

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

Docket No. 15-02

Applicant: Guardian Academy and Indoor Range, Inc.
180 Toll Road
Southampton, PA 18966

Owner: RC Investments, LLC
1528 Campus Drive
Warminster, PA 18974

**Subject
Property:** Lots 26 and 28 of Tax Parcel No. 51-13-10-27, developed as the
Warwick Business Campus and located at 1528 Campus Drive, in
Warwick Township, Bucks County, PA.

**Requested
Relief:** The Applicant proposes to utilize the Subject Property as an indoor
shooting range and training facility. It requests a variance from
§195-16.D.1.f of the Warwick Township Zoning Ordinance
("Ordinance") in order to provide less than the required number of
on-site parking spaces.

**Hearing
History:** The application was filed in Warwick Township on April 7, 2015.
The hearing was held on June 2, 2015 at the Warwick Township
Administration Building, 1733 Township Greene, Jamison, PA
18929.

Appearances: Applicant by: Edward F. Murphy, Esq.
Wisler Pearlstine, LLP
P.O. Box 1186
301 N. Sycamore Street
Newtown, PA 18940

Mailing Date: June 29, 2015

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Warwick 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 pursuant to a valid Agreement of Sale (Exhibit A-1) and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the LI, Limited Industrial Zoning District of Warwick Township. It consists of two lots in a 32 lot subdivision known as the Warwick Business Campus which has been developed as an industrial park as defined at Ordinance §195-16.H.13.

4. The Township approved Final Plan, prepared by Carroll Engineering Corporation, dated November 22, 1989, last revised September 8, 2003, was received into evidence as Exhibit A-2.

5. Lot 26 consists of approximately 1.0291 acres and Lot 28 of approximately 1.0143 acres.

6. The Applicant proposes to combine the lots for use as an indoor shooting range and training facility in a 15,855 square foot building as depicted on Exhibit A-5.

7. The Applicant's proposed use meets the definition of a "Recreational Facility", defined at Ordinance §195-16.D.1 which permits a use involving the discharge of fire arms in a fully enclosed and sound proofed building.

8. Both lots that compose the Subject Property were combined for their present use as a contractor's office and storage yard. Lot 26 accommodates a 6,766 square foot building for that use. That building will be incorporated into the structure proposed for development in this application.

9. The Applicant's principal, Chris Sfinas, is a weapons instructor and 10 year member of the Army National Guard. He has taught at the National Guard Gun Academy and instructed security agents on the proper use of weapons. He presently conducts 20 to 30 training sessions a week at a nearby facility.

10. Sfinas described the proposed range to be a training facility and that spectators are not expected nor wanted due to insurance requirements.

11. The proposed use will include shooting range lanes, training classrooms, and uses as depicted on Exhibit A-4, the proposed Floor Plans.

12. Gregory Glitzer, PE, was qualified to testify as an expert in civil engineering and land development on behalf of the Applicant. He prepared Exhibit A-5, a Site Plan for Zoning Variance Parking Exhibit, dated May 21, 2015, last revised June 1, 2015.

13. Glitzer established that the proposed facility meets all the requirements of the Ordinance with the exception of the on-site parking requirements of §195-16.D.1.f.

14. That section requires the number of on-site parking spaces to be calculated pursuant to one of two alternative means and further requires that the higher of the two calculations shall apply.

15. Glitzer's testimony established that the higher of the two parking calculations resulted in the requirement for 217 on-site parking spaces.

16. The Applicant's credible testimony established that, during peak use, there will be at most 83 patrons within the facility and 11 employees working there.

17. The alternative parking calculation, based upon the number of patrons, generates the need for 28 on-site parking spaces.

18. The Applicant proposes 106 parking spaces on the Subject Property and proposes 19 contingent on-street parking spaces on Campus Drive as depicted in Exhibit A-5.

19. Mr. Sfinas credibly testified that his experience with indoor ranges, and the limitation of patrons in the proposed facility, leads him to conclude that the parking proposed is more than sufficient for the use, even at peak hours. He testified that it is in the interest of the success of his business to provide sufficient parking and he is confident that the spaces proposed will do so.

20. Among the uses proposed within the structure is an area on the first floor devoted to an "open sales area" and "sales counter", depicted on Exhibit A-4.

21. Kyle Seckinger, the Township Assistant Manager and Zoning Officer, testified that the proposed accessory retail use of the property must meet the requirements of Ordinance §195-16.I.9.

22. §195-16.I.9.a limits the accessory retail use in size so that it shall not exceed 10% of the gross floor area of the principal use.

23. The Applicant testified that the facility will meet that requirement and, if necessary, the Final Plan for development will be revised so as to depict a conforming accessory retail use area within the structure.

24. Warwick Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The proposed development and use of the Subject Property is permitted by right in the LI Zoning District.
2. The proposed development meets all of the dimensional requirements and bulk criteria of the Ordinance with exception of the parking requirement for a recreational facility contained at §195-16.D.1.f.
3. The Board finds the testimony of both Mr. Sfinas and Mr. Glitzer to be credible to establish that the number of on-site parking spaces generated by Ordinance requirements would unduly burden the property with parking surface.
4. The Board finds the Applicant's proposal to provide 106 on-site parking spaces, with 19 additional on-street parking spaces on Campus Drive, as depicted in Exhibit A-5, to be the minimum variance necessary from the Ordinance provision that would provide adequate parking on the Subject Property for the proposed use.
5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.
6. The Applicant has presented evidence of sufficient factors to warrant the grant of the relief requested.
7. Accordingly, the Warwick 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 Warwick Township Zoning Hearing Board hereby GRANTS a variance from §195-16.D.1.f of the Warwick Township Zoning Ordinance in order to provide 106 on-site parking spaces with 19 parking spaces available on Campus Drive, as depicted in Exhibit A-5, the Site Plan for Zoning Variance Parking Exhibit, prepared by Gilmore & Associates, Inc., dated May 21, 2015, last revised June 1, 2015. The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations and specific compliance with Ordinance §195-16.I.9 with regard to the area of the accessory retail use proposed.

ZONING HEARING BOARD OF WARWICK TOWNSHIP

/s/ Kevin J. Wolf

Kevin J. Wolf

/s/ Dave Mullen

Dave Mullen

/s/ Jeffrey G. DiAmico

Jeffrey G. DiAmico

IMPORTANT NOTE: Pursuant to §195-115 and §195-116 of the Warwick Township Zoning Ordinance, variances or special exceptions granted by the Zoning Hearing Board shall expire one (1) year from the date of the Decision, unless the applicant or owner or successor in interest has commenced construction within that time. Construction will be deemed commenced upon the issuance of a building and/or zoning permit for the approved use.