

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

Application No. Z-7-2018

Applicant: Sloane Autosport, LLC
527 N. Easton Road
Glenside, PA 19038

Owner: Laurence M. and Jean D. Holbert
1607 Easton Road
Warrington, PA 18976

Subject Property: Tax Parcel No. 09-014-030-003 which is located at 1607 Easton Road, Warrington, PA 18976.

Requested Relief: Applicant seeks to construct a second building of 25,500 square feet, two (2) stories, on the Subject Property to be used as a second automobile dealership building, along with other improvements. In order to do so, the Applicant seeks the following variances from the Doylestown Township Zoning Ordinance (“Ordinance”):

1. from §175-22.D, to permit 409 parking spaces, rather than the 682 required;
2. from §175-23.B(3) and §175-23.B(4), to permit 28 contiguous parking spaces in a row, rather than the maximum permitted 20; and to permit 2.5% of parking green area, rather than the required 10%; and
3. from §175-72.B(3) and §175-72.B(5)(a), to permit impervious surface coverage of 63.2%, rather than the maximum permitted 50%, and to permit a front yard setback of 63.5 feet rather than the 75 foot minimum.

Hearing History: The application was filed in Doylestown Township on March 8, 2019. The hearing was held on April 15, 2019 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Julie L. Von Spreckelsen, Esq.
Eastburn & Gray, P.C.
470 Norristown Road, Suite 302
Blue Bell, PA 19422

Issue Date: May 30, 2019

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown 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 has been authorized by the Owner of the property to present this application to the Board. Accordingly, the Applicant is possessed of the requisite standing to make application to this Board.

3. The property Owner had applied for and obtained zoning relief with regard to the Subject Property through Order and Decision issued August 11, 2004. That Decision provided certain relief regarding signage and allowed an increase of impervious surface coverage permitting up to 54.74% of impervious surface coverage.

4. The Subject Property is located in the C-2, Commercial Residential Zoning District of Doylestown Township.

5. The property is approximately 9.0119 acres in size, as measured to the ultimate right-of-way line, and 8.55 acres of net buildable site area. The property has been developed and used, for many years, as an automobile dealership. The property is located at the intersection of Easton Road (State Road 611) and Kelly Road.

6. A sales and service automobile dealership building, consisting of two floors and comprised of 41,285 square feet of space, exists on-site. Due to the requirements of the tenant's dealerships, Applicant is seeking to construct a second dealership building, consisting of 25,500 square feet, and adding a small addition to the existing building bringing the square footage of the existing building to 43,050.

7. The existing building houses both a Porsche dealership and an Audi dealership. Due to the manufacturer's requirements, the dealerships must be separated. The Audi dealership will remain within the 43,050 square foot building closest to Kelly Road. The Porsche dealership will be located within a 25,500 square foot building newly constructed to the north of the Audi building on the Subject Property.

8. Applicant witness, David Sloane, one of the owners and operators of Sloane Automotive, testified that Sloane has been operating at the Subject Property for approximately three years. The property is owned by the Holberts.

The property had been used as a car dealership for years prior to Sloane becoming the Lessee. The present Porsche and Audi dealerships employ approximately 60 people, including sales and service employees. Manufacturer's demands require the Porsche and Audi dealerships to maintain separate buildings, separate showrooms, and separate service bays.

Sloane Automotive is willing to make a considerable financial commitment to improve the Subject Property, comply with the manufacturer's requirements and attempt to redevelop the property. Mr. Sloane emphasized that there will be no significant change in business operations, other than the separate buildings. The issue for the manufacturer is more of an "image program".

9. Mr. Sloane did indicate that the Applicant met with neighbors in advance of the zoning hearing. Mr. Sloane emphasized the Applicant's sensitivity to mitigating any increase in traffic. Further, in response to neighbor concerns over the noise provided by the carwash facilities on-site, Sloane spent \$15,000 to quiet the carwash blowers. In further response to neighbor concern's, Mr. Sloane indicated that the Applicant would be attempting to draw the car inventory further from the neighbors, and make every attempt to reduce the lighting on-site affecting the adjacent residential neighborhood to the rear.

10. Gary A. Tilford, PLS, Vice President of Charles E. Shoemaker, Inc., testified in support of the technical aspects of the application.

