

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

Docket No. 23-08

Applicants: John and Sherry Perry  
252 W. Swamp Road, Unit 1  
Doylestown, PA 18901

Owner: Same

Subject Property: Tax Parcel No. 51-003-108 for property known as 1693 Meetinghouse Road

Requested Relief: The Applicant is seeking a modification of condition (c) of a prior Zoning Hearing Board Decision dated November 19, 1982 to allow a maximum of 5 employees instead of 2 for the automobile repair use.

Hearing History: The Application was filed in Warwick Township on May 11, 2023. The hearing was held on July 11, 2023 at the Warwick Township Administration Building.

Appearances: Kellie McGowan, Esquire  
Obermayer Rebmann Maxwell & Hippel  
10 S. Clinton Street, Suite 300  
Doylestown, PA 18901

Parties: Dave Mullen  
1690 Old York Road  
Warminster, PA 18974

Mailing Date: August 1, 2023

## 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 owner of the Subject Property and is therefore possessed of the requisite standing to make application to this Board.

3. The following exhibits were marked and admitted during the July 11, 2023 hearing:

#### Board Exhibits:

B-1 Application with attachments received by Warwick Township on May 11, 2023

B-1A Addendum to ZHB Application

B-1B Extension letter of May 16, 2023 from Stephen Zaffuto, Esquire through July 11, 2023

B-2 Proof of Publication from the Intelligencer for advertising notice on June 25, 2023 and July 2, 2023. Public Notice advertising hearing scheduled for July 11, 2023 at 7:00 pm and confirmation from the Intelligencer

B-3 Letter dated June 19, 2023 to Kellie McGowan, Esquire from Vicki L. Kushto, Esquire advising of the hearing date

B-4 Resident mailing certification dated June 21, 2023 sent by Tom Jones, Warwick Township Zoning Officer and copy of list of property owners

B-5 Property Posting Certification by Tom Jones, Zoning Officer dated June 21, 2023

#### Applicant Exhibits:

None

4. The Subject Property is located in the RA Residential Agricultural Zoning District. The Subject Property consists of approximately 1 acre and contains a B1 single family detached dwelling and a G24 vehicular repair use.

5. On November 19, 1982, the Zoning Hearing Board approved a change in use on the Property from welding to automobile repairs ("Decision"). The Zoning Hearing Board imposed the following conditions:

- (a) No body and fender repair work is to be effected.
- (b) No noise shall pass beyond the limits of the property.
- (c) A limit of two employees is to be in effect.
- (d) No outside storage is permitted.
- (e) No fumes are to be released.
- (f) No large trucks are to be permitted on the premises.
- (g) The hours of activity are to be limited from 8 a.m. to 7 p.m.
- (h) No vehicles are to be stored on the premises which are unlicensed.
- (i) The rules and regulations of the Zoning Ordinance and all of the applicable regulation of Warwick Township shall remain in effect.

6. On behalf of the Applicant, Kellie McGowan, Esquire summarized the testimony of John Perry as follows:

The Applicants have owned the Subject Property since 2003. They have operated the non-conforming auto repair shop since they purchased the Subject Property. The Subject Property is located at the intersection of Eddowes Road and Meetinghouse Road. The garage for the auto repair shop fronts on Eddowes Road. Since the Applicants have run the auto repair shop they have had 4 employees. The auto repair shop has 4 bays and they have 1 office employee. Applicants would like to amend condition (c) in the Decision so that it reflects how they have been operating. Applicants will comply with all of the other conditions in the Decision.

The hours of operation of the auto repair shop are 8 a.m. to 7 p.m. Monday through Friday. There is sufficient parking on the Subject Property for the employees and the cars that are there to be repaired. All repair work is done within the garage. If Applicant were restricted to only 2 employees the business would not be sustainable.

