

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

**Applicant:** Dan the Mover, LLC  
2264 Second Street Pike  
Newtown, PA 18940

**Owner:** Same.

**Subject Property:** Tax Parcel No. 53-012-005, which is located at the address of the Applicants set forth above.

**Requested Relief:** Applicant seeks to demolish an existing single-family residential dwelling on site and redevelop the property with a Use G-4 Mini-Storage use. Applicant seeks a special exception, pursuant to §1208.C.2 of the Newtown Area Joint Municipal Zoning Ordinance (“Ordinance”), to permit a building to be constructed on a non-conforming lot. Applicant asserts that the lot is nonconforming as to minimum gross site area and minimum lot area. The G-4 Mini-Storage use is a permitted use by way of the conditional use process.

**Hearing History:** The application was filed in Wrightstown Township on March 9, 2026. The hearing was held on April 15, 2026 at the Wrightstown Township Building, 2203 Second Street Pike, Wrightstown, PA 18940.

**Appearances:** Applicant by: Daniel Lyons, Esq.  
Fox Rothschild  
2800 Kelly Road, Suite 200  
Warrington, PA 18976

**Mailing Date:** May 22, 2026

## DECISION

### FINDINGS OF FACT:

1. The Zoning Hearing Board of Wrightstown 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 therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the RI, Rural Industrial Zoning District of Wrightstown Township. The lot area is approximately 0.95 acres. The property accommodates the Applicant's single-family residential dwelling, garage, and related residential improvements.

4. Applicant testified that the existing residential structure is in disrepair and is in need of demolition.

5. Applicant seeks to demolish an existing single-family residential dwelling on site and redevelop the property with a Use G-4 Mini-Storage use. Applicant seeks a special exception, pursuant to §1208.C.2 of the Newtown Area Joint Municipal Zoning Ordinance, to permit a building to be constructed on a nonconforming lot. Minimum gross site area (0.95 vs. 3.0 acres required) and minimum lot area (0.89 acres vs. 3.0 acres required).

6. Applicant characterized the property as being located in the RI, Rural Industrial Zoning District adjacent to large commercial and industrial uses.

7. The Zoning Hearing Board notes that there are residential properties immediately adjacent (across the street) from the Subject Property.

8. While Applicant acknowledges that it is possible to rebuild a residential structure, Applicant does not consider use of the property for residential purposes as a reasonably feasible or appropriate use.

9. Applicant's engineer, Kristin Holmes, PE, testified in support of the application. Ms. Holmes was offered and accepted as an expert in civil engineering.

10. Ms. Holmes acknowledged the eclectic collection of uses along the particular portion of Second Street Pike. Those uses include industrial, office, restaurant and bar, as well as residential uses.

11. Ms. Holmes acknowledged the minimum lot size of 3 acres within the RI, Rural Industrial Zoning District in which the property is located.

12. Ms. Holmes testified that the lot in question is a preexisting nonconforming lot as to minimum gross site area (0.95 acres vs. 3.0 acres required) and minimum lot area (0.89 acres vs. 3.0 acres required).

13. Ms. Holmes acknowledged that other undersized lots in the immediate area have been used and developed for the aforementioned uses.

14. The property in question is surrounded by buildings and improved lots.

15. Ms. Holmes acknowledged the front yard setback as 50 feet from the ultimate right-of-way.

16. Applicant did address a January 19, 2026 letter from the Wrightstown Township Board of Supervisors memorializing that “the ultimate right-of-way for Second Street Pike to be utilized for [Applicant’s] development plans for 2264 Second Street Pike is 50 feet”, not 120 feet as the Township Subdivision and Land Development Ordinance suggests.

17. Ms. Holmes identified an ITE trip generation report to emphasize that the G-4 use proposed by Applicant is one of the least impactful uses permitted within the RI, Rural Industrial Zoning District. The ITE trip report reflected, among other things, that a single-family dwelling generates 9 trips per day. The mini-storage proposed may generate 26 trips per day, resulting in an increase in 17 trips per day.

18. Ms. Holmes emphasized that the existing residential dwelling is located between two commercial/industrial buildings.

19. Applicant has not yet applied for permits for the proposed use and improvements, acknowledging that the G-4 Mini-Storage use is permitted by a conditional use, and therefore will require an additional hearing or hearings and review by the Wrightstown Township Board of Supervisors.

20. Mr. Daniel Mulhern, testified on behalf of Applicant. Mr. Mulhern is a member of Dan the Mover, LLC. Mr. Mulhern has a considerable amount of experience in the self-storage business space. The use in question is proposed at 60-80 units. The use was originally proposed at 120 or more units. The unit size is 10' x 15'. Applicant would propose 20 units per floor of the multi-story building proposed.

21. Mr. Mulhern testified that, the process of seeking informal input on the proposed has resulted in reductions in the proposed size and scope of the project.

