

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

**Application No.** Z-25-2019

**Applicant:** Prime Development Group, L.P.  
350 S. Main Street  
Doylestown, PA 18901

**Owner:** Estate of Larissa Hoffman  
95 Wilkshire Road  
Doylestown, PA 18901

**Subject Property:** Tax Parcel No. 09-019-036 which is located at 37 Wilkshire Road in Doylestown Township.

**Requested Relief:** The Applicant seeks to construct an approximately 1,850 square foot (footprint) single-family detached dwelling unit along with a driveway, wooden deck, stormwater management facilities, and related improvements on the subject property and, in order to do so, requests a variance from §175-39 of the Doylestown Township Zoning Ordinance (“Ordinance”) to permit a 25 foot rear yard setback from the southern property line, instead of the minimum required 50 foot setback.

**Hearing History:** The application was filed in Doylestown Township on December 11, 2019. The hearing was held on January 20, 2020 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

**Appearances:** Applicant by: Edward F. Murphy, Esq.  
Wisler Pearlstine, LLP  
PO Box 1186  
301 North Sycamore Street  
Newtown, PA 18940

**Mailing Date:** March 4, 2020

## 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 equitable 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 R-1, Residential Zoning District of Doylestown Township.
4. Applicant seeks to construct a single-family detached dwelling, approximately 1,850 square feet in size (building footprint), along with a driveway, wooden deck, stormwater management facilities, and related improvements on the Subject Property.
5. Applicant presented expert testimony by Kristin R. Holmes, PE, Holmes Cunningham Engineering, and a site plan prepared by Ms. Holmes entitled, Permit Plan, Wilkshire Road Property, dated 11/25/2019.
6. The property at issue consists of approximately 20,000 square feet, and is currently vacant.
7. The property maintains frontage on three roadways (Wilkshire Road, Paxson Road, and Tremont Avenue).
8. The property maintains the following legally existing nonconformities:
  - a. the lot is 20,000 square feet, where the minimum lot area is 40,000 square feet; and
  - b. the lot width is 100 feet at the building setback line, where a minimum lot width of 150 feet is required. (See Doylestown Township Zoning Ordinance §175-39.
9. The Applicant has oriented the building to face Wilkshire Road, in keeping with the other properties in the area. Applicant proposes a side entrance garage, consistent with the aforementioned site plan.
10. Due to the property's configuration, with three frontages, Applicant seeks the variance from the 50 foot rear yard setback provisions to accommodate what is practically a side yard, but technically a rear yard.
11. No one spoke in opposition to the application.
12. Doylestown Township took no position with regard to this application.

## CONCLUSIONS OF LAW

1. The Subject Property is located within the R-1 Zoning District.
2. The property contains legal nonconformities, including lot size and lot width as indicated through the Findings of Fact.
3. §175-17 defines corner lots with regard to required frontages. §175-17.E reads as follows (in relevant part):

Corner lots and through lots. A lot with frontage on two or more streets (corner lots and through lots) shall have a building setback from each street not less than the required front yard. In case of a corner lot, a rear yard is required, but such yard may be any yard not facing a public street...A single lot shall not be required to have more than two front yards.

4. Applying §175-17.E to the Subject Property, only the lot line not facing a public street may be the rear lot. As a practical matter, that aspect of the building is a side lot line. Applicant complies with the side lot requirement (25 feet) for the building proposed. Further, Applicant complies with the 50 foot front yard setback along Wilkshire Road, representing the true front of the house. Applicant also complies with the 50 foot front yard setback requirement along Paxson Road and Tremont Avenue.

5. The Applicant has established a hardship in the form of the undersized lot in conjunction with the three street frontages. The three street frontages leave Applicant with no discretion as to which yard represents the rear yard (the only lot line which does not face a public street). The Zoning Hearing Board concludes that the hardship demonstrated by the Applicant is sufficient to grant the requested variance.

6. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. The Board views Applicant's request as more of characterization of the yard in question as opposed to a pure request for dimensional relief.

7. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. The Board observes that the Applicant has attempted to orient the proposed building so as to remain in character with the other properties in the area.

8. 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.

9. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

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

11. Accordingly, the Doylestown Township Zoning Hearing Board determined, 2-0-1, to grant relief to the Applicant and the Subject Property as is set forth hereafter.<sup>1</sup>

**ORDER**

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-39 of Doylestown Township Zoning Ordinance in order to permit Applicant to construct an approximately 1,850 square foot (footprint) single-family detached dwelling unit along with a driveway, wooden deck, stormwater management facilities, and related improvements on the Subject Property with a 25 foot rear yard setback from the southern property line (the only lot line which does not face a public street), instead of the minimum required 50 foot setback.

The relief herein granted is subject to the following conditions:

1. Applicant shall construct generally consistent with the site plan prepared by Holmes Cunningham Engineering, dated 11/25/2019, and consistent with Applicant’s testimony herein.
2. 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

ABSTAINED  
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.

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<sup>1</sup> Board Member Samuel Costanzo abstained and did not take part in the decision.

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

**Application No.** Z-23-2019

**Applicant:** Doylestown Greene Owners Association  
721 Dresher Road, Suite 1400  
Horsham, PA 19044

**Owner:** Ravi Kukawada  
24 Greenway Drive  
Doylestown, PA 18901

**Subject  
Property:** Tax Parcel No. 09-004-083-014 which is located at the address of  
the Owner set forth above.

**Requested  
Relief:** The Applicant seeks to place 455 feet of black picket-style fence,  
four (4) feet high with a twelve (12) foot gate opening around a  
detention basin within an easement. §175-16.H.3(c)3 of the  
Doylestown Township Zoning Ordinance (“Ordinance”) prohibits fences within a public easement or a private easement where the easement agreement prohibits fences. Applicant seeks a variance accordingly.

