

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of June 26, 2013

Members Present

Richard Freeburn
David Dowling
Sara Jane Cate
Jeffrey Staub
Allan Hansen

Also in Attendance

James Turner
Dianne Moran

Docket 1339

Applicant: Daniel H. and Nancy M. Weinzierl

Address: 810 Thetford Court
Harrisburg, PA 17111

Property: 810 Thetford Court
Harrisburg, PA 17111

Interpretation: Section 307 – Dimensional Requirements in the R-1 Low Density Residential District. The minimum rear yard setback requirement shall be 30 feet. The Applicant wishes to enclose the open porch with permanent walls, windows and a door.

Grounds: Section 307

Fees Paid: May 20, 2013

Property Posted: June 18, 2013

Advertisement: Appeared in The Paxton Herald on June 12, 2013 and June 19, 2013.

The hearing began at 7:02 p.m.

Mr. Freeburn swore in Daniel H. Weinzierl, 810 Thetford Court, Harrisburg, Pennsylvania who is the applicant owner. Mr. Freeburn noted that it was customary to enter the application and site plan as Township exhibits and questioned if the applicant had any objections in doing so. Mr. Weinzierl answered no.

Ms. Dianne Moran advised that the appropriate fees were paid on May 20, 2013. The proper advertisements appeared in The Paxton Herald on June 12, 2013 and June 19, 2013. The hearing notices were posed on June 18, 2013.

Ms. Moran noted that this application concerns Section 307 – Dimensional Requirements in the R-1 Low Density Residential District. The minimum rear yard setback requirement shall

be 30 feet and the applicant wishes to enclose the open porch with permanent walls, windows and a door.

Mr. Freeburn requested Mr. Weinzierl to explain to the Board what he proposed to do and why the variance should be granted.

Mr. Weinzierl noted that he would provide some background for what occurred in the past. He noted that it was included in his letter that he presented to the Township. Mr. Freeburn explained that everyone is familiar with the past history based upon the submission that he made to the Township for what he proposes to do and the history of the property.

Mr. Freeburn noted that Mr. Weinzierl had some pictures and questioned if he had enough for each Board member. Mr. Weinzierl answered no. Mr. Freeburn requested Mr. Weinzierl to come forward to present the pictures.

Mr. Weinzierl presented a plot layout of the subdivision highlighting the area that shows how his house is laid out relative to the back lot. Mr. Turner noted that he would identify the plot layout as Exhibit 1, the map of Springford Manor. Mr. Weinzierl noted that his lot is number 213 and the property line abuts a common area that is between his property line and the two adjacent properties behind him.

Mr. Dowling asked Mr. Weinzierl to point out the common area on the plan. Mr. Weinzierl did that and explained that his property does not abut the adjacent property lots but rather a common area that is about 30 feet across. He noted that he is not close to another property line as there is a separation there. He explained that the existing deck is constructed out past the house and the drawings provide the concept for what the sides would look like. He noted that the deck is structurally in very good shape. He noted that the pictures show that it is not falling apart. Mr. Tuner noted that there is a series of four pictures which would be identified as Exhibits 2 though 5.

Mr. Weinzierl showed a picture with the view looking north from the back yard. He noted that some Board members may have visited his property. He explained that it shows the open area behind his house, the deck and porch. He explained that the second picture shows an expanded view, and the closest thing to his porch is a shed.

Mr. Hansen questioned who maintains the common area. Mr. Weinzierl answered that the developer was supposed to do that but up until this year, he did it. He noted that this is the first year that someone else has cut the grass.

Mr. Hansen questioned if there was any use of the common area. Mr. Weinzierl answered no; it is just part of the back yard. He noted if you didn't know that it was a common area you would think it was his back yard.

Mr. Freeburn noted in the 1993 decision granted by the Zoning Hearing Board, it was referred to as a drainage easement. Ms. Moran answered that was correct. Mr. Weinzierl noted if you follow the common area down, it leads to the detention pond.

Mr. Weinzierl showed another picture with the view from the opposite direction from the south. He stated that the picture provides a good perspective of how much room there is between his home and the next property.

Mr. Hansen questioned where the property line is shown in the pictures. Mr. Weinzierl answered that it ends in front of the arborvitaes. Mr. Turner identified the previously identified pictures as Exhibit 6 and 7, and 8 and 9.

