

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of May 27, 2010

Members in Attendance

Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
Richard Freeburn
Gregory Sirb

Also in Attendance

Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor

Docket #1280

Applicant: Paul Simon
Address: 6226 N. Highlands Court
Property: 6226 N. Highlands Court

Interpretation: The minimum front yard setback is 25 feet.
The applicant proposes to construct an addition to the house, which will encroach into the front setback, in the R-3 Zoning District.

Grounds: Section 307.A, of the Lower Paxton Township Zoning Ordinance pertains to this application.

Fees Paid: April 21, 2010

Property Posted: May 14, 2010

Advertisement: Appeared in The Paxton Herald on May 12 & 19, 2010

The hearing began at 7:07 pm.

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

The following were sworn in: Paul Simon, 6226 North Highlands Court, Harrisburg, PA 17112; and Dianne Moran, Planning & Zoning Officer.

Mr. Simon explained that his home was built in 1990 and the setback at that time was 20 feet or 40 feet; it is now 25 or 50 feet. He proposed an addition that will be 8 feet wide. It will be used for storage and the back of it will line up with the garage. If he built it conforming to the setbacks as they are today, the storage area would be 3 feet wide, and would be useless. He is requesting to be allowed to use the original setbacks for this addition. He explained it is a storage unit; it is not used for living space.

Mr. Staub asked for clarification on the setback requirements. Ms. Moran stated there is a 50 foot right-of-way, so Mr. Simon is measuring 25 feet back from the center, then the 25 foot setback. Mr. Simon added that he has two front yards.

Mr. Staub asked if the applicant has spoken to the neighbors regarding the variance application. Mr. Simon stated he has spoken to the neighbors across the street, who will face the addition. They all have no problem with the addition. He indicated on the plot plan which neighbors he has spoken to.

Mr. Turner asked if the applicant has submitted the plans to the architectural review board for the neighborhood. Mr. Simon explained that they will not review it until the building permit is issued, which cannot be issued till he obtains a variance.

Ms. Cate asked if the applicant would plant some shrubbery to cover it up a little bit. Mr. Simon was agreeable to the idea.

Mr. Sirb asked if the addition will run parallel to the house. Mr. Simon answered yes. Mr. Sirb asked if the new siding will match the house. Mr. Simon stated he will remove and reuse the existing siding, because new siding will not match faded siding. Mr. Sirb asked about windows. Mr. Simon stated windows are allowed, although none of the homes have windows facing that road. The only windows he proposes are dentist windows near the top of the wall.

Mr. Sirb asked about entry to the addition. Mr. Simon explained that there will be an entrance from the garage to the upper level, and an entrance to the rear on the lower level. The house has a walk out basement.

Mr. Freeburn asked about the roofline. Mr. Simon stated that he would like to have the roof of the addition begin right below the gutters of the existing roof, and angle down. There will not be a peak in this section of roof. The existing gutters and the new gutters will be parallel. The existing house roof is very peaked, and the addition will be much shallower.

Mr. Simon stated the other option is for the new roof to sit on top of the existing roof and come all the way out. Mr. Sirb stated it might look much better, although some space would be lost for the pitch. Mr. Simon stated the builder wants to do it that way. Mr. Sirb stated one set of gutters would look better.

Mr. Freeburn asked if the back of the addition will line up with the house. Mr. Simon stated that is correct, it will not go beyond the existing house.

Mr. Staub stated the architecture is questionable but there are several levels of review which will create an aesthetically pleasing finished product.

Mr. Staub called for comments from the audience.

Carlos Galeano, 6222 North Highlands Court, was sworn in. Mr. Galeano stated that he lives two houses up, and he stated he knows Mr. Simon has spoken to the neighbor in between. He noted that the architectural review board has a very good reputation for reviewing and creating very nice looking homes.

The Township had no position on the application.

Mr. Freeburn made a motion to grant the application as submitted. Ms. Cate seconded the motion. Mr. Sirb suggested the applicant continue the roof line. A roll call vote followed on the motion: Mr. Freeburn-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:26 pm.

Mr. Simon asked about how to proceed from here. Mr. Turner explained that the decisions would be typed and signed at the next meeting. He will be mailed a copy, and at that time he can then apply for a building permit.

