

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

Application No. Z-9-2018

Applicants: Nicholas and Myra D'Amico
12 Bittersweet Drive
Doylestown, PA 18901

Owners: Nicholas J. and Myra R. D'Amico, husband & wife, and
Michael B. and Amanda M. Lichtenstein, husband & wife
12 Bittersweet Drive
Doylestown, PA 18901

**Subject
Property:** Tax Parcel No. 09-059-112 which is located at the address of the
Applicants set forth above.

**Requested
Relief:** The Applicants seek a special exception to construct an In-Law
Suite, pursuant to §175-37B of the Doylestown Township Zoning
Ordinance ("Ordinance").

**Hearing
History:** The application was filed in Doylestown Township on June 18,
2018. The hearing was held on August 20, 2018¹ at the
Doylestown Township Building, 425 Wells Road, Doylestown,
PA 18901.

Appearances: Applicants, Pro Se'

Mailing Date: October 2, 2018

¹ Applicants did sign a waiver extending the MPC 60 day first hearing requirement to allow the hearing to take place on August 20, 2018, outside of the 60 day initial hearing period.

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 Applicants are the Owners of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is a 26,536 square foot lot within the R-1, Residential Zoning District of Doylestown Township. The Subject Property is presently improved with a single-family detached dwelling, with walkout basement, and accessory walkways and driveway.

4. Applicants request a special exception to construct an in-law suite within the existing building footprint of the existing single-family dwelling. Applicants indicate that no additional structures are proposed. The proposed in-law suite would occupy the existing walkout basement.

The stated purpose for the in-law suite is that Applicants care for their grandchildren while their son-in-law and daughter work. Applicants would like their own space within the home.

5. The in-law suite (use H-12) is permitted by special exception in the R-1, Residential Zoning District. The Applicants testified that the in-law suite use is subordinate to the primary residential use. The use proposed is only for the existing residing family members. The Applicants have no interest in leasing the in-law suite for-profit.

6. In order to obtain a special exception for the proposed use, the Applicants 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 Applicants establish the following:

a. The proposed in-law suite will occupy an area of 1,100 square feet. The usable floor area of the principal residence, not including the garage or the lower level, is 4,621 square feet. As such, the in-law suite would occupy less than 25% of the total usable floor area of the principal dwelling;

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, and while the area containing the in-law suite was characterized as within the “walkout basement”, the space is not located within a cellar area (an area having one-half or more of its floor to ceiling height below the average level of the adjoining ground);

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;

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. Applicants will obtain a certification from the Bucks County Board of Health certifying 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. The Subject Property is supported by public water and sewer.

8. The Board finds that the Applicants meet the definition of in-law suite, and therefore the use is permitted.

9. No one spoke in opposition to the application

10. 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

3. The Board concludes that the proposed in-law suite meets all of the objective criteria set forth at Ordinance §175-16.H-12. The Board concludes that the Applicants have demonstrated compliance with all of the applicable factors, as addressed through the Findings of Fact above, determines that the special exception will not result in any threat to public safety or extraordinary public expense and will not

create a nuisance, will not cause fraud and victimization of the public, or conflict with local laws or ordinance as required by §175-138.C.

4. The creation of the in-law suite, provided compliance with the Ordinance criteria, will have no negative impact upon surrounding properties or uses.

5. Accordingly, the members of the Board determined, unanimously, to grant relief to the Applicants and the Subject Property, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a 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.

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

/s/ Samuel Costanzo
Samuel Costanzo

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.