

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

Docket No. 18-05

Applicant: Ryan Wanner
994 Victoria Road
Warminster, PA 18974

Owner: Siegfried Pohle
1520 Old Jacksonville Road
Ivyland, PA 18974

**Subject
Property:** Tax Parcel No. 51-013-009-019, which is located at 1776-7 Stout Drive, Warminster, PA 18974.

**Requested
Relief:** The Applicant seeks to use 2,600 square feet of building space for a mixed use of Indoor Athletic Club (Use G15) and Flex Space (Use H16). Pursuant to §195-10 of the Warwick Township Zoning Ordinance (“Ordinance”), only one principal use shall be permitted on a single parcel. Applicant requests a variance accordingly. Applicant also seeks a variance from §195-16.H16(a) to allow a G15 use within the H16 flex space. In addition, Applicant requests variances from the parking provisions of §195-16.G15(b) and §195-16.H16(c) to allow fewer than the required parking spaces for the combined uses.

**Hearing
History:** The application was filed in Warwick Township on July 2, 2018. The hearing was held on September 4, 2018 at the Warwick Township Administration Building, 1733 Township Greene, Jamison, PA 18929.¹

Appearances: Applicant, Pro Se'

Mailing Date: October 10, 2018

¹ The hearing was originally scheduled for August 7, 2018, but the legal advertisement was published incompletely, due to error on the part of the publication. Applicant did sign a waiver of the MPC requirement to hold the first hearing within 60 days of the application (Exhibit ZHB-7) and the matter was properly advertised for September 4, 2018.

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 Lessee of the Subject Property and therefore possessed of the requisite standing to make application to this Board. A representative of the Owner was present.

3. The Subject Property is located within the LI, Limited Industrial Zoning District of Warwick Township. The file material submitted with the application includes a Site Plan prepared by Carroll Engineering, dated May 27, 1986 and an accompanying Floor Plan prepared by Edward L. Kellher, Architect, both showing divided space within a single building identified as warehouse and office uses. The space at issue is one of the delineated spaces, consisting of a small office (330 square feet) and additional space for personal training (2,270 square feet), for a combined area of 2,600 square feet.

4. Applicant, Ryan Wanner, described the proposed use for the Subject Property as one-on-one or one-on-two personal fitness training. Applicant is the head trainer at a local fitness studio, and has been developing a personal client base. His business model includes the one-on-one personal on-site training, and occasional one-on-two personal on-site training. However, the bulk of his personal training services are online nutrition and personal training programs. The Applicant's objective is to complete all of these activities from the site located at 1776-7 Stout Drive.

5. The use of the Subject Property proposed meets the definition of "Indoor Athletic Club" as defined at §195-16.G.15 of the Ordinance. That use is permitted by right in the LI Zoning District in which the Subject Property is located. However, the Applicant requests two primary uses on the Subject Property, the G15 Indoor Athletic Use and a Flex Space Use (Use H16). Further, the Subject Property is used for an additional vehicle aftermarket and advertising use, including application of "vehicle wraps".

6. The parking provisions of the Ordinance, as applied to the Applicant's proposed uses (G15 and H16), would require in excess of 53 parking spaces. The entire lot, as developed and reflected on the Plan, has only 26 parking spaces for all uses.

7. The Applicant credibly testified that he needs a maximum of four parking spaces for the proposed combined use.

8. No one spoke in opposition to the application.

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

CONCLUSIONS OF LAW:

1. The building and parking facilities on the Subject Property were developed in accordance with an approved plan. The property is designated as §195-16.H.16 Flex Space. Applicant seeks to add a second use, Indoor Athletic Club (Use G15).

2. Pursuant to §195-10 of the Warwick Township Zoning Ordinance, only one principal use shall be permitted on a single parcel. Applicant seeks a variance from this provision to allow a combination of Indoor Athletic Club (Use G15) and Flex Space (Use H16), and as a further refinement of that request, requests a variance from §195-16.H16(a) to allow a G15 Use within the H16 Flex Space.

3. The Zoning Hearing Board concludes that the G15 Use, as described by the Applicant, is a low intensity and appropriate use of the subject space. The Zoning Hearing Board concludes that the use, as described by the Applicant, is complementary and less intensive than the other uses for the remaining flex space building. Important to this Conclusion is Applicant's representation that the training is a 1:1 or 1:2 trainer to trainee ratio.

4. The Board concludes that the use is consistent with the neighborhood in which the Subject Project is located and will have no negative impacts upon surrounding properties or uses.

5. The Board concludes that strict application of the Ordinance would deprive the Applicant of a reasonable and logical use of the Subject Property. The Board further concludes that the requested relief is the least variance necessary for this appropriate use of the property.

6. Finding that the combined use is appropriate for the Subject Property, the Board further concludes that requiring 53 off-street parking spaces for the subject use is exceedingly excessive. The use as described requires no greater than four parking spaces. Accordingly, subject to the conditions which follow, the Board concludes that the variance from the parking provisions of the Ordinance shall be granted, and that it represents the least variance required, the necessary relief for reasonable use of the property, and will have no negative impacts upon surrounding properties or uses.

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 variances from §195-10 and §195-16.H16(a) of the Warwick Township Zoning Ordinance to permit the use and occupation of 2,600 square feet of the Flex Space building, on the Subject Property to support a combined Indoor Athletic Club (Use G15) and Flex Space (Use H16). In addition, the Zoning Hearing Board grants a variance from the parking provisions of §195-16.G15(b) and §196-16.H16(c) to allow fewer than the required parking spaces for the combined uses, to allow four parking spaces for the 2,600 square foot use.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations and the following specific conditions:

1. Obtain all permits; and
2. Landlord must designate four parking spaces for the specific use at issue, and mark those spaces accordingly.

**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.