

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

**Docket No.** 17-01

**Applicant:** Mavis Tire Supply, LLC  
358 Saw Mill River Road  
Milwood, NY 10546

**Owner:** Kendarbren Partners, L.P.  
1740 Meyer Way  
Jamison, PA 18929

**Subject  
Property:** Tax Parcel No. 51-18-17-5, which is located at 1700 Kendarbren Drive, Jamison, PA.

**Requested  
Relief:** The Applicant requests a variance from §195-93.J.2 of the Warwick Township Zoning Ordinance (“Ordinance”) to permit the construction of a 56 square foot wall sign facing Kendarbren Drive, instead of the maximum permitted 20 square feet.

**Hearing  
History:** The application was filed in Warwick Township on January 9, 2017. The hearing was held on March 7, 2017<sup>1</sup> at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.

**Appearances:** Applicant by: John A. VanLuvanee, Esq.  
Julie L. Von Spreckelsen, Esq.  
Eastburn and Gray, PC  
60 E. Court Street  
P.O. Box 1389  
Doylestown, PA 18901

**Mailing Date:** April 10, 2017

---

<sup>1</sup> The Applicant requested a postponement of the hearing originally scheduled to occur on February 7, 2017 and executed a waiver of rights to allow the hearing to occur on March 7, 2017 (Exhibit B-5).

## 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 Subject Property is being leased to Somerset Tire Service, Inc. (“STS”) pursuant to a Lease Agreement dated October 25, 2012.

3. On August 5, 2015, the Applicant acquired all of the stock of STS and assumed its obligations as tenant of the Subject Property pursuant to that Lease.

4. Accordingly, the Applicant is possessed of the requisite standing to make application to this Board.

5. STS has operated a tire center on the Subject Property since the inception of the lease on October 25, 2012. The Applicant intends to continue that use. No addition to the structures on the Subject Property is contemplated in this application.

6. The Subject Property has been developed as depicted in Exhibit A-7, a Land Development Plan, prepared by Irick, Eberhardt & Mientus, Inc., dated January 18, 2010 as revised.

7. The use of the Subject Property by STS in the past, and now by the Applicant, meets the definition of a “Vehicular Accessories” use defined at Ordinance §195-16.G.25. That use is permitted by right in the VC Zoning District.

8. In order to rebrand the use of the Subject Property, the Applicant proposes the replacement of existing signage for STS to new signage containing the words “Mavis Discount Tire”.

9. The Subject Property is a corner lot fronting on Kendarbren Drive to its north. It is bordered to its east by York Road (Route 263). It is surrounded by permitted commercial uses including a Dunkin Donuts, Citizens Bank and Walgreens Pharmacy.

10. The structure presently accommodates two STS signs, one of which is 20 square feet in size on its front elevation facing Kendarbren Drive. The existing STS letters are 2 ½ feet high and are designed to allow for identification of the property’s use by vehicular traffic proceeding southbound on York Road.

11. The new sign, on this elevation, containing the words Mavis Discount Tire, is proposed to be 56 square feet in size containing 2 foot high letters.

12. Ordinance §195-93.J.2 permits two parallel signs, mounted on separate walls, one of which may be up to 20 square feet in size and the other up to 16 square feet.

13. Matt Chartrand, P.E., testified on behalf of the Applicant. He was qualified to testify as an expert in civil engineering.

14. Chartrand established that the proposed Mavis Discount Tire sign on the north facing elevation of the building has been moved farther away from Route 263 in order to allow it to fit on the structure. He further established the necessity of the 56 square foot area proposed for such sign as it is located farther away from Route 263 than the existing STS sign and requires safe identification of the property's use for southbound traffic on Route 263 to enable operators of vehicles to identify the use in sufficient time to make the turn on to Kendarbren Drive, which contains the only access to the Subject Property.

15. The Board finds that although the sign area is larger, the size of the letters are smaller than existing and, since there are more letters required to identify the Mavis Discount Tire use, the signage area must be increased.

16. The second STS sign on the building, facing south, which is 15.6 square feet in size, will be replaced by a Mavis Discount Tire sign that is 15.71 square feet in size, consistent with §195-93.J.2.

17. The evidence credibly established that the Applicant had appeared before the Warwick Township Supervisors on two occasions to discuss this zoning request.

18. Exhibit B-7 is a letter, dated February 27, 2017, from Mary C. Eberle, Esq., the Warwick Township Solicitor, that sets forth that the signs proposed, which are depicted in Exhibit B-8, are acceptable to the Township Supervisors provided imposition of conditions upon the grant of zoning relief. Chartrand established the Applicant's agreement to the imposition of those conditions.

### **CONCLUSIONS OF LAW:**

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance. Both the past and future use of the Subject Property meets the definition of a "Vehicular Accessories" use defined at §195-16.G.25, which is permitted by right in the V-C Zoning District.

2. The rebranding of the name of the use requires new signs. The Board concludes that the size of the north facing wall sign, fronting on Kendarbren Drive, must be increased in order to accommodate the name of the Applicant.

3. Further, the Board concludes that, in order to be identifiable by vehicular traffic proceeding south on Route 263, the letters on the sign must be at least 2 feet high, as proposed, occupying an area of 56 square feet.

4. The Board concludes that the 56 square foot area of the north facing sign is necessary to provide recognition of the use of the Subject Property for vehicular traffic proceeding south on Route 263 in a fashion that is timely enough to allow intended customers to negotiate the turn onto Kendarbren Drive and access the Subject Property.

5. The proposed new south facing sign meets Ordinance requirements.

6. The size of the signage proposed is, according to the credible evidence of Chartrand, consistent with the area of similar identification signs for commercial uses in the neighborhood of the Subject Property.

7. The Board agrees with the Township Board of Supervisors that the size of the north facing sign is necessary and reasonable.

8. As the Applicant is agreeable to conditions of approval suggested by the Board of Supervisors in Exhibit B-7, this Board concludes that the conditions set forth in Exhibit B-7 should be attached to relief granted in this matter.

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

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

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

13. Accordingly, the Warwick Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief, subject conditions, as is set forth hereafter.

**ORDER**

Upon consideration and after hearing, the Warwick Township Zoning Hearing Board hereby GRANTS a variance from §195-93.J.2 of the Warwick Township Zoning Ordinance in order to permit the construction of a 56 square foot wall sign facing north on Kendarbren Drive as depicted in Exhibit B-8, instead of the maximum permitted 20 square feet, subject to compliance with all other applicable governmental ordinances and regulations and the following specific conditions:

1. the building shall be repainted Monterey White Benjamin Moore color #HC169;
2. the stripe on the building shall be painted Coventry Gray using Benjamin Moore color #HC169; and
3. the roof on the building shall be painted Tarrytown Green using Benjamin Moore color #HC134.

**ZONING HEARING BOARD OF  
WARWICK TOWNSHIP**

*/s/ Kevin J. Wolf* \_\_\_\_\_  
Kevin J. Wolf

*/s/ Dave Mullen* \_\_\_\_\_  
Dave Mullen

*/s/ Joseph Thiroway* \_\_\_\_\_  
Joseph Thiroway

**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.