11. The following Findings of Fact are drawn from the testimony of Mr. Tilford:

- a. Mr. Tilford prepared a plan dated March 5, 2019 which was admitted into evidence. The plan documents several nonconformities, including a portion of the existing drive and parking area adjacent to Kelly Road located within the buffer area; several locations where the planting strip between the parking area and the ultimate right-of-way line does not meet the minimum requirements; several locations where the existing parking rows exceed the maximum of 20 spaces in a row and do not provide a planted 10 foot separation; and existing parking areas for customers, employees, and display which do not provide 10% of the parking area with island and planting strips.
- b. Mr. Tilford addressed the parking variances. 682 parking spaces are required by Ordinance. Applicant indicated that from a functional standpoint, the 409 parking spaces requested will adequately address the business needs of the Applicant. In addition, reducing the parking from the required 682 spaces to 409 will in turn reduce the demand for impervious surface coverage.
- c. The Applicant also requested variances from the parking design criteria to allow continued parking of in excess of 20 vehicles to allow up to 28 vehicles parking without separation. On a related note, Applicant requested a variance from the parking design criteria to allow 2.5% of the parking area to be used for parking islands and planting strips, as opposed to the 10% required. Applicant indicated that the design will facilitate drawing the current improvements away from the residential properties to the

rear and toward Easton Road. Further, the request to reduce parking islands is in keeping with the use.

- d. Applicant requested variance to allow the Audi building addition to encroach into the 75 foot front yard along Kelly Road, leaving a 63.5 foot front yard as measured from the ultimate right-of-way to the corner of the addition to the existing building, Applicant indicated that the proposed covered drop off area to the building will facilitate traffic flow for the existing Audi building, but that the accommodation results in the encroachment of only the corner of the small addition to the Audi building.
- e. Applicant spent a considerable amount of time with regard to the variance for impervious surface coverage. A fair amount of testimony addressed existing stormwater issues and potential stormwater problems resulting from the increase of impervious surface greater than the allowable 50%. Applicant seeks impervious coverage of 63.2%.

12. Neighboring property owners did speak about concerns originating from the present use and the expansion of that use by adding the 25,500 square foot building. Kathleen McSorley, 2035 Country Club Drive, expressed concerns regarding stormwater. Paula Long, 325 Bunker Hollow Road, expressed concerns regarding stormwater and emphasized lighting concerns. Ms. Long indicated that through her personal observation, the lighting in the existing building is somewhat intrusive to adjacent residential property owners. She expressed concern regarding future lighting plans accompanying the present expansion.

13. The Zoning Hearing Board finds that the stormwater, buffering, screening, and lighting issues, will be adequately addressed through the imposition of certain conditions, and will be reviewed by the Board of Supervisors during the land development process.

14. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The Subject Property is, and has been used to support a Use E-11 Automobile Sales Use, including an existing 43,050 square foot building and at least the permitted 54.74% impervious coverage.

2. Applicant seeks to add a 25,500 square foot building, increasing impervious surface coverage to 63.2%, reduce the number of required parking spaces, vary from the design standards for parking, and allow a dimensional variance to accommodate an addition to existing building along Kelly Road.

3. 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, provided that the stormwater, buffering, screening, and lighting issues are addressed during the land development process, and Applicant complies with conditions of relief.

4. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary. The Board is mindful that the Applicant has attempted to reduce existing nonconformities where possible by using or proposing porous pavement, and reconfiguring display and parking areas where possible.

5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located. State Road 611 is a regional arterial street, carrying high volumes of traffic. The Applicant has attempted to draw as much of the improvements and use toward 611, and away from the residential properties to the rear of the Subject Property.

6. The Applicant has presented evidence of sufficient factors to warrant the grant of the variances requested.

7. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant relief to the Applicant and the Subject Property, subject to conditions, as set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the following variances from the Doylestown Township Zoning Ordinance to facilitate Applicant's request to construct a second building of 25,500 square feet, two (2) stories, on the Subject Property to be used as a second automobile dealership building, along with other improvements.

1. from §175-22.D, to permit 409 parking spaces, rather than the 682 required;
2. from §175-23.B(3) and §175-23.B(4), to permit 28 contiguous parking spaces in a row, rather than the maximum permitted 20; and to permit 2.5% of parking green area, rather than the required 10%; and
3. from §175-72.B(3) and §175-72.B(5)(a), to permit impervious surface coverage of 63.2%, rather than the maximum permitted 50%, and to permit a front yard setback of 63.5 feet rather than the 75 foot minimum.

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

1. Applicant must address at land development, among other things, landscaping, lighting and buffering especially screening the residential area to the rear of the Subject Property to fill voids in the Ordinance required buffer; and

2. Provide stormwater management rate and volume control per current Ordinance standards for at least all impervious surface above the 50% maximum impervious surface coverage allowed by Ordinance considering the extent of the impervious surface variance requested and the sensitivity of the downstream lands. No credit to be given to existing stone surfaces.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ William J. Lahr
William J. Lahr, Chairman

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo, Secretary
Samuel Costanzo, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.