

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

Application No. Z-14-2016

Applicant: Township of Doylestown
425 Wells Road
Doylestown, PA 18901

Owners: Daniel & Elizabeth Bray
3335 Bristol Road
Doylestown, PA 18901

Subject Property: Tax Parcel No. 09-007-002 which is located at the address of the Owners set forth above.

Requested Relief: The Applicant proposes to construct a sanitary sewer pump station within an easement on the Subject Property and requests the following variances:

1. a variance from the Riparian Corridor Conservation District regulations of Zoning Ordinance §175-103.4 and §175-103.5 subsections (A), (C), (D), (E) and (F), to allow construction of the Pebble Ridge/Woodridge Area Sanitary Sewer Pump Station and appurtenances thereto within the Riparian Corridor Conservation District;
2. a variance from the regulations of Environmental Protection Standards of Zoning Ordinance §175-27.D(7)(b), to allow construction of the Pebble Ridge/Woodbridge Area Sanitary Sewer Pump Station and appurtenances within Riparian Corridor Conservation District lands; and
3. a variance from §96-24 of the Doylestown Township Floodplain Management Ordinance, to permit the proposed construction within an identified floodplain area.

Hearing History: The original application was filed in Doylestown Township on November 15, 2016. Hearings were held on January 26, 2017 and May 25, 2017 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901¹.

¹ Subsequent to the original application, the Applicant submitted a revised application and thereafter, a second revised application clarifying the relief sought. Appropriate waivers from the time limitation requirements of the MPC regarding hearings were signed by the Applicant (see Exhibits B-6 and B-11).

Appearances: Applicant by: Jeffrey P. Garton, Esq.
John P. Koopman, Esq.
Begley, Carlin & Mandio LLP
680 Middletown Boulevard
Langhorne, PA 19047

Charles & Linda Urie by: Jordan B. Yeager, Esq.
Curtin & Heefner LLP
2005 S. Easton Road, Suite 100
Doylestown, PA 18901

Mailing Date: July 5, 2017

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 Subject Property is approximately 32 acres in size and accommodates a farmhouse and otherwise vacant land. An easement between the Applicant and the Owners, identifying an easement area, approximately 14,688 square feet in size, was created to permit the construction of the Pebble Ridge/Wood Ridge area sanitary sewer pump station and related facilities. Additionally, the Owners granted permission to the Applicant to submit the application (Exhibit A-5). Accordingly, the Applicant is possessed of the requisite standing to make application to this Board.

3. Adjacent residential property owners, Charles and Linda Urie, of 1502 Lower State Road, Doylestown, PA, whose property is contiguous to the Subject Property, were granted party status through their counsel Jordan B. Yeager, Esq. At the first hearing held in this matter, Mr. and Mrs. Urie appeared in opposition to the requested relief. Prior to the second hearing, however, the Applicant and the Uries resolved their opposition as set forth in a May 24, 2017 letter from Yeager (Exhibit B-12).

4. Stephanie Mason, the Doylestown Township Manager, established that, as a result of complaints of failed septic systems from residents in the area of the Pebble Ridge and Wood Ridge residential developments, and, as a result of evidence that house sales in this area established additional failures, the Township determined to study the on lot septic systems and created the Doylestown Township Public Water and Sewer Advisory Committee (DTPWSAC), composed of volunteer Township residents,

to study the septic systems involved and report with recommendations to the Township Supervisors.

5. In approximately 1997, the DTPWSAC began collecting data on the septic system functionality in these two neighborhoods. Visual inspections of the approximately 203 lots that form the neighborhood, both in 1998 and in 2008, found examples of malfunctioning on lot disposal systems (OLDS). Soil studies showed that the soils in this neighborhood are poor to moderate, negatively effecting septic system performance and the ability to find new places to install a septic system if an old system failed.

