

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

Applicant: Eric Haflett
47 Scarlett Oak Drive
Doylestown, PA 18901

Owner: Same.

**Subject
Property:** Tax Parcel No. 09-023-063, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicant seeks to place a 12 foot by 22 foot shed on the subject property as accessory to the single-family dwelling use. Applicant seeks to place the shed twenty (20) feet from the rear lot line. §175-16 H-3(d)(2) in combination with §175-39 requires a 50 foot setback for structures greater than 144 square feet within the R-1 Zoning District. Applicant seeks a variance accordingly.

**Hearing
History:** The application was filed in Doylestown Township on March 11, 2021. The hearing was held on April 19, 2021 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, Pro Se

Mailing Date: June 3, 2021

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.

3. The Subject Property is located in the R-1, Residential Zoning District of Doylestown Township. The lot area is 1 acre in size. The property accommodates the Applicant's single-family dwelling with typical residential amenities.

4. The lot is oddly shaped in that one side lot line is 140.96 feet in depth. The other side lot line is 317.44 feet in depth. The house is parallel to the front lot line. The driveway is essentially parallel to the side lot line, on the short side. The rear yard is dramatically shallower to the driveway side as opposed to the non-driveway side of the lot.

5. The Applicant utilizes the driveway side of the yard more for daily residential activity than they use the deeper aspect of the lot.

6. Applicant seeks to place a 12 foot by 22 foot shed on the subject property as accessory to the single-family dwelling use. Applicant seeks to place the shed twenty (20) feet from the rear lot line. §175-16 H-3(d)(2) in combination with §175-39 require a 50 foot setback for structures greater than 144 square feet within the R-1 Zoning District. Applicant seeks a variance accordingly. Applicant will comply with the 25 foot side yard setback.

7. The rear lot is densely populated with mature trees. The proposed location of the shed has been naturally cleared by a fallen tree. The other side of the lot (the deeper part of the lot) is not as easily accessible and the location is less useful for the Applicant.

8. Due to the shape of the lot, the Applicant is unable to place the proposed shed on the short side of the lot without encroaching into the rear yard 50 foot setback, or placing the shed essentially in the middle of the rear yard.

9. Adjacent property owner Elizabeth Steele, 44 Pebble View Lane, testified in opposition to the placement of the shed. Ms. Steele lives behind the Subject Property. Ms. Steele and the Applicant share a portion of the Applicant's rear lot line. Ms. Steele indicates that the shed, located 20 feet from her rear lot line on the Applicant's property, will be visually unappealing. The Board observes that the shed, as proposed, is approximately 190 feet from the Steele home and that the sight line will be screened in part by existing vegetation.

10. Applicant has agreed to plant arborvitae to the rear of the shed to mitigate any further visual impact. Discussion led the Board to believe that the number of arborvitae could be as many as 8. Further, Applicant agreed not to have windows on the rear side of the shed, to avoid any light wash from the structure to the rear.

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

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested under the relaxed variance standard applicable to dimensional variance cases, as articulated by the Pennsylvania Supreme Court, in Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d. 43 (1998).

3. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. The Board observes that the Applicant is attempting to maintain a 20 foot setback from the rear lot line. The Board considers Applicant's proposal as an attempt to respect the required depth of the setback, while being unable to accommodate the entire setback as a practical matter.

4. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. A residential shed measuring 12' x 22' is a reasonably sized residential accessory structure.

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. The Board has considered the testimony of adjacent property owner, Elizabeth Steele. The Board has imposed conditions on the grant for relief in order to mitigate the concerns raised by Ms. Steele.

6. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-16 H-3(d)(2) of the Doylestown Township Zoning Ordinance to permit the Applicant to place a 12 foot by 22 foot shed on the Subject Property as accessory to the single-family dwelling use, at no less than 20 feet from the rear lot line, subject to the following conditions:

1. Applicant must plant arborvitae sufficient to screen the shed from the property owners to the rear.
2. There shall be no windows on the rear side of the shed.
3. Compliance with all other applicable governmental ordinances and regulations and obtain all appropriate permits as necessary.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow

/s/ Samuel D. Costanzo
Samuel D. Costanzo

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

Applicants: Patrick Shum and Pamela Long
14 Greenway Drive
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-004-083-019, which is located at the address
of the Applicants set forth above.

