

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

Application No. Z-1-2018

Applicant: Walter Studley
1243 Easton Road
Warrington, PA 18976

Owner: Same

Subject Property: Tax Parcel No. 09-017-042 which is located at 1953 Turk Road (Lot 42) in Doylestown Township.

Requested Relief: The Applicant proposes the construction of a single-family detached dwelling on the Subject Property and, in order to do so, requests the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-68.A.1, to allow such construction on a lot, 14,196 square feet in size, instead of the required 20,000 square feet;
2. from §175-68.A.5.a, to permit a front yard setback distance of less than the required 50 feet; and
3. from §175-17.D.3, to permit such construction with a front yard setback distance of less than 65 feet along a collector or arterial highway.

Hearing History: The application was filed in Doylestown Township on January 18, 2018, and subsequently amended on January 25, 2018. The hearing was held on February 22, 2018 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Kurt J. Shaffer, Esq.
1140 York Road
Warminster, PA 18974

Mailing Date: March 26, 2018

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 C-1, Commercial Zoning District of Doylestown Township. It is a triangular shaped lot and has a base lot area of 14,196 square feet. The front lot line runs parallel to Turk Road. The rear lot line runs parallel to a private lane which connects Turk Road and South Easton Road. The side yard faces South Easton Road, but is not immediately adjacent thereto in that PennDOT owns a parcel immediately adjacent to South Easton Road between South Easton Road and the lot in question.

4. The Subject Property is nonconforming as to lot area. §175-68.A.1 requires 20,000 square feet for a building lot in the C-1 Commercial Zoning District. The property at issue is 14,196 square feet in size.

Applicant has demonstrated that the property at issue has been a lawfully created and held in single and separate ownership (see Exhibit A-1.D Transfer History). The Subject Property (Lot 42) has legal access to a 25 foot private lane.

5. Applicant seeks to construct a two story single-family detached dwelling on the Subject Property. Due to the undersized lot and irregular shape, Applicant seeks relief from the lot size and the front yard setback provisions of the Ordinance. The building is proposed to front toward Turk Road which is identified as a collector or arterial highway under §175-D.3, referring to Chapter 153 of the Subdivision and Land Development Ordinance classifying streets. Access to the property would be taken by way of the private lane only.

6. The Board finds that Applicant's testimony, in conjunction with the documentary evidence, establishes that the property at issue carries unique physical characteristics which makes strict compliance with the Ordinance impossible. Accordingly, Applicant has requested the minimum variances necessary to use the property for the permitted single-family dwelling use.

7. Ms. Colette Bannon, owner of property along the same private lane, appeared as an interested property owner. Ms. Bannon's primary concern is that her property retains rights to access by way of the private lane. That right was confirmed by Applicant's counsel and reflected in the documents submitted during the hearing.

8. No one spoke in opposition to the application.

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

CONCLUSIONS OF LAW

1. The Subject Property is proposed to be used to support a single-family detached dwelling as permitted by right in the C-1 Zoning District in which it is located.

2. The lot in question is undersized and irregularly shaped.

3. In order to utilize the lot for the permitted purpose of constructing a single-family residential detached dwelling, Applicant must be provided dimensional zoning relief.

4. Applicant has demonstrated hardship as required by the Municipalities Planning Code (MPC) and the Doylestown Township Zoning Ordinance. The hardship is demonstrated by virtue of the fact that the property at issue is undersized and irregularly shaped, and carries the further burden of being located upon an arterial or collector street requiring a 65 foot front yard setback, where the lot is 92 feet at its maximum depth. A 65 foot front yard and a 25 foot rear yard, would leave a 12 foot building envelope at the lot's maximum depth.

5. The Board further concludes that construction of the single-family residential dwelling will have no negative impacts upon surrounding properties or uses.