6. In 1998, Doylestown Township commissioned Boucher & James, Inc., a civil engineering firm, to conduct visual inspections of the OLDS in these neighborhoods. It found 38 properties which revealed confirmed malfunctioning septic systems and 8 properties that were suspected of malfunctioning at some point within a year.

7. In 2008, Boucher & James again conducted visual inspections of the OLDS in these neighborhoods and found an additional 15 properties revealed confirmed malfunctioning septic systems. At that time, another 35 properties had systems that were suspected of malfunction within a year.

8. From 2007 through 2011, a further study of the OLDS in these neighborhoods revealed that a significant percentage of the OLDS investigated showed higher than acceptable fecal coliforms levels.

9. A feasibility study was conducted by the Bucks County Water and Sewer Authority to ascertain the cost and type of public system that would remedy the malfunctioning OLDS.

10. As a result of the studies and investigations that occurred, the DTPWSAC recommended the installation of a gravity system to serve the Pebble Ridge and Wood Ridge neighborhoods and properties in their vicinity.

11. Exhibit A-1 is an extensive collection of documentation entitled "Pipe in the Street – the Only Solution" prepared by Doylestown Township in May of 2012. The Board's review of this exhibit, together with the credible testimony of Ms. Mason, establishes the necessity for the creation of a gravity sewer system extension to serve the Pebble Ridge/Wood Ridge area.

12. On February 26, 2013, the Applicant prepared a "Minor Act 537 Sewage Facilities Plan Update Revision, Component 3M" for the Pebble Ridge/Wood Ridge and vicinity gravity sewer system extension and submitted same to the Pennsylvania Department of Environmental Protection (DEP) (Exhibit A-2).

13. On December 16, 2013, DEP approved the plan submission (Exhibit A-3).

14. Thereafter, the Applicant has been in the process of acquiring easements over properties to enable the construction of the full sewer system extension. Several meetings and hearings were conducted by the Township with impacted property owners.

15. This application seeks to locate a generator building, a valve chamber, a wet well, and related structures on the eased area of the Subject Property, accessed by a driveway from Lower State Road, all as depicted on this Site Plan, prepared by Gilmore & Associates, Inc. dated January 15, 2015, last revised January 17, 2017 (Exhibit B-2.B).

16. Exhibit B-2.C is a "Buffer Landscape Plan" prepared by Boucher & James, Inc. dated January 6, 2017. It depicts a surrounding chain link fence and significant buffer landscaping to be installed, in addition to existing foliage, to shield this facility from view and soften its impact on the Urie residential property.

17. Alexander Dyke, P.E., a Vice President at Gilmore & Associates, Inc., a civil engineering and consulting firm, testified on behalf of the Applicant. Dyke has 24 years consulting experience including the planning, design, construction and management of public and private water and waste water projects. He was qualified to testify as an expert in the construction and design of sewer pump stations and systems.

18. Dyke designed the overall plan for sanitary sewer system design for this project, entitled "Sanitary Sewer Plan" prepared by Gilmore & Associates, Inc. dated January 15, 2015, last revised August 3, 2016 (Exhibit A-7). The eased area of the Subject Property is designed to serve as the collection point and pumping station for the sewer system extension proposed.

19. Dyke credibly established that pump stations are typically located in the lowest lying areas. They are often situated in the vicinity of streams, creeks or floodplain areas in order to achieve natural drainage by gravity. He established the eased area on the Subject Property as the necessary location for the pump station.

20. Dyke credibly established the necessity for the location of the proposed pump station as the most reasonable location for it, after examining various alternatives in the area. He further credibly established that the pump station for the proposed sewer system extension cannot be located anywhere outside of the floodplain. The Subject Property is located in the floodplain but not in the floodway. It is located in the "AE" area of the floodplain. The proposed location, according to Dyke, is the least intrusive on existing properties in the neighborhood and is logically located with roadway access.

21. He further established that many of the structures proposed in the eased area of the Subject Property will be in the ground so as to be least intrusive upon neighboring property owners.

