

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

Docket No.: Z-3-2024

Applicant: Dr. Ian Spiegel
4380 Wismer Road
Doylestown, PA 18902

Owner: Shady Retreat Partnership

**Subject
Property:** Tax Parcel Nos. 09-010-004-003 and 09-010-004-004, which are located at 708 N. Shady Retreat Road, Units #3 and #4, in Doylestown Township.

**Requested
Relief:** Applicant seeks a use variance to permit a "specialty veterinary office/hospital facility" within two (2) units of a ten (10) unit condominium. The use, E-16 Veterinary Office or Clinic, is not a permitted use within the LI Zoning District. Applicant seeks a variance from §175-84 Permitted uses within the LI Light Industrial District of the Doylestown Township Zoning Ordinance, accordingly.

**Hearing
History:** The application was filed in Doylestown Township on February 20, 2024. The hearing was held on March 28, 2024 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant by: Nate Fox, Esq.
Obermayer Rebmann Maxwell & Hippell, LLP
2003 S. Easton Road, Suite 304
Doylestown, PA 18901

Mailing Date: May 13, 2024

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 equitable Owner of the Subject Property, 708 N. Shady Retreat Road, Units #3 & #4, Doylestown Township, Bucks County, also identified as Tax Parcel Nos. 09-010-004-003 and 09-010-004-004, and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the LI, Light Industrial Zoning District of Doylestown Township pursuant to the Doylestown Township Zoning Code and Map. The Subject Property is comprised of two units in a 10 unit condominium. The Property at issue consists of approximately 3,695 square feet (Unit #3 is approximately 1,560 square feet; Unit #4 is approximately 2,135 square feet).

4. The units in question (Unit 3 and Unit 4) are presently vacant. They were previously occupied by the Children's Hospital of Philadelphia ("CHOP"). The other units in the condominium are used as medical, dental and dermatology offices.

5. Applicant seeks a use variance to permit a "specialty veterinary office/hospital facility" within the two (2) units of the ten (10) unit condominium. The use, E-16 Veterinary Office or Clinic, is not a permitted use within the LI Zoning District. Applicant seeks a variance from §175-84 Permitted uses within the LI Light Industrial District of the Doylestown Township Zoning Ordinance, accordingly.

6. The use was more specifically described by Applicant as a specialty veterinary office/hospital facility which specializes in the diagnosis and treatment of specialty medical needs in pets and small animals, providing essential services to pet owners in the community.

7. A kennel is permitted within the LI, Light Industrial Zoning District. A clinic/veterinary office is not.

8. Unlike a traditional kennel, the use proposed will not involve boarding or overnight stays for animals. Instead, the use focuses exclusively on medical consultations, examinations, and treatment for specialty care issues in pets and small animals.

9. The veterinary dermatology facility will operate during standard business hours, identified as 9:00 AM to 8:30 PM, minimizing any potential impact on neighboring properties. Noise levels will be within acceptable limits and the facility will adhere to all health and safety regulations.

10. Applicant presented the testimony of Monika Polakevic, a commercial realtor. Ms. Polakevic has attempted to market the Subject Property for a period of approximately two years. Ms. Polakevic indicated that the market has been soft with regard to “office space” post-COVID. Ms. Polakevic indicated that the subject use was similar to the previous use, but for small animals.

11. Applicant, and veterinary doctor Ian Spiegel testified in support of the application. Dr. Spiegel indicated that the site is set up as nearly a “turnkey operation” as could be found. Dr. Spiegel recognizes a need in the niche market for domestic and small animals. Dr. Spiegel indicated that the location of the Subject Property and the layout of the Subject Property make the Property ideal for the use. The present layout has a pharmacy area, a waiting room, and multiple examination rooms.

12. The use would support a total of four veterinarians, two support staffs, and eight veterinary technicians.

13. The Floorplan (Exhibit A-1) illustrated and supported Dr. Spiegel’s testimony.

14. The use would be licensed, insured, and would assure all appropriate waste disposal.

15. The Property is governed by a homeownership association (“HOA”). The HOA is not opposed to the application, but may impose certain conditions upon the Applicant, through the HOA, to assure compatibility of the operational use with the other property owners’ uses.

16. Dr. Spiegel indicated that the specialty veterinary clinic for domestic and small animals would provide less pedestrian and vehicular volume than the CHOP use which supported 15 physicians.

17. The parking onsite is ample for the use.

18. No one spoke in opposition to the application.

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

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. A kennel (Use A3) is a permitted use within the LI, Light Industrial Zoning District of Doylestown Township. A veterinary clinic (Use E16) is not. The use in question is clearly not a kennel.

3. The LI District supports other medical office uses.

4. The Zoning Hearing Board considers the use, as described by Applicant, similar to those medical uses and consistent therewith.

5. Applicant does require a use variance. The standard for a variance is well known and substantial, as follows:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

53 P.S. §10910.2.

6. The Doylestown Township Zoning Ordinance contains similar criteria. See §175-36.

7. In light of the above standard, as applied to the facts of this matter, the Zoning Hearing Board concludes that the Applicant has presented evidence of sufficient factors to warrant the grant of the variances requested, consistent with Valley View Civic Association v. Zoning Board of Adjustment, 462 A.2d 637, 640 (Pa. 1983).

8. 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.

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

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

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

ORDER

Upon consideration, and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a use variance from §175-84 of the Doylestown Township Zoning Ordinance to permit Applicant a "specialty veterinary office/hospital facility" within two (2) units of the ten (10) unit condominium. The use, E-16 Veterinary Office or Clinic, is not a permitted use within the LI Zoning District. The relief grant is subject to compliance with the following specific conditions:

1. The specialty veterinarian clinic use is limited to small, domesticated animals only.
2. There shall be no overnight stay for animals.
3. Applicant shall otherwise obtain all appropriate permits prior to Use & Occupancy.
4. Applicant shall comply with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD
OF DOYLESTOWN TOWNSHIP**

Thomas E. Panzer, Esq.
Solicitor
Doylestown Township
Zoning Hearing Board
High Swartz LLP
116 East Court Street
Doylestown, PA 18901
(215) 345-8888
E-Mail: tpanzer@highswartz.com

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary