

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

Docket No. 18-07

Applicant: Bravo Dance Center LLC
1540 B Campus Drive
Warminster, PA 18974

Owner: Warwick Meadows III LLC
1840 County Line Road, Suite 213
Huntingdon Valley, PA 19006

**Subject
Property:** Tax Parcel Nos. 51-013-062-003-403 and 51-013-062-003-404
which are collectively located at 403-404 Camars Drive,
Warminster, PA 18974.

**Requested
Relief:** The Applicant proposes to utilize a portion of an existing building to
support a commercial dance school (Use G1). In order to do so, the
Applicant requests the following relief from the Warwick Township
Zoning Ordinance (“Ordinance”):

1. a special exception pursuant to Article XVIII, §195-56.C, to
allow a dance school (G1 Commercial School) in a Limited
Industrial (LI) Zoning District;
2. a variance from Article III, §195-10, to permit multiple principal
uses on one property;
3. a variance from Article III, §195-16.G(1)(a), relief from
minimum lot size requirements associated with the proposed G1
Commercial School;
4. a variance from §195-16.G(1)(c), relief from the parking
requirements associated with the proposed G1 Commercial
School Use; and,
5. a variance from §195-16.H(16)(a), to allow the G1 Commercial
School to operate in addition to the H16 Flex Space.

Hearing

History: The application was filed in Warwick Township on October 16, 2018. The hearing was held on December 4, 2018 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.

Appearances: Applicant, Pro Se, through its directors, Lindsay Keegan and Lauren Kulp

Mailing Date: January 3, 2019

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Warwick Township met the requirements of the Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.
2. The Applicant is the tenant of Unit B, pursuant to a valid lease received into evidence as Exhibit "B-1". As such, the Applicant possessed 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 is one of several lots developed as a Cluster Industrial Development (Use H-13), known as Warwick Meadows III.
4. The Subject Property was developed as a Use H-16, "flex space." That use is defined at Ordinance §195-16.H.16 as: "Building space designed for use as either office, light manufacturing, assembly or warehousing. Each flex space area shall have no less than five (5%) percent of the area devoted to an office use."
5. The Applicant desires to operate a commercial school to be known as the Bravo Dance Center. A commercial school is defined at Ordinance §195-16.G.1 as a "trade or professional school, art, music or dancing school."
6. A commercial school is permitted in the LI, Limited Industrial Zoning District, in which the Subject Property is located, by special exception pursuant to Ordinance, §195-56.C.

7. Applicant proposes to utilize the leased space for both dance studio and office use.
8. Lauren Kulp and Lindsay Keegan, both directors of the Applicant and founders of Bravo Dance Center, are familiar with the use and its traffic patterns.
9. The hours of operation for the dance studio will be Monday through Friday from 4:00 p.m. to 9:00 p.m. and on Saturday from 8:00 a.m. to 12:00 p.m.
10. The average class size is fifteen (15) students and five (5) staff. Because the majority of the students are dropped off by their parents, there is an average of four cars per session. Sessions are 45 minutes in length.
11. There will be no dance performances or recitals on the Subject Property. Those will take place in rental facilities that are appropriate for such purpose.
12. Fifteen (15) parking spots have been reserved for the Bravo Dance Studio, which should be adequate for the proposed use.
13. Other uses in the building include karate, sports therapy and sports training. The Board finds that a dance studio use is consistent with the other uses in the flex building.
14. Signage will be consistent with Ordinance requirements.
15. There will be no outdoor use of the Subject Property and no storage of any material there.
16. There is adequate lighting and striping in parking areas to provide safe access to and from the facility during evening and nighttime hours.
17. Due to the unique attributes of the flex space, relief from the minimum lot size requirements is the minimum variance for the dance studio use.
18. No one spoke in opposition to the application.
19. Warwick 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’s request for relief from Ordinance, §195-10, which restricts “... any property, parcel, or tract of land...” to only one (1) principal use, is necessary for the reasons set forth in the Findings of Fact and hereafter.

3. The Board concludes, on the basis of this and several similar applications it has heard, that the restrictions upon the uses permitted within a flex space have negatively impacted the ability of the property owner to rent the space within the buildings located on the Subject Property.

4. Since the G-1 use of the property of a commercial school is permitted within the zoning district which the Subject Property is located, this Board concludes that it must also be permitted by variance from the restrictions placed upon “flex space” use contained at Ordinance, §195-16.H.16.

5. The Subject Property was appropriately developed and the use proposed by the Applicant can reasonably be accomplished on the Subject Property.

6. The use of the building on the Subject Property as a commercial school, teaching dance, will have no negative impact upon surrounding properties or uses.

7. Given the nature of the neighborhood in which the Subject Property is located, the proposed commercial school use is consistent with other properties and uses in the immediate vicinity.

8. Inconsistencies in the Ordinance must be construed in favor of the property Owner. The structure on the Subject Property is suitable for multiple uses and is occupied as such. Strict compliance with the “flex space” prohibitions against such use would result in a denial of the use in a zoning district in which it is permitted by right.

9. The Applicant has satisfied the Board that the parking spaces provided to the Applicant are sufficient for the dance studio use.

10. The Applicant has satisfied the Board that it has complied with the requirements of Ordinance, §195-118 regarding special exceptions.

11. A use otherwise permitted in the LI District would be prohibited if strict compliance with the Ordinance provisions for which relief is sought is mandated.

12. 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.

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

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

15. The Applicant has presented evidence of sufficient factors to warrant the grant of the use and parking variances requested.

16. 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 the following relief from the Warwick Township Zoning Ordinance in order to utilize a portion of an existing building to support a commercial dance school (Use G1):

1. a special exception pursuant to §195-56.C, to use the property for a dance school (G1 Commercial School).
2. a variance from §195-10, to permit multiple uses on one property;
3. a variance from §195-16.G(1)(a), relief from minimum lot size requirements associated with the proposed G1 Commercial School;
4. a variance from §195-16.G(1)(c), relief from the parking requirements associated with the proposed G1 Commercial School Use; and,
5. a variance from §195-16.H(16)(a), to allow the G1 Commercial School to operate in addition to the H16 Flex Space.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
WARWICK TOWNSHIP**

/s/ Kevin J. Wolf
Kevin J. Wolf

/s/ Dave Mullen
Dave Mullen

/s/ Lorraine Sciuto-Ballasy
Lorraine Sciuto-Ballasy

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.