22. Dyke established that the Subject Property is located not only in the floodplain, but in the Riparian Corridor Conservation Overlay District of Doylestown Township.

23. James Matticola, a Senior Project Manager at Gilmore & Associates, Inc., with significant experience in public sector projects similar to that proposed, including sanitary sewer and potable water designs, stormwater management improvements, floodplain studies, and the like. He was qualified to testify as an expert in civil engineering.

24. Matticola pointed out that the structures necessary for the proposed pump station are not permitted in the Riparian Corridor Conservation Overlay District pursuant to §175-103.4.

25. Matticola also referenced, in his testimony, §175-103.5 of the Ordinance because the pump station proposed contemplates the construction of permanent structures, driveway access over which motor vehicles will travel, a small parking area, and the clear cutting and removal of trees, all of which are prohibited in the Riparian Corridor Conservation Overlay District by subsections a, c, d, e, and f.

26. Despite these Ordinance prohibitions, Matticola's credible evidence confirmed that of Dyke that the pump station is necessarily located as proposed and that strict conformity with Ordinance §175-103.4 and §175-103.5 is impossible due to the required location at the lowest elevation of the area in which the system is proposed.

27. Matticola's expert opinion also confirmed that compliance with §175-27.D.7.b, which requires a resource protection ratio of 100% for property located in the Riparian Corridor Conservation Overlay District is impossible due to the necessity of the construction of the pumping station in the eased area of the Subject Property in order to properly serve the sewer system extension proposed.

28. Matticola also testified regarding the application of the Township's Floodplain Management Ordinance, adopted on January 20, 2015 by Doylestown Township Ordinance No. 374.

29. §96-24 of the Floodplain Management Ordinance prohibits any new construction or substantial improvements within any identified floodplain area.

30. However, §96-24.b of this ordinance contemplates that any new construction or substantial improvement of a nonresidential structure in the AE Zone requires flood proofing consistent with its provisions. Matticola established that the structures proposed on the Subject Property will meet the flood proofing requirements of this Ordinance.

31. Despite the prohibition contained at §96-24, design and construction standards for water and sanitary sewer facilities and systems are provided at §96-25. He established that the proposed sewage pump station and related facilities will be located, designed and constructed to minimize or eliminate flood damage and the infiltration of floodwaters. The system will be designed to prevent the discharge of untreated sewage into floodwaters and constructed in strict compliance with all state and local regulations for such systems.

32. Testimony on behalf of the Applicant was also presented by Judith Stern Goldstein, ASLA, the Managing Director of Boucher & James, Inc. She is a registered landscape architect and has served as Doylestown Township's Planning Expert for many years. She was qualified to testify as an expert in landscape architecture and planning. She confirmed the testimony of other experts that the pumping station proposed, which is located in zone 2 of the Riparian Corridor Conservation Overlay District, needs to be located at the low point of the area and that there is no possibility for it to be located outside of the floodplain or the Riparian Corridor Conservation Overlay District.

CONCLUSIONS OF LAW

1. The credible evidence presented by the Applicant in this hearing establishes the necessity for the creation of a gravity sewer system extension to serve the Pebble Ridge, Wood Ridge area.

2. Further, the credible and competent testimony of the Township's professionals, Messrs. Dyke and Matticola, and Ms. Stern Goldstein, establishes the necessity of the location of the proposed pumping station in a low point in the area of the sewer system extension and on the Subject Property, despite its location within both the floodplain and the Riparian Corridor Conservation Overlay District.

3. Strict compliance with the sections of the Zoning Ordinance and Floodplain Management Ordinance from which variances are sought is impossible in order to enable a pumping station to be gravity fed and appropriately functioning to support the sewer system extension.

4. The necessity for the location of the pumping station at the low point in the area creates a unique circumstance as such low areas are typically located within a floodplain or riparian area. The Subject Property is the necessary location for the pumping station in order to permit the functioning of the sewer system extension proposed.