Mr. Weinzierl provided the pictures that he had at the original variance hearing in 1993. He noted that he brought the pictures to show a "before and after" deck perspective and how open the area is. He noted that the pictures were taken from the adjacent property line, and they show that the common area is a very large one. Mr. Turner noted that he would identify those pictures as Exhibit 10 and 11. He explained that he would have to keep the picture for 30 days after the decision is made and another 30 days in the event an appeal to the decision is filed.

Mr. Weinzierl noted if you look at the site plan that he submitted it shows where the existing porch is with respect to the rear property line. He noted that he is not changing the footprint as it will remain the same, 13 feet by 20 feet.

Mr. Freeburn questioned if the arborvitaes would remain. Mr. Weinzierl answered yes. Mr. Freeburn questioned if the stairs to the deck that are located on the side of the deck, will remain on the same side. Mr. Weinzierl answered that they will be replaced and they will stay in the same proximity that they are now. Mr. Freeburn questioned if there would be any steps going out the back. Mr. Weinzierl answered no.

Mr. Freeburn noted that Mr. Weinzierl planned to increase the footprint of the deck one foot to equal the vertical point of the one roof line. Mr. Weinzierl answered that was correct. He noted for each side he would be matching the existing roof line. Mr. Freeburn questioned if he would develop further out than the roof line. Mr. Weinzierl answered no.

Mr. Weinzierl noted that the next drawing is the plan view labeled S-1. He noted that it provides an idea for how he will address the structural part of the plan. He noted that the joists that currently exist for the deck are perfect for a deck, but they are too flexible for a closed in space; therefore, he plans to add a 2x10 for each joist that will be fastened at both ends to support the structure. He noted that when he built the original deck, his intent was to someday close it in so the 6x6 piers that support the deck were put into the ground at three feet below the frost level. He noted that it is structurally stable and there are four columns in the front that are three feet, maybe even closer to six feet.

Mr. Freeburn questioned if he would be matching the siding on the addition to the siding on the house. Mr. Weinzierl answered yes. He noted if you look at drawing A-3, A-4, and A-5, the roof, gutter and soffit will remain untouched; however he may replace the soffit to make it look better for appearance sake. He noted that the siding on all three sides will be a match to what is on the house. He explained that drawing A-4 shows how the steps will be placed. He noted that it is very close to where they are located now.

Mr. Weinzierl noted if you look at the last drawing, M-1, the mechanical and electrical one, it provides an idea for how the electrical work will be done. He noted that he will be pulling two new circuits from the panel box as there is already one circuit on the deck. He noted that he will be tying the ductwork into an existing trunk line that runs adjacent to the crawl space on the other side of the wall. He explained that there is a small window underneath, so he does not have to penetrate the foundation but will use that window to access through the wall with some type of a weather proof insulation material.

Mr. Weinzierl noted that the drawings provide a pretty good idea of what the finish would look like.

Mr. Freeburn questioned Mr. Weinzierl what he planned to use the room for. Mr. Weinzierl answered that it would provide a room to use all year round. Mr. Freeburn questioned if Mr. Weinzierl was planning another exterior deck. Mr. Weinzierl answered no.

Mr. Weinzierl questioned if anyone had any questions on his drawings. Mr. Freeburn answered that he did a good job explaining what he wants to do.

Mr. Freeburn questioned if anyone in the audience wished to be heard on this application. No response was given.

Mr. Turner questioned Ms. Moran that since the deck area would be living space, does building the addition on posts as opposed to having a normal foundation, meet code. Ms. Moran answered that she did not know. Mr. Turner questioned Mr. Weinzierl if he looked into that issue. Mr. Weinzierl answered that he has not. Mr. Turner questioned if the code would allow the construction of a portion of the house with piers as opposed to footings. Mr. Staub noted that he is with Mr. Turner on that and he stated that he did not know for certain if that is allowed. Mr. Weinzierl noted, in his opinion, that the code does not prohibit it but it would be another means or method as long as it is structural sound and meets the intent. Mr. Turner noted that one would think it would be the logical approach but code is code and if this application is approved your submittal for a building permit would address that issue at that time.

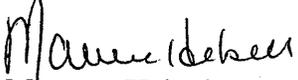
Mr. Freeburn noted that the Board has 45 days to take action on the variance and he questioned if the Board wanted to take action at this time.

