

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

Application No. Z-10-2019

Applicant: Noel G. Pelletier & Tina E. Yannessa
117 Pebble Woods Drive
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-023-055 which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to construct a 24 x 26 foot two car garage, attached to the existing single-family dwelling. The proposed addition would encroach into the required 25 foot side yard, leaving a 9 foot side yard. Applicants seek a variance from §175-39 of the Doylestown Township Zoning Ordinance (“Ordinance”) accordingly. In addition, Applicants seek a variance from §175-38 to exceed the allowable 20% impervious surface coverage.

Hearing History: The application was filed in Doylestown Township on June 7, 2019. The hearing was held on August 19, 2019 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.¹

Appearances: Applicants, Pro Se'

Mailing Date: October 3, 2019

¹ A waiver of hearing rights was executed by the Applicants.

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 located in the R-1, Residential Zoning District of Doylestown Township. It accommodates the Applicants' single-family detached dwelling.
4. Applicant, Noel Pelletier, testified in support of the application. The following Findings of Fact are drawn from Mr. Pelletier's testimony:
 - a. Mr. Pelletier testified regarding the recently acquired single-family dwelling at 117 Pebble Woods Drive. The property was acquired on January 22, 2019, by Noel G. Pelletier and Tina E. Yannessa, husband and wife.
 - b. Mr. Pelletier indicated that he and his wife are seeking to add a two car garage to the existing single-family dwelling.
 - c. The single-family dwelling at issue does have a two car garage at present, but the orientation of the garage makes negotiating the driveway into the garage a challenge for the two Pelletier vehicles. The existing garage does not accommodate a second car. The door in question is a 16 foot wide door which does not accommodate the two vehicles.
 - d. The proposed garage is designed for direct access as opposed to essentially 90 degree access from the existing drive.
 - e. The two car garage addition is proposed for an existing macadam area, thereby not increasing impervious surface coverage.
 - f. Mr. Pelletier described the existing features on the Subject Property all presenting certain challenges. Among those challenges is the fact that the house is setback substantially from Pebble Woods Drive. The lot is an odd shape in that the rear yard is not rectangular but more triangular. The pool is located directly behind the existing dwelling, and adjacent to the proposed addition. The property slopes rather significantly with drainage areas on the left (the opposite side of the pool and proposed addition).

- g. In addition to the physical features, Mr. Pelletier observes that locating the garage as proposed is more aesthetically pleasing than any other potential placement. The proposed placement will also make the garage more functional.
- h. Mr. Pelletier indicated that the property line between he and his neighbor on the proposed addition side, Mr. Dubro, is not obvious given the vegetation in place.
- i. Mr. Pelletier also indicated that he possesses two antique cars, which he prefers to keep under cover.
- j. Mr. Pelletier did discuss the Zoning Plan submitted as part of the application, ZHB-1, prepared by Matthew V. Piotrowski, Architect, dated May 22, 2019. Mr. Pelletier used the Zoning Plan and a superimposed photograph of the proposed two car garage as illustrations of the project.

5. Adjacent property owner Peter Dubro testified in support of the application. Mr. Dubro lives at 101 Pebble Woods Drive. His property line is the side lot line to which Mr. Pelletier wishes to encroach. Mr. Dubro observes that his single-family dwelling has a considerable setback and observes that the proposed garage placement by Mr. Pelletier is the best location on Mr. Pelletier's property. Mr. Dubro therefore has no objection.

6. Mr. Pelletier did provide a July 30, 2019 letter calculating impervious surface coverage and documenting the fact that the Applicants propose a 10' x 14' shed in addition to the two car garage. By Mr. Pelletier's calculations, the net result of the proposed garage and the additional shed increase the impervious surface coverage by 27.2 square feet. Mr. Pelletier calculated the 27.2 square feet as .00298% above the 20% impervious surface allowable. The Zoning Hearing Board accepts the Applicant's square footage calculations, but questions the percentage given the definition of impervious surface coverage and the need to calculate percentage of impervious using net buildable site area as opposed to gross site area. The proposed impervious surface coverage is 9,098 square feet.

7. No one spoke in opposition to this application.

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

CONCLUSIONS OF LAW

1. The Subject Property has been developed and used as is permitted by right in the R-1 Zoning District.

2. The existing impervious surface coverage calculated by the Applicant is 8,872 square feet, which the Applicant asserts is 19.5%. Applicant also asserts, through the May 22, 2019 Zoning Plan that the lot area is 45,509 square. The Board is not in a position to confirm that 45,509 is net buildable site area as defined in the Doylestown Township Zoning Ordinance. However, the Board does accept the square footage calculation as indicated by the Applicant.

3. Without objection from the Township or any neighbors, the Board concludes that Applicants' request to construct a 24' x 26' two car garage which encroaches into the 25 foot side yard setback leaving 9 feet to the adjacent side lot line, is a reasonable amenity for use of the Subject Property. The Board observes that not only were there no objections but Applicants' most affected neighbor supported the application.

4. 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.

5. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. The Board does observe that the Applicants are requesting an increase in impervious surface of 27.2 square feet and that the Applicants have reduced the request for relief by proposing the two car garage be located on existing impervious, and even reducing the impervious surface coverage through the construction of the proposed two car garage, leaving a net increase in impervious surface of 27.2 square feet.

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

7. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested. Among those factors include the unusual shape of the property, placement of the existing dwelling closer to the side lot line at issue to accommodate drainage to the opposite side, and further placement of the existing dwelling to the rear of the lot, thereby reducing the alternative areas to place the garage. In addition, Applicants did speak to slope and grading issues hindering location.

8. Accordingly, the Doylestown Township Zoning Hearing Board determined, by a 2-1 vote, to grant relief to the Applicants and the Subject Property as is set forth hereafter.²

² Board Member Samuel Costanzo voted against the grant of relief.

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 24 x 26 foot two car garage, attached to the existing single-family dwelling:

1. from §175-39, to encroach into the required 25 foot side yard, leaving a 9 foot side yard; and
2. from §175-38, to exceed the allowable 20% impervious surface coverage by allowing a total of 9,098 square feet of impervious surface.

The relief herein granted is subject to construction substantially consistent with the Zoning Plan submitted as ZHB-1, Garage Addition Zoning Plan, dated May 22, 2019, prepared by Matthew V. Piotrowski, Architect, and 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, Vice Chairman

/s/ NAY Samuel Costanzo
Samuel Costanzo, 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-12-2019

Applicant: William and Michelle Fromholzer
16 Cedarcrest Court
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-069-055 which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to construct an in-ground pool with amenities including a patio. The impervious surface ratio on-site, if the pool and patio are constructed consistent with the proposed plan, will be 25.9%. §175-38 of the Doylestown Township Zoning Ordinance (“Ordinance”) allows a maximum of 20% impervious surface coverage. Applicants seek a variance from §175-38 accordingly.

Hearing History: The application was filed in Doylestown Township on June 20, 2019. The hearing was held on August 19, 2019 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, Pro Se'

Mailing Date: October 3, 2019

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 located in the R-1, Residential Zoning District of Doylestown Township. It accommodates the Applicants' single-family detached dwelling.
4. Applicants seek to construct an in-ground swimming pool with proposed patio and other amenities. Applicants presented a plan prepared by Kenneth C. Seely, P.L.S., documenting existing impervious surface areas and proposed impervious surface areas. In essence, Applicants seek to add 1,200 square feet of impervious surface area as part of the pool and decking construction process. Applicants calculate the existing impervious surface coverage at 19% (including reducing 620 square feet as part of the construction plan), then adding 1,200 square feet for the pool, leaving 5,184 square feet (25.9%) impervious surface.
5. As part of mitigating the request for relief, the Applicant has not only offered to remove 620 square feet of existing impervious, but also to install a stormwater management system as may be requested by the Township of Doylestown.
6. Applicants seek no other relief in conjunction with the impervious surface coverage request.
7. Applicants indicated that they wish to improve the Subject Property so as to make it more livable and enjoyable.
8. Applicants offered that they have spoken to their neighbors and the neighbors are supportive of the idea.
9. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The Subject Property has been developed and used as is permitted by right in the R-1 Zoning District.

2. The Doylestown Township Zoning Ordinance at §175-38, allows a maximum of 20% impervious surface coverage. Applicants calculate impervious surface coverage at 19% (after the removal of 620 square feet) of walks and patios; and 5,184 square feet, or 25.9%, net impervious surface coverage after adding pool decking but removing walks and patios.

3. Based upon the plans submitted, the Zoning Hearing Board assumes that the Owners, who appeared Pro Se', have calculated the percentage of impervious surface area using net buildable site area. The plan appears to reflect site area using the ultimate right-of-way. No easements were discussed by the Applicants. Said easements potentially reducing net buildable site area and thereby increasing percentage of impervious surface coverage. Therefore, the Zoning Hearing Board took the calculations as presented.

4. 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. Important to this conclusion is the fact that Applicants have agreed to have a stormwater management plan reviewed and approved by the Township as part of the pool permitting process.

5. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. The Board observes that the Applicants are attempting to reduce the excess impervious surface by removing 620 square feet of walks and patios, thereby reducing the scope of the relief necessary.

6. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. The Board is mindful that the Applicants have spoken to neighbors and have not received objection to the proposed requests.

7. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.

8. Accordingly, the Doylestown Township Zoning Hearing Board determined, by a 2-1 vote, to grant relief to the Applicants and the Subject Property as is set forth hereafter.¹

¹ Board Member Samuel Costanzo voted against the grant of relief.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-38 of the Doylestown Township Zoning Ordinance in order to permit the construction of an in-ground swimming pool and patio that will result in an impervious surface coverage ratio of 25.9%, instead of the required 20%, as calculated consistent with the site plan submitted, as prepared by Kenneth C. Seely, P.L.S, dated May 23, 2019.

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, Vice Chairman

/s/ NAY Samuel Costanzo
Samuel Costanzo, 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-11-2019

Applicant: Frederick C. Thorpe
1083 Ferry Road
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-004-028-004 which is located at the address of
the Applicant set forth above.