5. There is no possibility that the pumping station can be developed on the Subject Property in strict conformity with the provisions of the Ordinance from which variances are sought.

6. The hardship established in this matter has not been created by the Applicant but rather exists due to the physical conditions and features of the Subject Property and properties within its vicinity.

7. Variance relief will not alter the essential character of the neighborhood or district in which the Subject Property is located nor will it substantially nor permanently impair the appropriate use or development of adjacent property.

8. The variances, if authorized, will not be detrimental to the public welfare.

9. The credible testimony of Mr. Matticola satisfies the Board that the variances requested represent the minimum necessary to afford relief.

10. The grant of the variances requested will not cause any increase in the base flood elevation.

11. The variances requested will not, together with all other existing and anticipated development, increase the base flood elevation more than 1 foot at any point.

12. The Board concludes that there is good and sufficient cause for the variances requested. Failure to grant the requested variances will result in exceptional hardship to the Township and the residents of the Pebble Ridge and Wood Ridge developments, and their vicinity due to the inability of the soils in the area to accommodate functional on lot septic systems.

13. The grant of the variances requested will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense nor will they create nuisance, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinance or regulation.

14. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant relief requested by the Applicant as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the following variances in order to permit the construction of a sanitary sewer pump station within an easement area on the Subject Property as depicted in the “Sanitary Sewer Plan” prepared by Gilmore & Associates, Inc. dated January 15, 2015, last revised August 3, 2016:

1. a variance from the Riparian Corridor Conservation District regulations of Zoning Ordinance §175-103.4 and §175-103.5 subsections (A), (C), (D), (E) and (F), to allow construction of the Pebble Ridge/Woodridge Area Sanitary Sewer Pump Station and appurtenances thereto within the Riparian Corridor Conservation District;
2. a variance from the regulations of Environmental Protection Standards of Zoning Ordinance §175-27.D(7)(b), to allow construction of the Pebble Ridge/Woodbridge Area Sanitary Sewer Pump Station and appurtenances within Riparian Corridor Conservation District lands; and
3. a variance from §96-24 of the Doylestown Township Floodplain Management Ordinance, to permit the proposed construction within an identified floodplain area.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Richard K. Gaver
Richard K. Gaver, Vice Chairman

/s/ Mitchell Aglow
Mitchell Aglow, 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.

NOTICE: Pursuant to §96-34.G of the Doylestown Township Floodplain Management Ordinance, the Applicant is hereby notified that:

- (1) The granting of the variance relief may result in increased premium rates for flood insurance; and
- (2) Such variances may increase the risks to life and property.

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

Application No. Z-2-2017

Applicant: Township of Doylestown
425 Wells Road
Doylestown, PA 18901

Owner: Same.

Subject Property: Tax Parcel No. 9-7-138 which is located at the address of the Applicant set forth above.

Requested Relief: The Applicant desires to construct a new municipal building as well as other facilities 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 §175-19, to allow more than one principal building per lot in the R-1 Zoning District; and
2. from §175-23.B.3, to eliminate the 10 foot wide planting strip required between every 20 contiguous parking spaces in a row.

Hearing History: The application was filed in Doylestown Township on May 2, 2017. The hearing was held on May 25, 2017 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Jeffrey P. Garton, Esq.
Begley, Carlin & Mandio LLP
680 Middletown Boulevard
Langhorne, PA 19047

Mailing Date: July 5, 2017

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. Its gross site area is 105.16 acres and its lot area, as defined in the Ordinance, is 102.13 acres. It is as depicted on Exhibit B-1.A, a Zoning Variance Plan, prepared by Pickering Corts & Summerson, dated April 7, 2017.

4. The Subject Property has been developed as a public park known as Central Park. It is contiguous, on its southeastern side, to Tax Parcel No. 9-7-138-1 which is also owned by the Applicant. In addition to the Central Park, the two properties accommodate the Doylestown Township Municipal complex.

