

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

Application No. Z-16-2019

Applicant: Bill Robinson
588 Almshouse Road
Doylestown, PA 18901

Owners: Purcell and Geraldine Robinson
588 Almshouse Road
Doylestown, PA 18901

Subject Property: Tax Parcel No. 09-007-018 which is located at the address of the Applicant set forth above.

Requested Relief: Applicant seeks to reconstruct a single-family dwelling damaged by fire on the Subject Property. The Applicant asserts multiple dimensional non-conformities, including lot area, front yard set back, and side yard setback. Applicant requests variances to facilitate redevelopment. In order to do so, Applicant requests the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-33, to allow greater than 15% impervious surface coverage onsite;
2. from §175-34, to allow a 6.19 foot side yard, instead of the required 35 feet; and
3. from §175-112, to reconstruct, alter, and enlarge the existing nonconformity as proposed.

Hearing History: The application was filed in Doylestown Township on August 9, 2019. The hearing was held on September 16, 2019 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Pro Se'

Mailing Date: October 29, 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 son of the Owners of the Subject Property, and with the permission of the Owners, is possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the R-1a, Residential Zoning District of Doylestown Township. Until recently, it accommodated the Owners' single-family detached dwelling.

4. The Subject Property is a deep rectangular lot with multiple legal preexisting nonconformities. The gross lot area is 15,826 square feet. The net lot area is 4,000 square feet, after reducing the gross lot area by the flood hazard area. The Neshaminy Creek runs through a portion of the rear lot, resulting in a considerable FEMA flood hazard zone. The front of the lot is near, but not immediately adjacent to Almshouse Road. The title line of the Subject Property is beyond the ultimate right-of-way for Almshouse Road.

5. The lot did support an existing single-family dwelling. The existing single-family dwelling was wholly destroyed by fire. Applicant seeks to rebuild a single-family dwelling onsite, incorporating and reducing some of the preexisting lawful nonconformities, and requesting certain variance relief.

6. The dimensional requirements for a single-family dwelling within the R-1a, Residential Zoning District include the following: maximum impervious surface ratio of 15%; minimum lot area of 2 acres; minimum lot width at building setback of 200 feet; front yard of 100 feet; side yard of 35 feet (each); and rear yard of 75 feet. See §175-33 and §175-34 of the Doylestown Township Zoning Ordinance.

7. Lot area of 4,000 square feet is a legally preexisting nonconforming dimension. Lot width, at 50 feet, is a legally preexisting nonconforming dimension. Front yard at 2.25 feet is a legally preexisting nonconforming dimension. A side yard of 0.27 feet is a legally preexisting nonconforming dimension. Impervious surface coverage of 42.1% is a legally preexisting nonconforming dimension.

8. Based upon the site plan presented and discussed during the hearing, to wit, a plan prepared by Eastern/Chadrow Associates, Inc., dated March 19, 2019, last revised August 27, 2019, Applicant seeks to reduce at least two of those nonconformities, specifically the front yard nonconformity leaving a 2.36 foot front yard and a side yard nonconformity leaving 3.0 feet.

9. Based on that same plan, Applicant is seeking variances from certain provisions of the Ordinance, including a side yard setback (on the other side of the proposed dwelling), leaving a 6.19 foot side yard, and a variance from the impervious surface coverage ratio to allow 60.1% impervious surface coverage.

10. Further, Applicant seeks relief from §175-112.C. That section speaks to reconstruction of a damaged building or structure, and indicates as follows:

A nonconforming building or structure, or any building or structure containing a nonconforming use wholly or more than 50% destroyed by fire,... may be reconstructed and used for the same nonconforming use, provided that the reconstruction of the building shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption. No further expansion of the original nonconforming use will be permitted.

11. Applicant does seek to expand the impervious surface coverage and the dimensional variance to allow the additional side yard encroachment, thereby triggering the need for a variance from the provisions of §175-112.C.

12. The Zoning Hearing Board considers the width of the property, and the extensive FEMA flood hazard zone, to create a substantial hardship justifying the variance relief requested.