Mr. Perry confirmed that his testimony would be consistent with Ms. McGowan's summary. In addition, Mr. Perry testified that the parking spots are not striped. Employees park behind the garage building. When he purchased the Subject Property there were 4 employees, which is what he has now, but he would like to hire another mechanic. Sometimes, customers drop off cars at night for work to be performed the next day. He moved in May but rents the house to a tenant. When he is not present, his head mechanic, Jay Sharkey, runs the business. Mr. Perry is present, 2 to 3 times a week. He has not received any complaints regarding the business.

7. In response to questioning from party Dave Mullen, Mr. Perry provided the following additional information:

The Subject Property was for sale but Mr. Perry took it off the market because he was not able to get the purchase price that he wanted. The third building on the Subject Property is where the office is located on the second floor. The first floor of this building is where a boat

and furniture are stored. This building cannot be used as part of the auto repair business because the bay is not tall enough.

8. Mr. Mullen testified that he is concerned that if more employees are allowed the business will continue to expand either by the Applicants or by a future owner.

9. Ms. McGowan offered that the Board could condition any approval on the Applicant providing affirmative notice to any future buyer of the employee number restriction and/or could limit any further expansion of the business.

10. Peter and Elizabeth Kline of 1350 Eddowes Road submitted a letter objecting to the adding of additional employees or the enlargement of operations at the Subject Property. They are concerned that enlargement would increase traffic and noise in the future. The neighborhood is still residential and they hope that it remains that way. They are also concerned about weekend hours.

11. Andrew Burkholder of 1673 Meetinghouse Road stated that he lives directly next door to the Subject Property and has been there for 7 years. He believes the Applicant is just doing the right thing by making sure that the Decision is consistent with how he is operating. He has no issue with the business. He also worked together with the Applicants to address old Ash trees that were on the shared property line.

12. Steve Janeski of 1700 Meetinghouse Road stated that he is directly across the street from the Subject Property. He has no issue with the business and believes it is an asset to the neighborhood.

13. The Board of Supervisors took no position with regard to this Application.

14. No other members of the public provided public comment.

### **CONCLUSIONS OF LAW:**

1. The G24 vehicular repair business is a non-conforming use that has been operating since the Board's Decision allowing the change in use.

2. The Board concludes that the evidence presented establishes that the business has been operating with more than 2 employees since Applicants purchased the Subject Property without any complaints from neighboring residents.

3. The Board concludes that a modification of condition (c) of the Decision, will make the Decision consistent with the way that the business has been operating.

4. The Board concludes, if the conditions are complied with, that the granting of the modification will not alter the essential character of the neighborhood or district in which the Subject Property is located.

5. The Board concludes that the Applicant has presented evidence of sufficient factors to warrant the grant of the relief requested.

6. Accordingly, the Warwick Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief.

**ORDER**

Upon consideration and after the hearing, the Zoning Hearing Board of Warwick Township hereby GRANTS Applicants' request to modify condition (c) of the Decision to permit a limit of 5 employees instead of 2 for the automobile repair use subject to the following conditions: the hours of operation for the automobile repair use shall be 8 a.m. to 7 p.m. Monday through Friday with no weekend hours; there shall be no further expansion of the automobile repair use or the building where it operates; no automobile repair services can be provided in the office/storage building or the single family detached dwelling; Applicants shall, within 90 days of the date of this decision, record a document with the Bucks County Recorder of Deeds that includes the conditions in the Decision and the additional conditions imposed by this decision and provide a copy of the recorded document to the Township Zoning Officer.

The relief contained herein granted is subject to compliance with all other applicable governmental ordinances and regulations, including obtaining the proper permits.

ZONING HEARING BOARD OF  
WARWICK TOWNSHIP

By:

  
Kevin Wolf, Chairman

  
Lorraine Sciuto-Ballasy

  
Kiel Sigafos

**NOTICE TO APPLICANT**

You have the right to appeal this Decision to the Court of Common Pleas of Bucks County. Such an appeal must be taken within thirty (30) days of the date the Decision was issued and mailed to you as stated above.