction of the pole barn will result in the indoor storage of materials and a large truck which benefits the Subject Property specifically and the neighborhood generally so that there is no outdoor storage of materials or parking of vehicles.
5. Based upon the competent evidence presented, the Board concludes that the construction of the proposed pole barn, at a 21 foot setback distance from its nearest side property line, will have no negative impact upon surrounding properties or uses.
6. The Board concludes that strict Ordinance compliance with regard to the location of the pole barn is made impossible due to the location of the existing driveway and the septic system for the Subject Property.
7. The pole barn will enable the safe and secure storage of materials, equipment and vehicles.
8. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.
9. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief as is set forth hereafter.

ORDER

WHEREFORE, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-39 of the Doylestown Township Zoning Ordinance in order to permit the construction of a 50' x 24' pole barn at a side yard setback distance of 21 feet to its closest wall, subject to compliance with all other applicable governmental ordinances and regulations and the following specific conditions:

1. that after construction of the pole barn there shall be no outdoor storage of materials, equipment or vehicles; and
2. there shall be no commercial use of the pole barn other than for the storage of materials.

**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.