6. The evidence establishes that the relief sought by the Applicant is the minimum variances necessary.

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

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

9. 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 the proposed single-family detached residential dwelling on the Subject Property as depicted on the Sketch Plan, prepared by Graf Engineering, LLC, dated July 27, 2017, last revised December 11, 2017, including the single-family dwelling taking access to the property only from the private lane to the rear of the lot:

1. from §175-68.A.1, to allow such construction on a lot, 14,196 square feet in size, instead of the required 20,000 square feet;
2. from §175-68.A.5.a, to permit a front yard setback distance of 15 feet, less than the required 50 feet; and
3. from §175-17.D.3, to permit such construction with a front yard setback distance of 15 feet, less than 65 feet along a collector or arterial highway.

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-2-2018

Applicant: Walter Studley
1243 Easton Road
Warrington, PA 18976

Owner: Same

Subject Property: Tax Parcel No. 09-017-045 which is located at 1953 Turk Road (Lot 45) in Doylestown Township.

Requested Relief: The Applicant proposes the construction of a single-family detached dwelling on the Subject Property and, in order to do so, requests the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-68.A.1, to allow such construction on a lot, 11,250 square feet in size, instead of the required 20,000 square feet¹; and
2. from §175-68.A.2, to permit a lot width, at the building setback line, of less than the required 100 feet.

Hearing History: The application was filed in Doylestown Township on January 18, 2018. The hearing was held on February 22, 2018 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Kurt J. Shaffer, Esq.
1140 York Road
Warminster, PA 18974

Mailing Date: March 26, 2018

¹ The application indicated the lot size at 11,250 square feet. The plan submitted by Applicant, dated July 27, 2017, prepared by Graf Engineering, LLC, documents the square footage of the lot at 11,100 square feet. Applicant deferred to the calculation contained within the plan. The Board considers the lot 11,100 square feet.

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 C-1, Commercial Zoning District of Doylestown Township. It is a nonconforming lot. The lot is undersized, at 11,100 square feet, as opposed to the 20,000 square feet required. The lot is also narrow. Lot width at the building setback line is 75 feet, where 100 feet is required.

Applicant has demonstrated that the property at issue has been a lawfully created and held in single and separate ownership (see Exhibit A-1.D Transfer History). The Subject Property (Lot 45) has legal access to a 25 foot private lane.

4. Applicant seeks to construct a two story single-family detached dwelling on the Subject Property. Due to the undersized lot, Applicant seeks relief from the lot size and the lot width provisions of the Ordinance. The building is proposed to front toward and take access to and from the private lane only.

5. The Board finds that Applicant's testimony, in conjunction with the documentary evidence, establishes that the property at issue carries unique physical characteristics which makes strict compliance with the Ordinance impossible. Accordingly, Applicant has requested the minimum variances necessary to use the property for the permitted single-family dwelling use.

6. Ms. Colette Bannon, owner of property along the same private lane, appeared as an interested property owner. Ms. Bannon's primary concern is that her property retains rights to access by way of the private lane. That right was confirmed by Applicant's counsel and reflected in the documents submitted during the hearing.

7. No one spoke in opposition to the application.

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

CONCLUSIONS OF LAW

1. The Subject Property is proposed to be used to support a single-family detached dwelling as is permitted by right in the C-1 Zoning District in which it is located.
2. The lot in question is undersized.
3. In order to utilize the lot for the permitted purpose of constructing a single-family residential detached dwelling, Applicant must be provided dimensional zoning relief.
4. Applicant has demonstrated hardship as required by the Municipalities Planning Code (MPC) and the Doylestown Township Zoning Ordinance. The hardship is demonstrated by virtue of the fact that the property at issue is undersized.
5. The Board further concludes that construction of the single-family residential dwelling will have no negative impacts upon surrounding properties or uses.
6. The evidence establishes that the relief sought by the Applicant is the minimum variances necessary.
7. The variances sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
8. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variances requested.
9. 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 the proposed single-family detached residential dwelling on the Subject Property as depicted on the Sketch Plan, prepared by Graf Engineering, LLC, dated July 27, 2017, pertaining to Lot 45 including the single-family dwelling taking access to the property only from the private lane to the rear of the lot:

1. from §175-68.A.1, to allow such construction on a lot, 14,196 square feet in size, instead of the required 20,000 square feet; and
2. from §175-68.A.2, to permit a lot width at the building setback line at less than 100 feet.

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.