Mr. Dowling made a motion to accept Docket 1339 as presented. Ms. Cate seconded the motion. Mr. Turner conducted the following roll-call vote: Mr. Hansen, aye; Mr. Staub, aye; Mr. Dowling, aye; Mrs. Cate, aye; and Mr. Freeburn, aye.

Mr. Weinzierl questioned when he would receive formal approval. Mr. Turner answered that he would write the decision in the next week or two and it would typically be signed at the next meeting to be held on July 18, 2013. Mr. Weinzierl questioned if he had to wait until then to apply for the building permit. Mr. Turner answered yes, and he noted that there is a 30-day appeal period after that so if he wished to proceed before that 30-day appeal period has run out, he would have to sign a paper with the Township stating if someone appealed the decision successfully, he would have to tear the work down.

The hearing ended at 7:22 p.m.

Respectfully submitted,


Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
DANIEL H. and NANCY M. : DOCKET NO. 1339
WEINZIERL :

DECISION GRANTING VARIANCE

The applicants seek a variance to enclose an existing open deck for which a previous variance had been granted. A hearing on the application was held on June 27, 2013.

Facts

1. The applicants and owners of the property in question are Daniel H. and Nancy M. Weinzierl of 810 Thetford Court, Harrisburg, Pennsylvania 17111.
2. The property in question is located on the northern side of a cul-de-sac known as Thetford Court and consists of a pie-shaped lot with 43 feet of frontage and extending approximately 110 feet on either side. The rear property line is 125 feet wide. The parcel is currently zoned Residential, R-1, but was developed under the PRD zoning regulations.
3. The property is improved with a dwelling located in the center of the lot. Due to the narrow lot width in the front the home was set back approximately 52 feet from the front yard property line leaving a rear yard of approximately 27 feet.
4. By virtue of a variance received by the applicants in 1993, an open deck was built on the rear of the property. This deck extends to within 14 feet of the rear property line, which abuts an undeveloped common area for the planned community.

5. The applicants propose to enclose the existing deck, maintaining the same footprint. This new enclosed space would be sided to match the existing home and the existing roofline would be matched.

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

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

Conclusions

1. Section 307 of the ordinance requires a minimum rear yard setback of thirty (30) feet. The proposed enclosure of the deck 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 not created by the owner consisting of its unusual shape which pushes any improvements toward the rear of the property. This makes it impossible to add to the rear of the existing dwelling without variance.

4. Granting the variance will not alter the essential character of the neighborhood. The addition will primarily impact the undeveloped common area with very little impact upon surrounding property owners or the general public welfare.

Decision

In view of the foregoing and having 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 enclosure of the existing deck in strict conformity with the plans and testimony presented to the Board. The applicants shall additionally comply with all other applicable procedures for obtaining a building permit.

Date: 7/18/13

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Richard E. Freeburn

Gregory P. Sirb

Sara Jane Cate

Allen W. Hansen

David Dwyer

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of June 26, 2013

Members Present

Richard Freeburn
David Dowling
Sara Jane Cate
Jeffrey Staub
Alan Hanson

Also in Attendance

James Turner
Dianne Moran

Docket 1340

Applicant: Site Enhancement Services
Longhorn Steakhouse at Colonial Park Mall

Address: 6001 Nimitz Parkway
South Bend, Indiana 46628

Property: 4600 Jonestown Road
Harrisburg, PA 17109

Interpretation: Section 714. A Permanent Signs – Planned Center Signs. The number of wall signs permitted for a single-tenant building is two per tenant. The Applicant seeks a variance from the number of and maximum area of wall signs for a single-tenant building.

Wall Signs: Maximum Area for single-tenant buildings: 32 square feet. The applicant proposes to install two building signs at 68.9 square feet each and one steer head logo at 19.7 square feet.

Grounds: Section 714

Fees Paid: June 6, 2013

Property Posted: June 18, 2013

Advertisement: Appeared in The Paxton Herald on June 12, 2013 and June 19, 2013.

The hearing began at 7:23 p.m.

Mr. Freeburn questioned if the applicant was present. No one responded. Mr. Freeburn noted that Steve Grady was present in the audience with his son, Miles, who was working on a Boy Scout badge.

Mr. Freeburn noted that Docket No. 1340 is the application of Site Enhancement services of 6001 Nimitz Parkway, South Bend, Indiana, 46628, for variance from the number of wall signs in connection with proposed Longhorn Steakhouse at 4600 Jonestown Road, Colonial Park Mall, Lower Paxton Township, in a CG Commercial General Zoning District. The property is owned by Echo Retail of 701 Alpha Drive, Penn Hills, Pennsylvania, 15235.