22. Mr. Mulhern discussed security and operational details.

23. The storage space will be fenced with a locked gate and cameras.

24. The typical vehicle utilizing the space will be no greater than a “box truck”.
25. As a result of the local demographics, Applicant believes the clientele will be “affluent”.
26. Additional site detail was discussed consistent with the plan prepared by Holmes Cunningham, LLC, dated October 13, 2025, last revised March 9, 2026.
27. Several nearby property owners expressed concern regarding increase in the volume and nature of traffic accessing the Subject Property. Those concerned with the project expressed disbelief that the traffic circulation proposed would support the volume of the proposed use. Specifically, concerned neighbors expressed disbelief that the site design would accommodate routine pickup truck and trailer traffic. Neighbors also expressed concern from a safety standpoint.
28. Neighbors inquired for greater specificity with regard to operational details. The additional operational details were deferred to the conditional use and/or land use process where the ultimate actual use will be addressed.
29. The Zoning Hearing Board’s focus remained on the request for special exception to redevelop the undersized lot for a permitted use (albeit, in this case, permitted use by conditional use).
30. Wrightstown Township expressed its position through correspondence dated April 14, 2026 (Exhibit ZHB-4). The Solicitor for Wrightstown Township indicated that, “The Board reviewed the Application and determined that it would remain neutral on the Application. If the Zoning Hearing Board grants the requested relief, the Board suggests the following condition: Applicant be required to obtain the Board of Supervisors approval of the front façade of the proposed building.”
31. Applicant’s counsel objected to the proposed condition asserting that the condition was unenforceable as not tied to the Zoning Ordinance and further not related to the requested relief.

**CONCLUSIONS OF LAW:**

1. The Subject Property is a preexisting lawful nonconforming lot within the RI, Rural Industrial Zoning District of Wrightstown Township. The property is nonconforming as to minimum gross site area (0.95 vs. 3.0 acres required) and minimum lot area (0.89 acres vs. 3.0 acres required). The front yard setback, to the building line, is permitted at 50 feet from the ultimate right-of-way pursuant to an interpretation by the Wrightstown Township Board of Supervisors. *See*, correspondence dated January 19, 2026, attached to the application as ZHB-1 and incorporated herein by reference.

2. Applicant seeks to demolish an existing single-family residential dwelling on site and redevelop the property with a Use G-4 Mini-Storage use. Applicant seeks a special exception, pursuant to §1208.C.2 of the Newtown Area Joint Municipal Zoning Ordinance, to permit a building to be constructed on a non-conforming lot. The G-4 Mini-Storage use is a permitted use by way of the conditional use process

3. §1208 of the Ordinance, provides as follows:

**§ 1208. Expansion. [Amended effective 11/25/2002 by JMZO Ord. 2002-13, § III; adopted 11/20/ 2002. Readopted effective 6/23/2007 by JMZO Ord. 2007; adopted 6/18/2007.1**

A. Expansion of a Nonconforming Use. A use that does not conform to the use regulations of the district in which it is located may not be expanded more than 25% in floor area, land area, building volume, building coverage and impervious surfaces, devoted to such use. Such expansion shall be permitted only by special exception.

B. Expansion of a Principal Structure. A principal structure that does not conform with the setback, yard, building, building height or other dimensional regulations of the district in which it is located may be extended along the existing nonconforming building line, provided that the extension or addition is no closer to the side, rear or front boundary line than the existing nonconforming principal structure, and complies with the maximum height limitation of the district in which it is located. **[Amended effective 5/27/2024 by JMZO Ord. No. 2022-04, adopted 5/22/2024.]**

C. Expansion of or on a Nonconforming Lot.

1. Nonconforming Lot.

a. No nonconforming lot shall be reduced in size. An owner of two or more contiguous nonconforming lots at the time of the effective date of this Ordinance which, when combined, would create a lot of conforming size or which could be consolidated to minimize the nonconformity, shall be required to combine such lots.

b. One or more nonconforming lots, which are contiguous to a conforming lot and in single ownership, shall be used in combination with the conforming lot, except as provided in § 1000.C. In any reparceling or replatting, the conforming lot

shall not be reduced in area or dimension less than the minimum requirements of this Ordinance.

2. A building may be altered or erected on any nonconforming lot which was lawfully in existence at the time of adoption of this Ordinance, in single and separate ownership, provided a special exception is authorized by the Local Zoning Hearing Board in accordance with § 1507.E. of this Ordinance. In considering a special exception, the Local Zoning Hearing Board may impose the following additional requirements:
  - a. That the use of the nonconforming lot shall be required to conform to the permitted uses within the district in which the nonconforming lot lies;
  - b. That the general area and dimensional regulations as specified within this Ordinance for conforming uses and structures in the district in which the nonconforming lot lies shall be applied to the nonconforming lot.