Respectfully Submitted,



Michelle Hiner
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
APPLICATION OF : TOWNSHIP ZONING HEARING BOARD
PAUL SIMON : DAUPHIN COUNTY, PENNSYLVANIA
: DOCKET NO. 1280

DECISION GRANTING VARIANCE

The applicant seeks a variance from minimum front yard setback requirements. A hearing on the application was held on May 27, 2010.

Facts

1. The applicant and owner of the property in question is Paul Simon of 6226 N. Highlands Court, Harrisburg, Pennsylvania 17111.
2. The property in question consists of an irregularly shaped lot located at the intersection of North Highlands Court and North Highlands Drive. The property is zoned R-3 Medium High Density Residential. The lot slopes downward from front to back.
3. The property is improved with a single family dwelling known as 6226 N. Highlands Court. The existing dwelling is setback approximately 25 feet from North Highlands Court which is the front of the property and 20 feet from North Highlands Drive.
4. The applicant proposes to build an extension onto the back side of the existing garage on the eastern (North Highlands Drive) side of the property. The addition would follow the line of the existing garage and extend to the rear of the house. The new area would be used for storage.
5. The applicant has discussed his proposal with neighboring property owners who had no objection to the proposed project.
6. In addition to the applicant, a neighbor appeared to testify in favor of the requested variance.

7. Notice of the hearing was posted and advertisement made as required by the ordinance.

Conclusions

1. Article 307.A of the ordinance requires a minimum front yard setback of 25 feet. Although the area in question functions as a side yard, it is a front yard by definition under the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship consisting of its narrow lot width and irregular topography. These factors serve to severely limit the developable area of the lot.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The existing home was built when the ordinance required a minimum setback of 20 feet, which is the setback of the existing dwelling. Continuing the line of the existing dwelling will not create a new intrusion. The Board additionally notes that the applicant's plans are subject to review by

the development's architectural review committee which will insure that the addition is in harmony with the development.

Decision

In view of the foregoing and having carefully considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby approved allowing the erection of an addition to the existing dwelling with a setback of 20 feet from North Highlands Drive in strict conformity with the plans and testimony submitted to the Board.

Date: 6/24/10

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Jeffrey W. Staub

Gregory P. Sirb



Sara Jane Cate

Richard E. Freeburn

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of May 27, 2010

Members in Attendance

Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
Richard Freeburn
Gregory Sirb

Also in Attendance

Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor

Docket #1281

Applicant: George Lois
Address: 10 N. Houcks Road, Harrisburg, PA 17109
Property: 10 N. Houcks Road, Harrisburg, PA 17109

Interpretation: 1. Roof signs are prohibited.
The applicant proposes a sign which extends above the roof line.
2. A nonconforming sign shall not be made more nonconforming.
The existing signs are nonconforming and the applicant proposes to extend the nonconformity.
3. The maximum area of a freestanding sign is 40 square feet.
The applicant is proposing 14 additional square feet of area on the freestanding sign.

Grounds: Sections 709.A, 805.C.5, and 714, of the Lower Paxton Township Zoning Ordinance pertain to this application.

Fees Paid: April 29, 2010

Property Posted: May 14, 2010

Advertisement: Appeared in The Paxton Herald on May 12 & 19, 2010

The hearing began at 7:29 pm.

Mr. Staub stated it is customary for the Board to enter as exhibits the application and site plans. The applicant had no objection to its doing so.

The following were sworn in: Dan Sersch, Harrisburg Signs, 4009 Sunnycrest Drive, Harrisburg, PA 17109; George Lois, 10 N. Houcks Road; and Dianne Moran, Planning & Zoning Officer.

Mr. Sersch stated that the revenues have decreased for this location by 20% due to the economy and the smoking ban. The changeable LED sign is not large enough for a full message, and it can only change once per minute. The restaurant is essentially a Route 22 business, but is a property back. Using the sign at thee other location, his revenue went up because he is able to advertise his specials: steaks on Tuesday. He cannot get that message on this sign. The visible distance of a 6-inch letter is 300 feet, and it just can't be seen from Route 22. He wants to

comply with the ordinance and not change his message more than once a minute, but he wants to have a full message displayed.

Mr. Sersch stated the pylon sign is the more important of the two variance requests before the Board.

Mr. Lois stated the sign he bought never served the purpose he intended. He can only display a small message. His other restaurant has a larger sign and he can put the full message up, it does not matter if it changes or not. When he bought it he did not know about the time limit on changeable message signs. Mr. Lois noted he has been able to maintain his staff, but it gets more difficult.

