

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

Docket No. 25-03

Applicants: 154 Campus Holdings, LLC
1051 McKean Road
Ambler, PA 19002

Owner: SDHT Properties, LLC
20 Morgan Hill Drive
Doylestown, PA 18901

Subject Property: Tax Parcel No. 51-013-010-019 for property known as 1545 Campus Drive

Requested Relief: The Applicant is seeking a variance from the Warwick Township Zoning Ordinance ("Ordinance") §195-16.G(15) to allow for 41 existing parking spaces to be permitted where a G15 use would require 316 parking spaces.

Hearing History: An Application was filed in Warwick Township on April 3, 2025. The hearing was held on May 6, 2025 at the Warwick Township Administration Building.

Appearances: Amee S. Farrell, Esquire
910 Harvest Drive
P.O. Box 3037
Blue Bell, PA 19422

Parties: None.

Mailing Date: June 9, 2025

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 and is therefore possessed of the requisite standing to make application to this Board.

3. The following exhibits were marked and admitted during the May 6, 2025 hearing:

Board Exhibits:

B-1 Application with attachments received by Warwick Township on April 3, 2025.

B-2 Proof of Publication from the Intelligencer for advertising notice on April 22, 2025 and April 29, 2025. Public Notice advertising hearing scheduled for May 6, 2025 at 7:00 pm and confirmation from the Intelligencer

B-3 Letter dated April 15, 2025 to Applicant's attorney, Amee Farrell, Esquire from Vicki L. Kushto, Esquire advising of the hearing date

B-4 Resident mailing certification dated April 21, 2025 sent by Tom Jones, Warwick Township Zoning Officer and copy of list of property owners notified

B-5 Property Posting Certification by Tom Jones, Zoning Officer dated April 22, 2025

B-6 Letter dated April 28, 2025 from Township Solicitor, Mary Eberle, Esquire

Applicant Exhibits:

A-1 Zoning Application with Addendum

A-2 Agreement of Sale

A-3 Township BOS letter of non-opposition

A-4 Site Plan

A-5 Aerial and Existing Conditions Photos

A-6 Greg Richardson CV

A-7 ZHB Approval – Baseball Facility (parking relief)

A-8 Parking analysis

4. The Subject Property is located in the LI Limited Industrial Zoning District. The Subject Property consists of approximately 2.19 acres, is within the Warwick Business Campus and is currently being utilized as a H13 Industrial Park.

5. Section 195-16.G(15) states as follows:

G15 Indoor Athletic Club. An indoor athletic club shall include buildings for indoor court games played with a ball such as racquetball, handball, squash, tennis, basketball, and volleyball; aquatic facilities, facilities for exercise equipment and health clubs and facilities related thereto; skateboarding or cycling facilities; ice skating and/or ice hockey rinks.

- (a) The buffer requirements of §195-63 of this chapter shall be met.
- (b) Parking: one off-street parking space for each five persons of total capacity, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for services to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

6. Ms. Farrell presented a summary of some of the Exhibits and testimony as follows:

Exhibit A-1 is a copy of the Zoning Hearing Board Application. Exhibit A-2 is the Agreement of Sale, which gives the Applicant standing. Exhibit A-3 is a letter from the Township Solicitor Mary Eberle, Esquire. The Board of Supervisors voted to remain neutral on the Application but requested that the ZHB consider the following condition if it granted relief: "Any change in use of the property from a training facility for youth fast-pitched softball shall require Zoning Hearing Board approval to review the sufficiency of parking." The Applicant has no objection to this condition.

Ms. Farrell also pointed out that the Subject Property is burdened by the Transcontinental Pipeline and restricted open space area that are shown on Exhibit A-4. These conditions prevent any construction in the rear of the Subject Property.

7. Ms. Farrell presented the testimony of John Pulli which can be summarized as follows:

Mr. Pulli is the managing member of Applicant, the equitable owner of the Subject Property. The proposed use is a sports training facility for youth girls fast pitch softball. The organizations will rent the entire facility at one time. There are usually two teams that use the facility at a time. Exhibit A-4, the Site Plan, shows how the facility looks today. It was constructed in accordance with the approved plans. The main floor area contains approximately 14,400 square feet.

Exhibit A-5 consists of an aerial map, outside and interior photos of the building. Specifically, Exhibit A-5.4 are interior photos. The first photo is the back of the building and the

last photo shows the front of the building. Applicant will fit out the interior with one turf field and tunnels for batting practice. The turf field will accommodate one team that will consist of 24 players and up to 6 coaches. The batting tunnels will accommodate 16 players and 4 coaches. Taken together this provides for a maximum of 50 people at one time. The majority of the players will be between the ages of 8-12, have not reached the legal driving age and will be dropped off by their parents or they will carpool with other player or coaches. There will not be spectator seating or tournaments.

There will be no employees on site. When the building is rented, teams will receive access codes to let themselves into the space. The teams carry their own insurance and perform their own background checks on their coaches and staff. Applicant will only rent to established teams. The typical rental time is 1.5 hours and there will be a 30 minute buffer between rentals to all for teams to completely exit the building. The typical operating hours will be on weekdays from 4:00 p.m. to 10:00 p.m. and on weekends from 7:00 a.m. to 10:00 p.m.

