

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

**Application No.** Z-7-2018

**Applicant:** Matthew B. Zimmerman  
308 Pine Run Road  
Doylestown, PA 18901

**Owners:** Matthew B. and Michele E. Zimmerman  
308 Pine Run Road  
Doylestown, PA 18901

**Subject  
Property:** Tax Parcel No. 09-004-032-008 which is located at the address of  
the Applicant set forth above.

**Requested  
Relief:** The Applicant seeks a special exception under §175-37.B of the  
Doylestown Township Zoning Ordinance (“Ordinance”) to allow  
an in-law suite (Use H12) on the Subject Property. Applicant  
seeks to construct an addition to the single-family dwelling to  
support the in-law suite use, and requests a variance from §175-  
39 to encroach into the side yard; and, a variance from §175-  
16.H(12) to allow the size of the in-law suite to exceed 25% of  
the usable floor area of the principal residence.

**Hearing  
History:** The application was filed in Doylestown Township on June 4,  
2018. The hearing was held on July 16, 2018 at the Doylestown  
Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant, Pro Se'

**Mailing Date:** August 27, 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 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 within the R-1, Residential Zoning District of Doylestown Township. The property accommodates Applicant's existing single-family dwelling.

4. Applicant has a special needs child, now age 20, requiring 24 hour monitoring supervision and care, with home health aides during the day and nurses at night.

The demands of addressing the special medical needs, lead to the logical creation of an in-law suite to separate the primary living space from the living space to be utilized for the special needs of the Applicant's family member.

5. The in-law suite (Use H12) is permitted by special exception in the R-1 Residential Zoning District.

6. In order to obtain a special exception for the proposed use, the Applicant must establish compliance with Ordinance §175-16.H-12. The intent of the in-law suite provisions, according to the Ordinance, is to allow for related family members to reside on the premises but to prohibit the creation of for-profit apartments in districts where multi-family housing is not otherwise permitted.

7. Relative to the objective criteria of §175-16.H-12, the Board finds that the credible evidence from the Applicant establishes the following:

a. The usable floor area of the Applicant's principal residence is 2,140 square feet. The in-law suite addition would add an additional 1,452 square feet. Applicant fails to comply with the provision limiting the in-law suite to 25% of the usable floor area of the dwelling. Applicant seeks a variance from this provision;

b. The in-law suite will contain separate cooking, sleeping, living and bathroom facilities;

c. The in-law suite is to be part of the principal residence and no new separate structures will be built. The in-law suite will not be located in the cellar area;

d. There is adequate parking available in compliance with the provisions of this Section;

e. The in-law suite will be occupied only by related family members, at this point Applicant's special needs child (adult);

f. There will be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the single-family character of the neighborhood;

g. The Applicant understands that no more than one in-law suite is permitted per single-family detached dwelling;

h. The Applicant will register on an annual basis with the Township Zoning Officer to ensure compliance with these criteria;

i. A certification has been received from the Bucks County Board of Health that the waste water facilities presently supporting the site are adequate to accommodate the single-family dwelling as well as the in-law suite use. See Exhibit ZHB-1.E.

8. Other than a 25% floor area limitation, the Applicant meets the definition of in-law suite. As to the 25% floor area limitation, the Board finds that the Applicant has established that the in-law suite must be larger than 25% to accommodate equipment and the nature of care. For these reasons, the Board finds that the Applicant meets the definition of in-law suite, with a variance from condition a.

The Board further finds that the Applicant has established the need for the side yard variance to accommodate the addition. Applicant has submitted a hand drawn site plan with the application. That site plan is attached hereto and incorporated by reference. The site plan demonstrates that only a corner of the in-law suite addition will encroach into the side yard. The property is of normal shape, but angled such that the front lot line is not perpendicular to the side lot lines, but the dwelling is oriented as if the side lot lines were perpendicular, thereby causing the hardship as to orientation.