Mr. Staub asked if the justification to increase the sign size is to present the entire message. Mr. Lois agreed. He stated the sign on Eisenhower Blvd does not need to change, because he can get the entire message on the board. Mr. Sersch stated that if they put up a full message, the letters would be 3 inches high, and you'd never be able to read them.

Mr. Sersch presented Applicant's Exhibit #1, a series of four photographs of the sign at the Eisenhower Boulevard Gilligan's.

Ms. Cate asked if the Gilligan's sign will stay. Mr. Sersch answered that they only intend on replacing the message center below that sign. The message center shown in the pictures has five lines of copy with 6'-letters. The sign is 4'11". Mr. Sersch presented Applicant's Exhibit #2, including a drawing of the existing sign and the proposed sign. The existing sign is 2'6"x12" and the proposed sign is 4'11"x8'10". The new sign will be 44 square feet, and the existing sign is 30 square feet.

Mr. Freeburn stated the existing sign is nonconforming. Mr. Sersch agreed. The new sign would be full color instead of monochrome.

Mr. Sirb asked if the top sign would change. Mr. Sersch stated that it will remain as is.

Mr. Sirb asked if both signs are needed on the freestanding sign. Mr. Sersch stated that both are essential; one is the identification and one is to advertise the specials.

Mr. Lois stated he is willing to look at the height of the sign and consider lowering it. He stated he cannot lower it to a point it cannot be seen from the road, but he would like to look into it.

Mr. Lois stated that when he installed the LED sign, it replaced a changeable copy sign that was bigger.

Mr. Sirb asked about the frog sign. Mr. Sersch stated they will fit the frog inside the arch sign that is there now. They will not actually increase the square footage of the sign. He noted he built the sign when the restaurant was Bar-B-Q's and it is simply a cabinet with letters affixed. He will realign the lettering so they are brighter and centered, and add the frog. Ms. Cate stated that the arch is already nonconforming. Mr. Staub stated that adding the frog adds square footage, which increases the nonconformity. Ms. Moran stated that is correct.

Mr. Staub stated that when the Zoning Hearing Board is presented with an application regarding nonconforming uses, it is its desire to lessen the nonconformity. For example, the nearby Sunoco asked for a variance for the freestanding sign, and in exchange they agreed to remove the huge interstate red arrow sign. He asked what the applicant is willing to reduce in order to gain the larger LED sign. He suggested reducing the height, the square footage or both. The wall sign is a minor issue to Mr. Staub. The height of the freestanding sign is currently 35 feet, and the allowable height is 20 feet. Mr. Staub suggested lowering it. Mr. Lois stated it is that height because it is behind the Verizon building.

Ms. Cate stated that if visibility is the issue, the roof sign is nearly invisible; you can't see it from anywhere and it is worthless. She suggested giving that sign up completely and concentrating on the freestanding sign. Mr. Lois stated it is there for identification, because it is the restaurant logo. Ms. Cate suggested that 90% of people do not see that sign. She suggested taking it down. Mr. Sersch stated it is tied into the roof line so it cannot be taken down.

Mr. Sersch asked why the arch sign should be taken down. Mr. Staub stated both signs are nonconforming, and the Board may be more inclined to grant some leeway if something was given up. Mr. Lois wanted an opportunity to look at the height of the freestanding sign without hurting the visibility of it.

Mr. Turner suggested tabling the hearing so that the applicant can come back with a proposal he is comfortable with. Mr. Lois was agreeable. Mr. Sirb agreed that 20 feet may not be high enough, because of the location, but he did not think it had to be 35 feet either. Mr. Lois stated he would look at it and do his best to make it better. Mr. Sirb suggested leaving the roof sign as it is.

Mr. Staub called for comments from the audience. There was none. The Township had no position on the application.

Mr. Turner asked for the drawings to be submitted two weeks prior to the next meeting. Mr. Sersch agreed.

Mr. Sirb made a motion to table the application as submitted. Mr. Freeburn seconded the motion. A roll call vote followed on the motion: Mr. Freeburn-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:57 pm.