Mr. Turner noted for the record the Board could take action to table this docket until the next scheduled meeting. He noted that he will contact the applicant to inform them if they don't show up at the next meeting, that the Zoning Hearing Board will act on the variance in their absence.

Mr. Freeburn noted that he called the application and the applicant is not present for the hearing for Docket No. 1340. He noted that the Township is present.

Mr. Freeburn questioned if the application was properly advertised. Ms. Dianne Moran advised that the appropriate fees were paid on June 6, 2013. The proper advertisements appeared in The Paxton Herald on June 12, 2013 and June 19, 2013. The hearing notices were posed on June 18, 2013.

Mr. Freeburn questioned Ms. Moran if she heard anything from the applicant explaining his absence this evening. Ms. Moran answered no.

Mr. Turner noted that a letter was sent to the applicant from his office on June 6, 2013.

Mr. Freeburn noted that it was suggested to table this hearing to the next meeting of the Zoning Hearing Board. Mr. Turner noted that would be appropriate to do that.

Mr. Freeburn made a motion to table Docket No. 1340 until the next meeting of the Zoning Hearing Board which is July 18, 2013. Ms. Cate seconded the motion. Mr. Turner conducted a voice vote and a unanimous vote followed.

Ms. Moran questioned what the time table is to run the clock for the application. Mr. Turner answered that the Board started the hearing tonight so there would be sixty days as there is a limit between hearings for how long you can go; the Board is well within that limit.

Mr. Freeburn noted that the Board would have 45 days from when the hearing ends. Mr. Turner noted since the hearing is tabled until the next meeting, it would not end until next month. Mr. Freeburn noted that the hearing would end after the next meeting and the Board would have 45 days from that meeting to make a decision.

The hearing ended at 7:27 p.m.

Respectfully submitted,



Maureen Heberle
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of July 18, 2013

Members Present

Greg Sirb
David Dowling
Sara Jane Cate
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

Docket 1340 - A

Applicant: Site Enhancement Services
Longhorn Steakhouse at Colonial Park Mall

Address: 6001 Nimitz Parkway
South Bend, Indiana 46628

Property: 4600 Jonestown Road
Harrisburg, PA 17109

Interpretation: Section 714. A Permanent Signs – Planned Center Signs. The number of wall signs permitted for a single-tenant building is two per tenant. The Applicant seeks a variance from the number of and maximum area of wall signs for a single-tenant building.

Wall Signs: Maximum Area for single-tenant buildings: 32 square feet. The applicant proposes to install two building signs at 68.9 square feet each and one steer head logo at 19.7 square feet.

Grounds: Section 714

Fees Paid: June 6, 2013

Property Posted: June 18, 2013

Advertisement: Appeared in The Paxton Herald on June 12, 2013 and June 19, 2013.

The hearing began at 7 p.m.

Mr. Sirb questioned if the applicant was present. Mr. Turner noted that this hearing was tabled from the last meeting held June 27, 2013. Mr. Shawn Smith explained that his flight was delayed and by the time he got to the Municipal Center everyone was gone.

Mr. Sirb swore in Shawn Smith, 6001 Nimtz Parkway, South Bend, Indiana 46628. Mr. Sirb questioned Mr. Smith what his position was with LongHorn Steakhouse. Mr. Smith answered that he is the director of Site Enhancement Services providing exterior branding consultations for Darden Restaurants which is LongHorn Steakhouse brand.

Mr. Sirb questioned Mr. Smith if he had an issue with submitting the application and site plan as exhibits. Mr. Smith answered no.

Mr. Sirb wore in Dianne Moran, Zoning and Hearing Officer for Lower Paxton Township.

Mr. Sirb questioned if the application was properly advertised. Ms. Dianne Moran advised that the appropriate fees were paid on June 6, 2013. The proper advertisements appeared in The Paxton Herald on June 12, 2013 and June 19, 2013. The hearing notices were posted on June 18, 2013.

Mr. Sirb questioned what variance the applicant is seeking for Docket 1340. Ms. Moran answered Interpretation: Section 714. A Permanent Signs – Planned Center Signs. The number of wall signs permitted for a single-tenant building is two per tenant. Wall Signs: Maximum Area for single-tenant buildings: 32 square feet. The Applicant seeks a variance from the number of and maximum area of wall signs for a single-tenant building and proposes to install two building signs at 68.9 square feet each and one steer head logo at 19.7 square feet.