5. After three years of examination and planning, Doylestown Township has determined to reconstruct a larger municipal building on its contiguous lot and to improve the existing structures and add a public recreational building on the northwest corner of the Subject Property, as well as an adjacent pavilion.

6. A total of 189 off-street parking spaces are proposed on the Subject Property to accommodate public parking needs. The Ordinance requires only 80 such spaces, however, additional spaces are necessary due to events that are held on the Subject Property and in order to handle overflow parking for municipal meetings on the adjacent property.

7. Mario L. Canales, P.E., the Doylestown Township Municipal Engineer, testified on behalf of the Applicant. He was qualified to testify as an expert in civil engineering.

8. Canales established that the property is presently nonconforming to the requirements of Ordinance §175-19 which requires, in the R-1 District, that there shall only be one principal use or building per lot in the R-1 Residential District. In addition to the Central Park use, the Subject Property accommodates the Township's Water Authority building and a Public Services building, labeled as the "Red" building on the Zoning Variance Plan, as well as a public pavilion.

9. Canales established that due to the demand for additional space for public activities and meetings, the public activity building is proposed on the northwest corner of the Subject Property as depicted on the Zoning Variance Plan.

10. Canales established that if the proposed additional building is not permitted on the lot, it will result in decreased service to the public and will frustrate the Township's proposal to modernize the Subject Property and its structures.

11. Ordinance §175-23.B.3 states as follows: "Between every 20 contiguous parking spaces in a row, there shall be a planting strip 10 feet wide and suitably planted which shall serve as a physical separation between every 20 parking spaces. In addition, parking islands, 10 feet wide shall be constructed between each parking row."

12. This application proposes the elimination of the requirement for these planting strips in the proposed parking field. Canales established the following reasons for that request:

- a. as the parking field is located on park land which is primarily green space, the additional greenery that would result from Ordinance compliance is not necessary;
- b. that the placement of parking islands pursuant to the Ordinance would require taxpayer paid additional maintenance; and
- c. the construction of the parking islands makes snowplowing difficult.

CONCLUSIONS OF LAW

1. The Subject Property is part of the Doylestown Township Municipal complex and accommodates its Central Park.

2. There are currently three structures and two uses on the Subject Property which represent a nonconformity to Ordinance §175-19.

3. The credible evidence presented by Mr. Canales establishes the necessity for the construction of the proposed activity building and adjacent pavilion, as depicted on the Zoning Variance Plan, in order to adequately serve the public purpose of the Subject Property.

4. The Board concludes that the public policy behind Ordinance §175-23.B.3 is to provide additional green space in parking areas. It agrees with the testimony of Mr. Canales that additional green space is not necessary given the location of the parking field on the Subject Property which is developed as Central Park and features significant amounts of open and green space.

5. The Board further concludes that the addition of the required parking islands would unnecessarily increase the impervious surface coverage on the Subject Property.

6. The competent evidence presented leads the Board to conclude that the addition of the parking spaces and construction of the proposed activity building and pavilion will increase the public enjoyment of the Subject Property and benefit the

health, safety and welfare of Township residents as a result. There will be no negative impacts upon surrounding properties or uses if the variance relief requested is granted.

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

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

9. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variances requested.

10. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant relief to the Applicant and the Subject Property as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the following variances from the Doylestown Township Zoning Ordinance in order to permit the construction of a new municipal building as well as other facilities on the Subject Property as depicted on Exhibit B-1.A, the Zoning Variance Plan:

1. from §175-19, to allow more than one principal building per lot in the R-1 Zoning District; and
2. from §175-23.B.3, to eliminate the 10 foot wide planting strip required between every 20 contiguous parking spaces in a row.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Richard K. Gaver
Richard K. Gaver, Vice Chairman

/s/ Mitchell Aglow
Mitchell Aglow, 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.