D. Expansion of a Nonconforming Sign. The total size or copy area size of a nonconforming sign shall not be expanded.

4. The Zoning Hearing Board's focus is on provision C-2 expansion of or on a nonconforming lot. The Zoning Hearing Board confirms that the lot in question is preexisting legally nonconforming.

5. The Zoning Hearing Board further finds and concludes that the standard for the special exception is found at §1507.E of the Ordinance.

**§ 1507. LZHB Functions. [Readopted effective 6/23/2007 by JMZO Ord. 2007, adopted 6/18/2007.]**

- A. Challenge to the validity of the Zoning Ordinance or map shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- B. Unified appeals shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- C. Appeals from the municipal zoning officer shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- D. Variances shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- E. Special Exceptions. Where this Ordinance has stated special exceptions to be granted or denied by the LZHB pursuant to

express standards and criteria, the LZHB shall hear and decide requests for such special exceptions, in respect to property owned by the appellant in accordance with such standards and criteria. In granting a special exception, the LZHB may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of this Ordinance. The following requirements apply:

1. Application shall be made in writing indicating the section of this Ordinance under which an exception is sought. A reasonably exact, dimensional sketch shall be furnished showing the placement and use of the proposed buildings; details of parking, loading, and lighting; sidewalks and other pedestrian areas.
2. Further, a description of the uses proposed shall be included in sufficient detail that the objectionable side effects, if any, can be determined.
3. In granting special exceptions, the LZHB shall, in addition to such other factors as it may deem relevant:
  - a. Give full consideration to the size, scope, extent, and character of the exception desired and assure itself that such request is consistent with the plan for future land use in the municipality and with the spirit, purpose and intent of the Joint Municipal Zoning Ordinance.
  - b. Consider the suitability of the property for the use desired and the extent to which the new or expanded use is susceptible of regulation or restriction by appropriate conditions and safeguards.
  - c. Consider the public interest in or the need for the proposed use or change, and determine that the proposal will serve the best interests of the municipality, the convenience of the community, and the public health, safety, morals, and general welfare, but shall not constitute a change of use to one not specifically permitted by exception in that district.
  - d. Consider, where pertinent, the effects of the proposed change with respect to congestion on the roads or highways, the most appropriate use of land, conserving the value of buildings, safety from fire, panic and other dangers, adequacy of light and air, the prevention of overcrowding the land,

- congestion of population, and the adequacy of public and community services.
- e. Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection, transportation, and public schools.
  - f. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, as permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.
4. The burden will be upon the applicant to show:
- a. The ability and capacity of the existing public water system to provide the needs of the proposed use without system extensions beyond those which the applicant will provide;
  - b. The ability and capacity of public sanitary sewers to dispose of the wastes from the proposed use without system extensions beyond those which the applicant will provide;
  - c. The ability and capacity of drainage facilities to adequately dispose of surface runoff of the proposed use without system extensions beyond those which the applicant would provide;
  - d. The ability and capacity of existing street systems to provide for the needs of the proposed use without substantially altering existing traffic patterns or overloading the existing street system and the availability of other public facilities such as parks and playgrounds to meet the additional demands for public services without extensions beyond those to be provided by the applicant;
  - e. Proof that the proposed use accomplishes an orderly and contiguous extension of existing development (leapfrog development is deemed to be wasteful of land and natural resources);
  - f. The extent to which the proposed use, if residential, would meet existing goals of the municipality for low and moderate income dwelling units;
  - g. A requirement that the application set forth environmentally significant qualities of the site or

surrounding areas and the extent to which those qualities may be affected by the application;

- h. To the extent that the application will utilize existing buildings or structures, the extent to which existing structures will be modified and the extent to which they will be preserved if they are of historic or architectural significance.
5. After a special exception is granted, every applicant must follow regular submission procedures to the municipal zoning officer or, in the case of subdivisions and commercial or industrial developments, to the municipal planning commission and the governing body for approval of all aspects of the plan not specifically covered by the special exception.

6. The Applicant has indicated the ability to comply with each of the general conditions for the special exception. The Zoning Hearing Board affirms that the Applicant will be subject to additional proofs during the conditional use process to more fully explain and confirm how the particular use in question meets the general standards.

7. In that the Applicant has met its burden of establishing the lawful preexisting nonconforming status of the property, the Applicant has met its burden of establishing entitlement to redevelop the property for a permitted use (including a use permitted by conditional use).

8. Accordingly, the Wrightstown 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 Zoning Hearing Board of Wrightstown Township hereby GRANTS Applicant's request for a special exception pursuant to §1208.C.2, to permit redevelopment of the subject property, for a permitted use (including those permitted by conditional use or special exception) on the undersized lot with all additional issues to be addressed during the conditional use and/or land development processes to follow.

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**ZONING HEARING BOARD OF  
WRIGHTSTOWN TOWNSHIP**

/s/ Steve Marcell  
Steve Marcell

/s/ Allen Masenheimer  
Allen Masenheimer