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 residence which is permitted by right in the R-1 Zoning District.
2. The proposed in-law suite use on the Subject Property is permitted by special exception pursuant to §175-37.B, with a variance from §175-16.H-12(a) which speaks to the size limited to 25% of the usable floor area of the primary dwelling.
3. The Board grants the variance from the 25% limitation as well as a side yard variance relying on factors including:
  - a. there are unique physical circumstances or conditions related to the Subject Property. Specifically, the narrowness of the lot in relation to its depth, and the irregular angle of the side lot lines in relation to the front and rear lot lines; and the present dwelling orientation on the lot;
  - b. because of those physical circumstances, the property may not be adequately improved and developed in strict conformity with the Ordinance;
  - c. the above factors represent an unnecessary hardship which has not been created by the Applicant;
  - d. the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located;
  - e. the property will continue to maintain its residential character; and
  - f. the variance requested has been the minimum variance required;
4. Accordingly, the Members of the Doylestown Township Zoning Hearing Board determined, by a 2-0 vote, to grant the relief requested by the Applicant, as set forth hereafter.

**ORDER**

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the special exception pursuant to §175-37.B of the Doylestown Township Zoning Ordinance, to permit the construction and use of an in-law suite on the Subject Property, consistent with the requirements of §175-16.H-12, substantially as depicted on the site plan attached hereto and incorporated by reference, further subject to the two variances granted.

The first variance is to allow encroachment into the side yard setback leaving a 15 foot side yard, where 25 feet is required, to accommodate the corner aspect of the new construction; and a variance from §175-16.H-12(a) to allow the in-law suite to occupy more than 25% of the total usable floor area of the principal residence, to allow construction consistent with the site plan attached and the proposed percentage of floor area used. The Board does observe that the Applicant's calculations reflect that the in-law suite use is 67% of the usable floor area of the principal residence but between the existing dwelling and the addition, the total usable floor area is 3,592 square feet. The in-law suite is 40% of that gross number.

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/ Mitchell Aglow  
Mitchell Aglow, Secretary

**IMPORTANT NOTE:** Pursuant to §175-136 and §175-137 f 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  
(REVISED)<sup>1</sup>**

**Application No.** Z-8-2018

**Applicant:** Danielle Mancini  
2129 Sugar Bottom Road  
Furlong, PA 18925

**Owner:** REI Solutions INTL LLC  
25 Edison Road  
Doylestown, PA 18901

**Subject Property:** Tax Parcel No. 09-017-031-001 which is located at the address of the Owner set forth above.

**Requested Relief:** The Applicant and Owner seek to use the property to support four (4) residential dwelling units in the existing dwelling structure, and one (1) office in the accessory barn. In order to do so, Applicant and Owner request the following zoning relief from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. a special exception, pursuant to §175-16(10)B-10(a), to permit the conversion of the existing dwelling into more than one dwelling;
2. a variance from §175-16(10)B-10(b), to permit units A and B to contain less than 750 square feet of floor area;
3. a variance from §175-16(10)B-10(c), to permit the lot area per family to be less than 7,500 square feet (i.e., less than 75% of the minimum lot area in the VC Zoning District, which is 10,000 square feet);
4. a variance from §175-19, to allow an office use to be located in an accessory building rather than the principal building on the property;
5. a variance from §175-22.D.&E., to provide less than eleven parking spaces (parking required is 2 spaces per dwelling unit for a total of 8 spaces, plus three spaces for the office). Nine parking spaces have been provided; and
6. a variance from §175-22.F, from the requirement to provide one handicapped-accessible parking space.

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<sup>1</sup> Decision was revised to correct an administrative typographical error.

**Hearing**

**History:**

The original application was filed in Doylestown Township on June 4, 2018. The hearing was scheduled for July 16, 2018. Applicant requested additional time prior to presenting its case, a waiver of hearing rights was executed (ZHB-6) waiving the MPC's requirement that the first hearing be held within 60 days of the initial application. That hearing was opened for the specific purpose of continuing the matter to a date certain, that being August 16, 2018. An amended application was filed on July 24, 2018 (ZHB-7). A hearing was held on August 16, 2018 to consider the amended application (which did not require re-advertisement) and took place at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:**

Applicant by: Robert W. Gundlach, Esq.  
Fox Rothschild LLP  
2700 Kelly Road, Suite 300  
Warrington, PA, 18976-3624

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

**Mailing Date:** September 28, 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 a Principal in the LLC owning the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the VC, Village Center Zoning District of Doylestown Township and has been designated by the Township as historic. It consists of a single-family detached dwelling and a detached residential accessory barn structure.