13. No one spoke in opposition to the application.

14. 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 residential dwelling, which is a permitted use within the R-1a Zoning District.
2. The Subject Property contains multiple lawful preexisting nonconformities, as indicated through the preceding Findings of Fact.
3. The Applicant is seeking reconstruction of a building wholly destroyed by fire. As such, the nonconformities may continue. Applicant seeks variances for certain other dimensional relief as previously outlined.
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. The Board observes that no adjacent property owners were present or contesting the request for relief. Further, Doylestown Township took no position with regard to the request for relief.
5. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. The Board is mindful that the lot is undersized, narrow, and burdened by a considerable FEMA flood hazard zone in relation to the Neshaminy Creek running across the rear of the Subject Property. The Zoning Hearing Board concludes that these factors drive the necessity for the variances requested.
6. The variances 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.
8. 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 Applicant to reconstruct a single-family dwelling wholly destroyed by fire on the Subject Property:

1. from §175-33, to allow greater than 15% impervious surface coverage onsite, to permit 60.1% impervious surface coverage;
2. from §175-34, to allow a 6.19 foot side yard, instead of the required 35 feet; and
3. from §175-112, to reconstruct, alter, and enlarge the existing nonconformity as proposed, through the plan prepared by Eastern/Chadrow Associates, Inc., dated March 19, 2019, last revised August 27, 2019, while acknowledging and permitting multiple preexisting legal nonconformities, as previously outlined through the Findings of Fact.

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.

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

Application No. Z-17-2019

Applicants: Jason and Emily Valmore
 2 Theodore Way
 Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-004-010-005 which is located at the address of
 the Applicants set forth above.

**Requested
Relief:** Applicants seek to place a 10' x 12' accessory building (shed)
 within the front yard of the subject corner property and in order
 to do so, request a variance from §175-17 F(1) of the Doylestown
 Zoning Ordinance (“Ordinance”) to permit a shed in the front
 yard.

**Hearing
History:** The application was filed in Doylestown Township on August 12,
 2019. The hearing was held on September 16, 2019 at the
 Doylestown Township Building, 425 Wells Road, Doylestown,
 PA 18901.

Appearances: Applicants, Pro Se'

Mailing Date: October 29, 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-1a, Residential Zoning District of Doylestown Township. It accommodates the Applicants' single-family detached dwelling, an in-ground swimming pool, and other customary residential improvements.
4. The Subject Property is 90,107 square feet in size (2.07 acres). It is located at the corner of Theodore Way and Sandy Ridge Road. The property faces Theodore Way. The driveway access is on Theodore Way.
5. The property is burdened by two front yards, as a result of being a corner property with two street frontages. The property is further burdened by wetlands, and placement of an existing septic system.
6. The Sandy Ridge Road aspect of the property is buffered and screened by existing vegetation and mature trees.
7. As part of the present application, Applicants seek to place an accessory structure (a 10' x 12' shed) to the rear of the house as viewed from Theodore Way, but technically within the front yard along Sandy Ridge Road. Placement of the shed will be a minimum of 50 feet from the street line of Sandy Ridge Road.
8. Applicants presented a site plan, used by Applicants in conjunction with the pool permitting process, to illustrate the site features and the location of the proposed shed.
9. Applicants further presented photographs of the view to and from Sandy Ridge from the yard in question.
10. No one spoke in opposition to the application.
11. 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-1a Zoning District.
2. As a corner property, the property is burdened by two front yards. The true front yard is along Theodore Way. The house is oriented toward Theodore Way. The driveway is located on Theodore Way. The second front yard, is along Sandy Ridge Road.
3. §175-17.F(1) provides that accessory structures shall not be permitted within required front yards. This provision also provides other technical requirements for accessory structures.
4. Applicants seek to place a 10' x 12' shed 53 feet from the street line along Sandy Ridge Road, screened by existing mature vegetation. Technically, Applicants require a variance from §175-17.F(1).
5. 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.
6. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.
7. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
8. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested. The Board observes that the property is greater than two acres in size. Proposed placement of the shed is in excess of fifty (50) feet from the street line and is screened by existing vegetation. The Board is also mindful that the property is burdened by federally regulated wetlands, and other existing features.
9. Accordingly, the Doylestown Township Zoning Hearing 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 variance from §175-17 F(1) of the Doylestown Township Zoning Ordinance in order to permit Applicants to place a 10' x 12' accessory building (shed) within the front yard (Sandy Ridge Road) of the Subject Property, a minimum of 50 feet from the street line, consistent with the site plan submitted with the present zoning application.

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.