Respectfully Submitted,



Michelle Hiner
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**
Meeting of June 24, 2010

Members in Attendance
Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
David Dowling

Also in Attendance
Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor

Docket #1281 (continuation)

Applicant: George Lois
Address: 10 N. Houcks Road, Harrisburg, PA 17109
Property: 10 N. Houcks Road, Harrisburg, PA 17109
Interpretation: 1. Roof signs are prohibited.
The applicant proposes a sign which extends above the roof line.
2. A nonconforming sign shall not be made more nonconforming.
The existing signs are nonconforming and the applicant proposes to extend the nonconformity.
3. The maximum area of a freestanding sign is 40 square feet.
The applicant is proposing 14 additional square feet of area on the freestanding sign.
Grounds: Sections 709.A, 805.C.5, and 714, of the Lower Paxton Township Zoning Ordinance pertain to this application.
Fees Paid: April 29, 2010
Property Posted: May 14, 2010, June 14, 2010
Advertisement: Appeared in The Paxton Herald on June 9 & 16, 2010

The hearing began at 7:15 pm.

Noting the time of 7:15 pm, Mr. Staub stated that there is no one present on behalf of the application. Mr. Turner stated the applicant did receive correspondence about the hearing, and Ms. Moran stated she also spoke to them on the phone.

Ms. Cate made a motion to continue the application until the following hearing date. Mr. Dowling seconded the motion. Mr. Staub called for discussion on the motion. Ms. Cate asked if the Zoning Hearing Board could act to deny the application without the applicant present. Mr. Turner stated the Board could take action, but he advised against it, noting that Mr. Dowling was not present for the first hearing. Mr. Turner recommended the Board table action until the next meeting. A roll call vote followed on the motion: Mr. Dowling-Aye; Ms. Cate-Aye; and Mr. Staub-Aye.

The hearing ended at 7:17 pm.

Respectfully Submitted,



Michelle Hiner
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**
Meeting of August 5, 2010

Members in Attendance

Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
Richard Freeburn
Gregory Sirb

Also in Attendance

Dianne Moran, Planning & Zoning Officer
James Turner, Solicitor

Docket #1281 (continuation)

Applicant: George Lois
Address: 10 N. Houcks Road, Harrisburg, PA 17109
Property: 10 N. Houcks Road, Harrisburg, PA 17109
Interpretation: 1. Roof signs are prohibited.
The applicant proposes a sign which extends above the roof line.
2. A nonconforming sign shall not be made more nonconforming.
The existing signs are nonconforming and the applicant proposes to extend the nonconformity.
3. The maximum area of a freestanding sign is 40 square feet.
The applicant is proposing 14 additional square feet of area on the freestanding sign.
Grounds: Sections 709.A, 805.C.5, and 714, of the Lower Paxton Township Zoning Ordinance pertain to this application.
Fees Paid: April 29, 2010
Property Posted: May 14, 2010, June 14, 2010, July 20, 2010
Advertisement: Appeared in The Paxton Herald on July 21 & 28, 2010

The hearing began at 7:03 pm.

Dan Sersch, Harrisburg Signs, and George Lois, property owner, were present on behalf of the application and remain under oath from the previous hearing.

Mr. Staub stated that the Board had asked that the applicant reconsider the height of the sign and some other aspects of the request.

Mr. Sersch stated they considered lowering the sign, and he presented photographs, marked as Applicant's Exhibit A. He explained that the top left photo is the perspective from the eastbound lane approximately in front of Essis & Sons. This photo shows that you can see the top of the sign. The top right photo shows the perspective from the turning lane, where you cannot see the sign. This is the reason for the original height of the sign. The canopy of the gas station cuts the sign off. If the sign were any lower, you would not see the sign.

Mr. Sersch explained that if the total height of the sign is 20 feet, the sign will be six feet off the ground. The sign costs \$25,000 and it is too great of a risk to put something of that value that close to the ground. Signs are vandalized and this would not be a good thing. The other point is that the sign is worthless at that height. The point of the sign is advertising, and no one will see it traveling eastbound.

The sign is trying to attract drivers in the eastbound lane. The traffic in the westbound lane has a clear view over the bank and at the traffic signal.

Mr. Sersch explained that Mr. Lois has a Gilligan's in Swatara Township with a sign large enough to display an entire message. As a result of advertising the steak special on Tuesday nights, his sales of that dinner have gone up 62%.

Mr. Sersch stated the economy is bad, and the smoking law has hurt the restaurant industry. He explained that Mr. Lois is trying to keep jobs in the area, and it is important for him to advertise to keep his doors open.