**Requested
Relief:** Applicant seeks to construct an addition to the existing single-
family dwelling. The proposed addition will encroach into the
required 35 foot side yard setback leaving an 18 foot setback. The
existing setback is 28 feet. Applicant seeks a variance from §175-
34 of the Doylestown Township Zoning Ordinance
("Ordinance") to allow the side yard setback encroachment.

**Hearing
History:** The application was filed in Doylestown Township on June 25,
2019. The hearing was held on August 19, 2019 at the
Doylestown Township Building, 425 Wells Road, Doylestown,
PA 18901.

Appearances: Applicant, Pro Se'

Mailing Date: October 3, 2019

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. The deed submitted with the application indicates that the Applicant purchased the property on October 10, 2017.

3. The Subject Property is located in the R-1A, Residential Zoning District of Doylestown Township. It accommodates the Applicant's single-family detached dwelling with typical residential access walkways, driveway and a deck.

4. A Site Plan submitted by the Applicant, entitled, Variance Request Plan, dated June 3, 2019, prepared by United Land Surveying and sealed by William C. Parry, Land Surveyor, documents a number of nonconformities, as follows:

Zoning:R-1A Residential District	Required	Existing	Proposed
Minimum lot area	2 acres	1.02 acres N.C.	1.02 acres
Minimum lot width at setback	200 ft	150.00 ft N.C.	150.00 ft
Minimum front yard	100 ft	48.9 ft N.C.	48.9 ft
Minimum side yard	35 ft	28.0 ft N.C.	18.0 ft
Minimum rear yard	100 ft	205.7 ft	195.8 ft
Maximum impervious cover	15%	11.1%	12.6%
N.C. designates existing non-conforming condition			

5. Applicant also submitted a site plan drawing, of unspecified origin, which indicated that the property had previously been classified as R-1 with required minimum lot area of 40,000 feet, frontage of 150 feet, a front yard setback of 50 feet, and a side yard of 20 feet with an aggregate of 40 feet. At some point the zoning designation was changed to R-1A, Residential Zoning District with the more significant lot area and setbacks.

6. Applicant posits that the previous zoning standards should be considered when granting the variance requested.

7. The Board observes, that as a matter of fact, the difference between the previous zoning classification and present zoning classification speaks to the existence of lawful nonconformities, but not strictly with regard to whether a variance should be granted.

8. The only variance being requested by the Applicant speaks to the side yard. The required side yard is a 35 foot setback. The existing setback along that lot line is 28 feet. Applicant proposes the addition which further reduces the side yard to 18 feet.

9. The purpose of the addition in encroachment is to provide a greater amount of living space within the existing dwelling. The L-shaped addition which wraps from the front building line around to the rear and across a portion of the rear of the existing dwelling is designed to create a larger master bedroom suite with bath.

10. No one appeared in opposition to the plan presented.

11. Doylestown Township, through its Township Manager and Zoning Officer, Stephanie J. Mason, provided correspondence identifying the 28 foot side yard setback as a known nonconformity, and requested that the Zoning Hearing Board take into account the current side yard setback requirements for the R-1A Zoning District (35 feet), in determining whether to increase the existing nonconformity.

CONCLUSIONS OF LAW

1. The Subject Property has been developed and used as is permitted by right in the R-1A Zoning District.

2. The above conclusion is drawn mindful that the property was initially developed under R-1 zoning classification standards which require only a 40,000 square foot minimum lot area with frontage of 150 feet and a front yard of 50 feet with a side yard of 20 feet (aggregate 40 feet).

3. Subsequent to construction of the single-family dwelling onsite, the zoning standards were changed, leaving multiple nonconformities as follows:

Zoning:R-1A Residential District	Required	Existing	Proposed
Minimum lot area	2 acres	1.02 acres N.C.	1.02 acres
Minimum lot width at setback	200 ft	150.00 ft N.C.	150.00 ft
Minimum front yard	100 ft	48.9 ft N.C.	48.9 ft
Minimum side yard	35 ft	28.0 ft N.C.	18.0 ft
Minimum rear yard	100 ft	205.7 ft	195.8 ft
Maximum impervious cover	15%	11.1%	12.6%
N.C. designates existing non-conforming condition			

4. Applicant presents to the Zoning Hearing Board requesting to increase an existing nonconformity in the nature of reducing the side yard from the existing 28 feet to 18 feet, where 35 feet is presently required.

5. The Zoning Hearing Board is mindful that the dimensional standards of the zoning district changed with the reclassification to R-1A. The Zoning Hearing

Board further underscores that despite the nonconformities, the Applicant must comply with the provisions of the Zoning Ordinance as they exist at the time of the request for relief.

6. In that spirit, the Zoning Hearing Board entertains the request for a side yard variance and concludes as follows.

7. 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.

8. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. The Board observes that the Applicant has used a “wrap around” design to minimize the encroachment into the side yard at issue, by expanding the room both horizontally and vertically.

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

10. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested.

11. 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 a variance from §175-34 of the Doylestown Township Zoning Ordinance in order to permit the construction of an addition to the existing single-family dwelling resulting in an 18 foot side yard setback distance, instead of the required 35 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/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, 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.