**Hearing  
History:** The application was filed in Doylestown Township on November  
20, 2019. The hearing was held on January 20, 2020 at the  
Doylestown Township Building, 425 Wells Road, Doylestown,  
PA 18901.<sup>1</sup>

**Appearances:** Applicant, Pro Se'

**Mailing Date:** March 4, 2020

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<sup>1</sup> Applicant executed a waiver of the Municipalities Planning Code (MPC) 60 day first hearing requirements.

## 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 Homeowner Association responsible for maintenance and upkeep of the basin on 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-2b, Residential Zoning District of Doylestown Township.

4. The Homeowner Association offered testimony regarding the need for the fence at issue. The Association asserts that the easement in question is a snow easement in favor of Doylestown Township with regard to placement of plowed snow upon a snowfall event.

5. The Homeowner Association considers the basin, unfenced, a safety hazard. The Association considers the fence, with a 12 foot gate, easily accessible from the adjacent cul-de-sac to not infringe on the access by the Township from the cul-de-sac toward the basin. As a result, the Homeowner Association, as the entity responsible for the property at issue, requests the variance to balance the safety interests with the public snow removal interest.

6. No one spoke in opposition to the application.

7. 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-2b Zoning District.

2. Applicant seeks a variance from §175-16.H.3(c)3 of the Ordinance to erect a fence around a detention basin, where the basin is subject to a public snow easement.

3. 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 the Applicant has addressed the Township's interest of removing snow from the cul-de-sac utilizing the basin, and has therefore designed the fencing to include a 12 foot wide gate to allow access to the basin.

4. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. In fact, the Homeowner Association has emphasized the safety considerations of placing the fence around the basin.

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

7. Accordingly, the Doylestown Township Zoning Hearing Board determined, 2-0-1, to grant relief to the Applicant and the Subject Property as is set forth hereafter.<sup>2</sup>

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<sup>2</sup> Board Member Samuel Costanzo abstained and did not take part in the decision.

**ORDER**

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-16.H.3(c)3 of the Doylestown Township Zoning Ordinance in order to permit 455 feet of black picket-style fence, four (4) feet high with a twelve (12) foot gate opening around a detention basin within an easement subject to the following conditions:

1. The placement of the fence shall be generally consistent with the site plan worksheet submitted by the applicant as part of the application (page 3 of 14), attached hereto and incorporated by reference.
2. 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

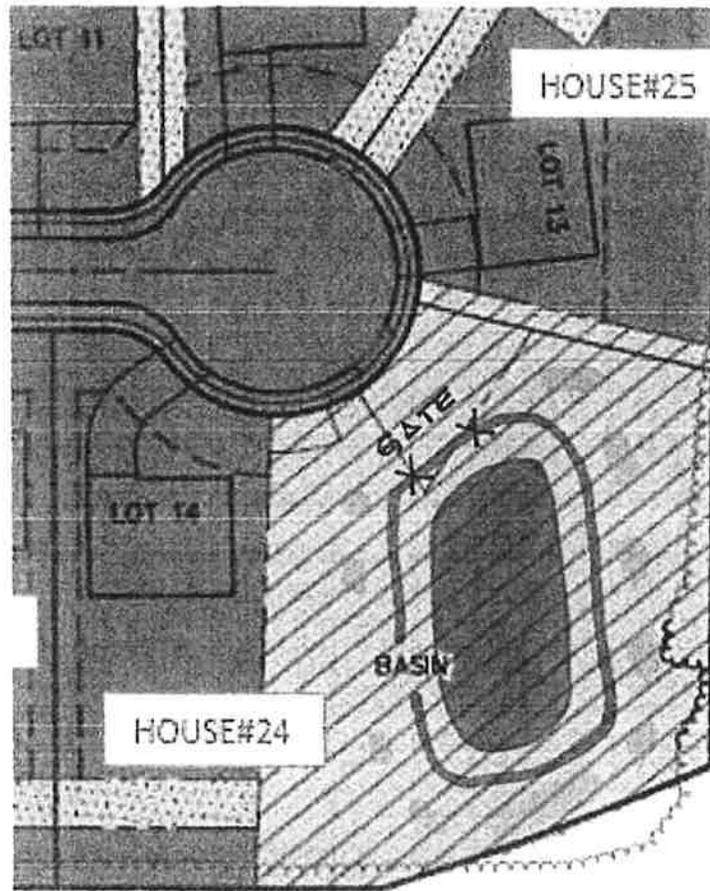
ABSTAINED  
Samuel Costanzo, Secretary

***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.

### WORK SHEET FOR A SITE PLAN

SITE INFORMATION					
Water Service:	<input type="checkbox"/> Public	<input type="checkbox"/> Private	Sewer Service:	<input type="checkbox"/> Public	<input type="checkbox"/> Private
Property Address:	24 Greenway Drive, Doylestown 18901				

#### SITE PLAN



455' of fence (red line)  
4' high. 12' gate opening

**Include Two (2) Copies of this Site Plan with your application**

**SCALE = 1 inch \_\_\_\_\_ FEET**