Mr. Sersch stated that Mr. Lois does not violate the ordinance that says the message cannot change more than once per minute. There are numerous signs in the Township that do not abide by that law, even though Mr. Lois does. If that ordinance was not in effect, he could have a scrolling message, which would enable him to display a whole message.

Mr. Sersch stated that the third photo shows the restaurant from Prince Street, where you can see the sign over a truck. If the sign was lower, it would not be visible beyond that truck.

Mr. Sirb asked the height of the original sign. Mr. Sersch stated that his company put that sign up for Bar-B-Q's in 1993, and it is 35 feet high. Mr. Sirb asked if the testimony is that if the sign was lowered you wouldn't see the "Gilligan's". Mr. Sersch stated the sign is 8 feet high, and if you drop it 15 feet, you would not see it at all.

Mr. Sersch stated they are asking for 12 square feet more than is allowed. That is only 5 more feet than the reader board that was removed and replaced with this sign. Mr. Sersch noted that 12 square feet is equivalent to two stop signs.

Mr. Sirb stated the dilemma is when a restaurant goes in behind Gilligan's, it will come to the Zoning Hearing Board asking for 55 feet. He stated he understands the issue that the restaurant does sit back off the roadway.

Mr. Lois stated that the building sat vacant for five years before he bought it. Nobody worked there for those five years, and now he employs 35-40 people. Although they are not as busy as they used to be, he is trying to maintain that staff.

Mr. Freeburn asked which sign was being removed. Mr. Sersch stated that the message board that is there now will be removed and be replaced with the proposed sign. Mr. Lois stated if the Township did not have the one-minute standing still law, the sign that is there now would work much better for him. When he invested in that sign, he did not know it had to be a still message. After the sign was up and the man was paid, he discovered he could not use it the way he intended. "Delicious Food" fits, but nothing else. He obeys the law and respects the law, but if the sign was bigger, the one-minute rule would not even matter. The sign at the Swatara Township restaurant can be still all day because the whole message is displayed. At this location, he never got the use out of the sign he should have because of that law. It would have been easier if the sign were not allowed at all. The sign cost \$20,000 and then he found out he couldn't use it, so he was pretty upset. He was told by the sign company that they were working with the Township to change that law, but it has been so many years and nothing has changed. He would like a sign big enough that it does not have to change.

Mr. Freeburn asked about the roof sign. Mr. Sersch stated they are no longer requesting a variance for that sign. He noted that they only want to change the message sign.

Ms. Cate stated there are many signs in all the windows. Mr. Lois stated they are advertising signs. Ms. Cate asked if he would consider taking them out. Mr. Lois questioned the reason for that. They are everywhere. Mr. Staub stated those signs count against the allowable square footage of signs permitted on the property. Ms. Moran stated that window signs do require a permit, and they are allowed 30% of the total glass area. She stated window signs are not included in exterior signage, it stands on its own.

Mr. Sirb asked for the picture of the proposed sign. Mr. Sersch stated the sign on the left is the existing sign, and the other is the proposed sign as requested. Mr. Turner marked the page as Applicant's Exhibit B. Mr. Sersch explained that the bottom of the new sign will be at the same elevation as the bottom of the existing sign because that is where the pipe splits. Mr. Freeburn stated it will be a little narrower and a little higher. Mr. Sersch stated it will be 3 feet narrower, and 2.5 feet taller.

Mr. Freeburn asked if it will be full color. Mr. Sersch stated it will. Mr. Freeburn asked if the message will stay for at least one minute. Mr. Sersch stated that is the code, so yes.

Mr. Staub stated that the testimony is that the sign is not visible from eastbound traffic on Route 22 because of the service station canopy. He suggested moving the entire sign to the west of the gas station. Mr. Lois stated he does not own that land. He explained that his property line is very close to the building. Mr. Staub suggested putting it between the driveway and the building. Mr. Lois stated he mows that grass area, but it is not his property.

Mr. Sersch asked the reason for moving the entire sign. Mr. Staub suggested that it would be visible to the eastbound traffic from that point since the canopy would not interfere. Mr. Sersch stated that the Prince Street traffic and westbound traffic read the message board when they are stopped at the traffic light. He explained that right now the eastbound traffic can see the top sign, but not the lower sign. If it were lowered, as suggested at the previous meeting, that traffic would see nothing at all. It is important for the traffic to see "Gilligan's" at the top, before they get through the traffic light. That top sign catches people's attention who are not as familiar with the area, while the message board draws in the locals who already know the location.