4. The Subject Property is nonconforming with respect to lot area, side yard, rear yard, and impervious surface.

5. The Applicant and Owner seek to use the property to support four (4) residential dwelling units in the existing dwelling structure, and an office use in the accessory barn. In order to do so, the Applicant has requested a special exception and multiple variances, as identified in the Requested Relief section of the present Decision.

6. Doylestown Township originally entered its appearance through its Solicitor, Jeffrey Garton, Esq. Attorney Garton and Township Manager, Stephanie Mason, were present for the August 16, 2018 hearing. The Township took the position that, as long as the Applicant advanced the application, as amended, and without a catchall request for “any other relief as is required to continue to use the improvements on the property for four (4) residential dwelling units and one (1) office”, the Township did not oppose the application.

7. The following exhibits were marked and admitted during the June 14, 2018 hearing:

Board Exhibits:

- ZHB-1: The original application for relief dated June 4, 2018 with attachments including a deed in favor of REI Solutions International, LLC; a list of nearby property owners; an addendum to the request for relief; a June 1, 2018 Concept Plan with Existing Features and a proposed layout.
- ZHB-2: Proof of publication of the July 16, 2018 hearing.
- ZHB-3: Proof of posting notice of hearing.
- ZHB-4: Proof of mailing notice of hearing.
- ZHB-5: Doylestown Township Zoning Ordinance.
- ZHB-6: Waiver of the MPC 60 day first hearing requirements.
- ZHB-7: July 24, 2018 amendment to the application with attached Concept Plan last revised July 20, 2018.

Applicant Exhibits:

- A-1: Curriculum Vitae of Scott Mill, RLA, Van Cleef Engineering.
- A-2: Aerial photograph of 25 Edison Road and surrounding area in Doylestown Township.

- A-3: Concept Plan for Edison Road, prepared by Van Cleef Engineering, prepared June 1, 2018, last revised July 20, 2018.
- A-4: Proposed floor plans for four residential dwelling units in the primary building and one office use in the barn.
- A-5: June 19, 2018 letter from the Bucks County Department of Health approving use of the holding tanks on the Subject Property as supporting five residential apartments.
- A-6: Deed in favor of REI Solutions International, LLC, made the 29<sup>th</sup> day of December 2017.

8. In addition to the documentary evidence presented, Applicant offered testimony of Danielle Mancini, Principal of REI Solutions International, LLC, and Land Planner, Scott Miller, RLA, of Van Cleef Engineering.

9. Danielle Mancini, through her company, REI Solutions International, LLC, purchased the property at issue on December 29, 2017 from Monument PA Properties, LLC.

10. The prior owners of the property had obtain confirmation/approval for the conversion and allocation of space upon the property for the following uses: an antique store in the portion of the first floor of the residential dwelling; a residential unit in the remainder of the first floor of the residential dwelling; two residential apartments on the second floor of the residential dwelling; and an office space within the barn.

11. Over the course of time, the uses on the Subject Property morphed into three residential units on the first floor of the residential dwelling; one residential unit on the second floor of the residential dwelling; and one residential unit in the barn.

12. When Ms. Mancini purchased the property, she was under the impression, and it had been represented to her by third parties, that the property supported five residential units. Ms. Mancini was then advised by Doylestown Township that the property was not in fact approved for five residential units.

13. Ms. Mancini has been spending considerable financial resources improving the Subject Property, which has been designated as historic. She plans to continue to make further improvements to the property. During the permitting process, Ms. Mancini did reach an agreement with Doylestown Township authorizing use of the property for four residential units in the dwelling building, as also referred to as the stone house, and one office use within the barn.