**Requested
Relief:** Applicants seek to place a fence across an existing twenty (20)
foot stormwater easement in the rear yard of their residential
property. §175-16.H-3c(3) of the Doylestown Township Zoning
Ordinance prohibits fences in any portion of a public easement or
a private easement prohibiting fences. Applicants seek a variance
accordingly.

**Hearing
History:** The application was filed in Doylestown Township on March 16,
2021. The hearing was held on April 19, 2021 at the Doylestown
Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, Pro Se

Mailing Date: June 3, 2021

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-2b, Residential Zoning District of Doylestown Township. The lot area is 27,978 square feet. The property accommodates the Applicants' single-family dwelling with typical residential amenities.
4. A stormwater easement runs across the rear aspect of the Subject Property, essentially parallel to the rear lot line. The easement is 20 feet in width and runs across the entirety of the property from side lot line to side lot line. To the rear of the Subject Property is property owned by the Pennsylvania Department of Transportation, used for the PA Route 611 Bypass.
5. Applicants seek to fence the entirety of their rear yard, to promote the safe use of the entire back yard.
6. Applicants are aware that variances have been granted to adjacent property owners for the same circumstances. Applicants understand that the previous grants for relief have been conditioned upon Applicants installing a fence with removable sections across the 20 foot easement and constructing a fence at least 2 inches above grade on the easement area to promote unimpeded drainage.
7. To the extent that the Subject Property is located within a Homeowners Association, the Zoning Hearing Board has no authority or jurisdiction over rules and regulations imposed by the Homeowners Association, and does not address same.
8. No one spoke in opposition to the application.
9. Doylestown Township took no position with regard to the present application, but has indicated in similar matters, that should the Zoning Hearing Board grant relief, the Township requested conditions including, "making sure that the fence has removable sections in the easement area so that the flow of stormwater is not impeded in any way..."

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.
2. Applicants propose to install a fence along the perimeter of the rear yard. A stormwater easement runs across the rear yard.
3. Ordinance §175-16.H-3c(3) prohibits fencing within a public easement or a private easement prohibiting the placement of a fence. Applicants seek a variance accordingly.
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 Applicants agree to certain conditions which minimize any impacts to the Township's maintenance of the stormwater system within the easement area.
5. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. The Board observes that the Applicants are amenable to conditions on the grant for relief.
6. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. Fences are permitted within the rear yards in the R-2b Zoning District. Applicants testified to fences in the rear yard extending across the easement area for two of the neighboring property owners. As such, the request is consistent with the character of the neighborhood.
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, unanimously, to grant the Applicants' request for relief, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-16.H-3c(3) of the Doylestown Township Zoning Ordinance to permit Applicants to construct a fence within the rear yard including crossing an existing easement, subject to the following conditions:

1. The fence must contain removable sections where the fence crosses the easement area to facilitate removal in the event the easement area needs to be accessed.
2. Applicants are required to maintain, replace, and repair the fence as needed.
3. The sections crossing the easement must be removed upon request by Doylestown Township. In the alternative, removed at the Applicants expense.
4. Applicants must obtain all appropriate permits prior to construction of the fence. This condition includes applying for a fence permit with Doylestown Township.
5. 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

/s/ Samuel D. Costanzo
Samuel D. Costanzo

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

Applicants: Danielle Reinhardt and Dave Shawley
335 Almshouse Road
Doylestown, PA 18901

Owners: Same.

Subject Property: Tax Parcel No. 09-007-031, which is located at the address of the Applicants set forth above.