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

Application No. Z-3-2017

Applicant: Township of Doylestown
425 Wells Road
Doylestown, PA 18901

Owner: Same.

Subject Property: Tax Parcel No. 9-7-138-1 which is located at the address of the Applicant set forth above.

Requested Relief: The Applicant desires to construct a new municipal building as well as other related facilities 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 §175-17.F.1, to permit the construction of an accessory building with a floor area greater than 144 square feet within the required side yard setback distance;
2. from §175-22.D, to provide less than the required number of off-street parking spaces;
3. from §175-23.B.4, to allow less than 10% of the parking areas to be used for parking islands and planting strips; and
4. from §175-89, to permit an impervious surface coverage of greater than the permitted 50% and existing 66.1%.

Hearing History: The application was filed in Doylestown Township on May 2, 2017. The hearing was held on May 25, 2017 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Jeffrey P. Garton, Esq.
Begley, Carlin & Mandio LLP
680 Middletown Boulevard
Langhorne, PA 19047

Mailing Date: July 5, 2017

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 I, Institutional Zoning District of Doylestown Township. It is 7.46 acres in size and accommodates the Doylestown Township Municipal Building. It is depicted in Exhibit B-1.A, a Zoning Variance Plan prepared by Pickering Corts & Summerson, dated April 7, 2017.

4. The Subject Property is contiguous, to its west, to Tax Parcel No. 9-7-138, which is 102.13 acres in size. It is also owned by Doylestown Township and has been developed as part of the Doylestown Township Municipal complex as well as a public park known as Central Park.

5. Kenneth Snyder, a Member of the Doylestown Township Board of Supervisors, testified that he has been involved for the last three years in the investigation of existing structures and uses in the municipal complex and planning for the future.

6. Snyder credibly identified the necessity for reconstruction of the municipal building and related accessory buildings for the following reasons:

- a. The proposed municipal building will contain the Township's Police Department's offices and facilities. Insufficient security is currently provided for use by the Police Department consistent with current law enforcement standards and the new building will provide up-to-date security features for the Police Department;
- b. the existing structure is aged and is deteriorating. The cost of renovation exceeds the cost of reconstruction so the Township determined that its best use of taxpayer dollars would be devoted to the more affordable reconstruction of the municipal building; and
- c. there is insufficient space for current police and administrative needs.

7. In addition, the proposal includes the construction of a 12 space carport, a secure garage, and a fleet maintenance building.

8. The carport is located in order to provide easy access to police vehicles from the Police Department which is to be located on the northeast corner of the proposed municipal building.

9. The secure garage is necessary to accommodate impounded vehicles and storage of evidence.

10. Fleet maintenance is to be relocated from inside of the current municipal building to a new fleet maintenance building as depicted on the Zoning Variance Plan. Snyder established that the size of the fleet maintenance building proposed is necessary to accommodate functional maintenance of Township vehicles.

11. Mario L. Canales, P.E., the Doylestown Township Municipal Engineer, testified in this matter. He was qualified to testify as an expert in civil engineering.

12. Canales established that the current eastern side property setback distance is 37.7 feet, which is nonconforming to the side yard requirement of 75 feet in the I Zoning District. The proposed carport and secure garage will be located at the same 37.7 foot side yard setback distance as presently exists. He testified that vegetative buffering will be installed along the eastern side property line, between these two structures, and its adjoining property, consistent with the requirements of the Township's Subdivision and Land Development Ordinance.

13. According to the Zoning Variance Plan, the Ordinance would require 142 off-street parking space on the Subject Property. 129 such spaces are proposed.

14. Canales established that the Township meetings typically require 30-40 parking spaces. The required parking contemplates the necessity for 1 parking space for each of the Township's 65 employees. However, Canales established that the large majority of Township meetings occur in the evening when employees are not present and that the 129 parking spaces proposed will be sufficient except in infrequent events when overflow parking will be accommodated on the adjacent Township owned property in parking spaces located there.