14. Ms. Mancini indicated that she believed that the 9 parking spaces available on the lot would be sufficient. She has also assessed and sought approval to use existing storage tanks for septic.

15. The evidence presented demonstrates that the area surrounding the Subject Property and the VC, Village Center Zoning District contains a mix of multi-family and commercial uses. The property is bordered, in general terms, by Route 611, Edison Furlong Road, Edison Road, and Quarry Road.

16. The Applicant did provide evidence sufficient to establish compliance with §175-16(10)B-10, to permit the conversion of the existing dwelling into four dwelling units. Testimony was also offered regarding the suitability for the B-10 use, and the compatibility with the surrounding area.

17. The Applicant relies on the unique physical condition of the property, including the undersized lot and the configuration of the land and the existing structures upon the lot, as well as the location of the property in addressing the hardship supporting the request for relief. Applicant offered testimony that the hardship has not been caused by the Applicant, and that the relief being requested by the Applicant is the minimum variance relief necessary for use of the Subject Property.

18. No one spoke in opposition to the application.

### **CONCLUSIONS OF LAW**

1. The Subject Property has been developed and used for a combination of commercial and residential spaces within the two buildings on the Subject Property with consent of the Township in the past. The property does contain several pre-existing nonconformities as indicated through the Findings of Fact.

2. Based upon the combination of the documentary and testimonial evidence presented, the Board concludes that the Applicant has established facts sufficient to grant the special exception, pursuant to §175-16(10)B-10(a) to permit the conversion of the existing dwelling into four residential dwelling units.

3. The Board observes that the variances requested by the Applicant are largely requests to ratify existing conditions, and previous approval, tasks that are otherwise, of the use of the Subject Property.

4. The competent evidence presented leads the Board to conclude that, if the relief is granted, there will be no negative impacts upon surrounding properties or uses. Central to the Board's Conclusion is that the uses surrounding the Subject Property in and around the VC District include a mixed of commercial and multi-family uses, in close proximity to Route 611.

5. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary, and to a great extent, ratifies previously approved use of the property.

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

7. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variances requested, and has identified pre-existing lawful nonconforming aspects of the property, including, but not limited to lot area, side yard, rear yard, and impervious surface.

8. Accordingly, the Doylestown Township Zoning Hearing Board determined, by a 2-0 vote, to grant relief to the Applicant and the Subject Property as 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 in order to use the property to support four (4) residential dwelling units in the existing dwelling structure and one (1) office use in the accessory barn:

1. a special exception, pursuant to §175-16(10)B-10(a), to permit the conversion of the existing dwelling into more than one dwelling;
2. a variance from §175-16(10)B-10(b), to permit units A and B to contain less than 750 square feet of floor area;
3. a variance from §175-16(10)B-10(c), to permit the lot area per family to be less than 7,500 square feet (i.e., less than 75% of the minimum lot area in the VC Zoning District, which is 10,000 square feet);
4. a variance from §175-19, to allow an office use to be located in an accessory building rather than the principal building on the property;
5. a variance from §175-22.D.&E., to provide less than eleven parking spaces (parking required is 2 spaces per dwelling unit for a total of 8 spaces, plus three spaces for the office). Nine parking spaces have been provided; and
6. a variance from §175-22.F, from the requirement to provide one handicapped-accessible parking space.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations and the following specific conditions:

1. The relief is granted limiting the uses to four residential and one office use only. The office use shall have no greater than three employees.
2. The Applicant shall allow annual inspections by the Township Zoning Officer to include assessment of parking calculations.
3. Applicant shall apply for and obtain all required permits to use and occupy the residential and office spaces.

4. The Applicant must obtain a Department of Health Certification approving use of the property for four residential and one office use.
5. The residential leases for the four approved units must provide for parking for no greater than six total vehicles for all four units combined.
6. The variance from §175-22.F for the removal of the handicapped space, is subject to compliance with the requirements of all other governmental agencies.

**ZONING HEARING BOARD OF  
DOYLESTOWN TOWNSHIP**

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