Requested Relief: Applicants seek to construct a detached garage on the subject property located closer to the road than the primary building. Applicants seek a variance from §175-17(F) of the Doylestown Township Zoning Ordinance.

Hearing History: The application was filed in Doylestown Township on November 25, 2020. The hearing was held on January 18, 2020 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901. An amended application was filed on February 3, 2021. The final hearing was held on April 19, 2021.¹

Appearances: Applicants by: Donald B. Veix, Jr., Esq.
95 West Court Street
P.O. Box 54
Doylestown, PA 18901

Mailing Date: June 3, 2021

¹ Applicants did sign waivers with regard to the Municipalities Planning Code and Doylestown Township Zoning Ordinance with regard to timing of hearings held.

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 hearings 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. The lot area is 6.8755 acres in size. It is improved with a single-family detached dwelling, small shed, paved driveway, and fence to the rear yard.
4. The property is a flag lot. It is heavily wooded, and contains steep slopes. The property slopes from front to back.
5. The flag lot is irregularly shaped toward the front, or improved aspect, of the lot. The front lot line, where the lot expands to the full required frontage of 200 feet, is 325 feet in length. The proposed garage workshop is actually placed closer to the street line than that the Ordinance defined front lot line, in that the front lot line to the western aspect of the property, measuring 119.34 feet in width is the line upon which the Applicants seek to measure the setback for the proposed garage. The proposed garage is 52.6 feet from that lot line.
6. Applicants seek to construct a detached garage on the Subject Property located closer to the road than the primary building. Applicants seek a variance from §175-17(F) of the Doylestown Township Zoning Ordinance.
7. The Applicants offered extensive testimony, expert and otherwise, regarding the inability to place the proposed garage in any location other than as proposed on the site plan prepared by Wynn Builders, dated November 16, 2020.
8. Adjacent property owners, Samuel Whitehead and Robin Miller, 311 Almshouse Road, testified to concerns regarding the accessory structure. Mr. Whitehead and Ms. Miller expressed concerns regarding the affects of lighting and noise from the accessory structure on the quite enjoyment of their rear yard. They also expressed concern regarding the size of the accessory structure and its potential use. The Zoning Hearing Board believes it has addressed the concerns articulated by the adjacent property owners by way of conditions imposed on the grant of relief.
9. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.
2. The property is a 6.8755 acre flag lot.
3. Topographical features of the property include a very long driveway leading from Almshouse Road to the existing single-family dwelling (in excess of 425 feet).
4. The property slopes from front to back. The driveway pitch to the single-family dwelling is downhill. The downhill slope presents challenges for the Applicants in driving to the dwelling in the winter months. The lot is heavily wooded especially to the rear.
5. Applicants propose to place the 24' x 48' garage between the dwelling and the street line, and within the 100 yard front yard setback required.
6. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variance requested. The aforementioned topographical features drive the need for the variance. Despite a considerable size of the property, the topographical features make the proposed placement of the garage/workshop the only reasonable and logical location.
7. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary. Again, the topographical features drive the proposed location for the garage/workshop.
8. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. The Zoning Hearing Board is mindful of the comments of the immediately adjacent property owners, but concludes that those concerns will be addressed by appropriate conditions which follow.
9. 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.
10. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicants' request for relief, 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) of the Doylestown Township Zoning Ordinance to permit Applicants to construct a detached garage on the subject flag lot, located closer to the road than the primary building, subject to the following conditions:

1. The accessory building shall be no closer than 52.6 feet from the front lot line closest to Almshouse Road.
2. Applicants shall place arborvitae or equivalent plantings at the south corner of the driveway and garage between the accessory structure and the street line to shield headlight glare from the property.
3. Applicants shall place no building mounted lights to the front or side of the structure, to avoid light wash toward the Whitehead/Miller property to the front.
4. There shall be no commercial activity within the accessory structure.
5. Compliance with all other applicable governmental ordinances and regulations and obtain all appropriate permits.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow

/s/ Samuel D. Costanzo
Samuel D. Costanzo