15. By reducing the number of parking spaces on the Subject Property, the impervious surface necessary to accommodate them is proportionately reduced.

16. The testimony of both Snyder and Canales established the necessity of the size of the fleet maintenance building proposed. The construction of the new building, the proposed parking spaces, the fleet maintenance building, an above ground fuel tank for Township vehicles, the carport, and the secure garage, result in an impervious surface coverage ratio of 67.4%. The existing impervious surface coverage ratio on the Subject Property is 66.1%. Ordinance §175-89 limits this ratio to 50% in the I Zoning District.

17. There will be an increase in impervious surface, if this application is approved, of 2,834 square feet on the Subject Property. Canales established that appropriate stormwater management facilities will be designed during land development consistent with applicable Township ordinances and standards.

18. The Board further finds that, as the adjacent property owned by the Township is developed, in large part, as Central Park, there is sufficient pervious area in the vicinity of the Subject Property to accommodate the increase in impervious coverage proposed.

19. Ordinance §175-17.F.1 requires that accessory buildings, greater than 144 square feet in size, must be set back consistent with the side yard setback distance required in the I District. The carport and secure garage proposed will be located at the 37.7 foot side yard setback distance that is an existing nonconformity.

20. §175-23.B.4 requires that 10% of the parking area proposed is to be used for parking islands and planting strips. Although parking islands are proposed in the vicinity of the handicapped spaces to be provided, the size of those areas do not meet the requirements of this Ordinance section.

21. Canales established that Ordinance compliance to this section would increase the impervious surface coverage on the property and make it more difficult to plow in snow events. Further, the installation of the required parking islands and planting strips would adversely impact the truck turning radii necessary to accommodate larger vehicles.

22. The Applicant credibly established the necessity of the reconstruction of the municipal building and the addition of the fleet maintenance building, carport, and secure garage, as well as the parking spaces in order to meet the public needs of the Subject Property and to provide a secure environment for the law enforcement needs of the Township's Police Departments. The sizes of the structures proposed are reasonable for their intended purposes and necessary to be functional.

23. The accessory buildings proposed that are greater than 144 square feet in size, must, according to the credible evidence, be located within the side yard setback distance from the property's eastern boundary line. There is no increase in the existing nonconforming side yard setback distance from this property line.

24. The evidence establishes that the proposed 129 parking spaces will sufficiently serve the needs of the activities within the municipal complex, particularly in light of the availability of parking on the Township's adjacent property. To require Ordinance compliance would not only be unnecessary but would also increase the requirement for impervious surface.

25. Compliance with Ordinance §175-23.B.4 creates a hardship on Township employees in connection with the plowing of the proposed parking fields and would further increase the amount of impervious surface on the Subject Property. These parking islands and planting strips would also negatively impact the ability of larger sized vehicles to maneuver within the parking fields and access ways.

CONCLUSIONS OF LAW

1. The Subject Property is part of the Doylestown Township Municipal complex and accommodates its municipal building.
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 variances 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 variances requested.
6. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant relief to the Applicant and the Subject Property as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the following variances from the Doylestown Township Zoning Ordinance in order to permit the construction of a new municipal building as well as other related facilities on the Subject Property as depicted on Exhibit B-1.A, the Zoning Variance Plan:

1. from §175-17.F.1, to permit the construction of accessory buildings with a floor area greater than 144 square feet within the required side yard setback distance;
2. from §175-22.D, to provide 129 off-street parking spaces, instead of the required 142;
3. from §175-23.B.4, to allow less than 10% of the parking areas to be used for parking islands and planting strips; and
4. from §175-89, to permit an impervious surface coverage of 67.4%, instead of the permitted 50%, and existing 66.1%.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Richard K. Gaver
Richard K. Gaver, Vice Chairman

/s/ Mitchell Aglow
Mitchell Aglow, 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.