Currently there are 41 parking spaces on the Subject Property. Mr. Pulli has no concern about the number of parking spaces available given that there will be no employees or management on site and the majority of players will either be dropped off by parents or will carpool. All cleaning and maintenance will take place during the day when the facility is not being rented out.

The ZHB expressed a concern about outside lighting for the parking lot. Mr. Pulli agreed to confirm with the Township that the outside lighting was installed in accordance with the approved plans and Township requirements.

8. Ms. Farrell presented the testimony of Greg Richardson which can be summarized as follows:

Mr. Richardson is employed by Traffic Planning and Design and he was accepted by the Board as an expert in traffic planning. Mr. Richardson completed a parking review of the Subject Property. For his review, he visited and became familiar with the Subject Property. In Mr. Richardson's opinion, the 30 minute interval between rentals will improve the parking situation because there will be no overlap.

Mr. Richardson reviewed the prior ZHB Decision regarding the All Star Baseball Academy at 1537 Campus Drive which was marked as Exhibit A-7. That location contains 23,300 square feet and 54 parking spaces. The proposed use in that case was also a G15 Indoor Athletic Club and more specifically, a baseball training facility. The operations were very similar to this case in that the majority of the players are dropped off and therefore the parking needs are low. The ZHB granted a variance to allow the operation of the baseball training facility with the existing 54 parking spaces.

Exhibit A-8 is the parking analysis that Mr. Richardson prepared. It is his opinion that the existing parking will be sufficient for the proposed use given that most players cannot drive themselves, will carpool, most coaches are also parents and will drive their own children and the time between rental sessions. In conducting his analysis, he considered 50 cars at one time as the worst case scenario but that number will be reduced given the previous mitigating factors. It is

his opinion that 41 parking spaces are more than enough to accommodate the proposed operations.

Mr. Richardson further opined that the hardship in this case is that the building is already constructed, it is restricted by the pipeline and the restricted open space. It is not possible to develop the Subject Property with any additional parking. Even without the restrictions, it is unlikely that the Subject Property could accommodate the 316 parking spaces that would be required by §195-16G(15). In his opinion, the proposed use will not be detrimental to the neighborhood and is the minimum variance that can afford relief.

9. No individuals requested or were granted party status.

10. The Board of Supervisors took the following positions with regard to this Application: the Board remained neutral on the variance request and requested that if the variance was granted it be subject to the following condition: "Any change in use of the property from a training facility for youth fast-pitched softball shall require Zoning Hearing Board approval to review the sufficiency of parking."

11. No members of the public provided public comment.

CONCLUSIONS OF LAW:

1. Section 910.2 of the Pennsylvania Municipalities Planning Code requires that an applicant demonstrate all of the following in order to be entitled to a variance: (1) there are unique physical circumstances or conditions peculiar to the Property that impose an unnecessary hardship; (2) because of such unique physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the Zoning Ordinance and that the variance is therefore necessary to enable the reasonable use of the Property; (3) such unnecessary hardship has not been created by applicant; (4) the variance will not alter the essential character of the neighborhood; and (5) the variance represents the minimum variance that will afford relief. (53 P.S. §10910.2).

2. The burden on the applicant seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious, and compelling. *Pequea Township v. ZHB of Pequea Township*, 180 A.3d 500 (Pa. Cmwlth. 2018) (citations and internal quotations omitted).

3. The hardship must relate to the property and not the person. *Id.*

4. The Subject Property is within the Limited Industrial Zoning District. The current use of the Subject Property is as H13 Industrial Park.

5. A G15 Indoor Athletic Club use is a permitted use within the Limited Industrial Zoning District.

6. The Subject Property is burdened by the pipeline and deed restricted open space which creates a hardship not caused by the Applicant.

7. The Board concludes that the granting of the variance will not alter the essential character of the neighborhood or district in which the Subject Property is located.

8. The Board concludes that the proposed use will have a very low impact on the surrounding uses and neighbors.

9. The Board concludes that the variance being requested is the minimum variance that will afford relief.

10. The Board concludes that the Applicant has presented evidence of sufficient factors to warrant the grant of a variance subject to the conditions set forth below.

11. Accordingly, the Warwick Township Zoning Hearing Board determined, by a majority vote, to grant the Applicant's request for a variance subject to the conditions below.

ORDER

Upon consideration and after the hearing, the Zoning Hearing Board of Warwick Township hereby GRANTS the following variance from the Warwick Township Zoning Ordinance: variance from §195-16.G(15) of the Zoning Ordinance to allow an G15 Indoor Athletic Club use at the Subject Property with only 41 existing parking spaces subject to the following conditions, which were agreed to by the Applicant:

1. Any change in use of the property from a training facility for youth fast-pitched softball shall require Zoning Hearing Board approval to review the sufficiency of parking.
2. Applicant will confirm with the Township that the outside lighting was installed in accordance with the approved plans and Township requirements.

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: /s/ Kevin Wolf
Kevin Wolf, Chairman

/s/ Edward Thompson
Edward Thompson, Jr.

Matthew Manz
Matthew Manz

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.