Mr. Freeburn asked if there is a roof sign that extends above the roof line. Mr. Sersch answered yes. Mr. Freeburn asked if it was being taken down. Mr. Sersch answered no. Mr. Lois stated it is his logo, and he has built one at the other site to match this one, so he cannot remove it. He noted he considered it when the Board told him to think about it, but he can't lose that sign. He is trying to improve things, and that would not help at all.

Mr. Sersch showed a drawing of a different sign. He explained he can change the face of the top sign to remove "bar & grill" and add some changeable message area to it. There would then be two changeable message signs on the pole. He stated that simply changing the face of the sign is legal by the ordinance. He noted they do not want to do that, because it would lose the frog and the "bar & grill". Mr. Lois stated he does not want to do it that way.

Mr. Sirb stated that he does not like the idea, but he is also not anti-business. The sign would be huge, but there are not very many options.

Mr. Freeburn asked that the applicant agree to not put a message sign on the upper sign face, if the variance is granted. Mr. Sersch and Mr. Lois agreed.

Mr. Sirb stated they want to keep the Township as residential as possible without being anti-business.

Mr. Staub called for comments from the audience. There was none.

Mr. Sirb reluctantly made a motion to grant the application as submitted, with the understanding that there will be no further message board put up at that height.

Mr. Staub called for a role call vote: Mr. Freeburn-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-No.

The hearing ended at 7:28 pm.

Respectfully Submitted,



Michelle Hiner
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
APPLICATION OF : TOWNSHIP ZONING HEARING BOARD
GEORGE LOIS : DAUPHIN COUNTY, PENNSYLVANIA
: DOCKET NO. 1281

DECISION GRANTING VARIANCE

The applicant seeks a variance from maximum area for a freestanding sign.

Hearings on the applications were held on May 27, 2010 and August 2, 2010.

Facts

1. The applicant and owner of the property in question is George N. Lois of 10 N. Houcks Road, Harrisburg, Pennsylvania 17109.
2. The property in question is located on the west side of N. Houcks Road and consists of an irregularly shaped parcel which is zoned Commercial General. The property is improved with a building which houses a restaurant known as Gilligans.
3. There are existing signs for the business on the property, including a 35 foot tall freestanding sign and a roof mounted sign. The applicant seeks to add a message center to the existing freestanding sign. The message center would be approximately 44 square feet and would be located immediately below the existing sign replacing a 30 square foot message board.
4. The existing message panel is designed to operate with a more frequent change of the message than is allowed under the ordinance. The message area which is visible is inadequate to convey a meaningful message.
5. The applicant's property is located just off the Jonestown Road/Houcks Road intersection from which it draws the vast majority of its customer traffic. The view of the property is obscured by the gasoline station at the corner which has a 20 foot tall canopy.

6. Notice of the hearing was posted and advertisement made as required by the ordinance.

7. No one other than the applicant appeared to testify either in favor of or against the proposed variance.

Conclusions

1. Article 714 of the ordinance limits the area of freestanding signs to 40 square feet. The proposed sign would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property in question is burdened by a hardship consisting of its location which is obscured by the gas station and canopy between it and Route 22. This obstruction prevents the reasonable identification of the business.

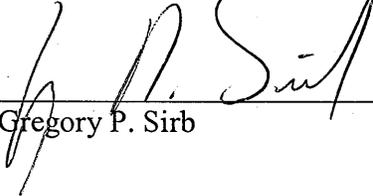
4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. While the sign exceeds maximum height regulations, it has been in existence for a number of years with no adverse effect. The proposed new sign is not significantly larger in area than the existing sign. The area is heavily commercial and large commercial signs are common in the area.

Decision

In view of the foregoing and having carefully considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance requested should be and is hereby granted allowing the erection of a message center not to exceed 44 square feet on the condition that no further necessary boards be added to the property. In all respects the sign shall be installed in strict accordance with the plans and testimony submitted to the Board.

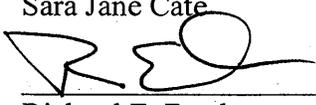
LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Date: 8/26/10



Gregory P. Sirb

Sara Jane Cate



Richard E. Freeburn

Board Chairman Staub dissents from the decision of the Board.