Mr. Smith explained that he seeks relief from the sign ordinance to allow Darden to install three internally illuminated wall signs for this location. He noted, for the front of the building, code allows 32 square feet of signage for two wall signs on two elevations, and he proposes to have the one wall sign on the front with the steer head logo on the same elevation which would be attached to the chimney feature. He noted that that particular sign is reverse illuminated, and it does not have copy in it. He noted on the right elevation, a wall sign will face Miller Road, the access to the shopping plaza which would occupy approximately 4.59% of the entire side area. He explained that signage uses a stack letter set and page seven shows the comparison of what he proposes at the bottom of the page with the top of the page showing what is allowed per code.

Mr. Smith noted that due to the setback and the heavy traffic that is within this corridor and the multi-access points, he feels that the signage that he is requesting is consistent to allow safe vehicular movement and traffic maneuvers throughout the area. He noted that he wants to be able to provide advance notification to motorists as they approach the area to make the appropriate turns. He noted once you enter the mall area, you can only right-in to the parcel or take a left turn at the traffic intersection at Miller Road.

Mr. Smith noted page four shows a site visual triangle for the signs that he is requesting for the depth and the amount of visibility for access the advance notification that individuals would need prior to reaching the property. He noted that tonight while traveling Route 22, he found it to be very congested and if he can provide advance notification to motorists to allow them to get into the left lane it would help the motorist to access the property. He noted that this

parcel is still being discussed with the Board members and it does not have direct access from the road and the only way to access the property would be through the Sears driveway to parking area behind the restaurant. He noted that typically for a location like this with the amount of access points, he would go for a rear sign, but the vital advanced notification would be for elevations A and C. He noted that is where the traffic will be flowing from to provide the advance notification to access the property. He noted that it is a minor relief in the variance for the request and it is not out of character for the commercial corridor. He explained that he is not proposing a free standing sign for this location as there are many underground utilities and easements in that area. He noted that he is utilizing the amount of space that he can and the proposed signage elevation is an integral part to the design of the building. He noted that the applicant seeks a variance from the number of and maximum area of wall signs for a single-tenant building to provide advance notification for traffic. He noted that it is not excessive in nature and appropriate for the amount of traffic to have increase visibility for drivers to access the property.

Mr. Dowling questioned if the company recommends the size of the sign to the owner. Mr. Smith answered yes. He noted that he proposes the sign packages. Mr. Dowling questioned, with the setback that you are dealing with, what range of signs and size you have seen throughout the country. Mr. Smith answered, for this particular site, he has a 32 inch sign that has 53 square feet, noting that he looked at that and did a flag test to determine visibility. He noted that pages five and six shows what this site would look like with the signage for the corridor. He noted that it is a very heavily signed corridor and he looked at the 32 inch sign and it is appropriate within this type of sign; however, with the amount of traffic and amount of signage that is in the area, he felt that the 36 inch sign would be more appropriate for the traffic patterns. He noted that it would provide advanced notification as the traffic stacks up and it is very crowded and congested and he wants to be able to have motorists see the sign. He noted that he also looked at the 36 inch sign since he was not planning a free standing sign. He noted if that was installed, it would have been pushed out in line with the existing signs and it would be lower than what the code would allow to be in that visual corridor. He noted that his intention with branding any clients is the visibility and the safety. Mr. Dowling questioned if what Mr. Smith was saying is that the signage is dependent on the site location factors. Mr. Smith answered yes.

Ms. Cate noted that this request is nearly two times the amount that is permitted. Mr. Smith answered yes. Ms. Cate noted that it also requests the third sign. Mr. Smith answered yes.

Mr. Sirb noted that this is the parking area next to Mountz Jewelers, and he questioned if Mr. Smith asked to get on the Colonial Park Mall free standing sign. Mr. Smith answered that the tenants' signage is occupied noting that they are doing revitalization and they want to advertise those tenants that do not have outparcels. He noted that outparcels typically don't get on free standing signs. He explained that the steer head sign is 19.7 feet, the trademark identity for LongHorn Steakhouse, is an integral design component and it breaks up the features as well, not intended, noting that the steer head is like the critter for the Red Lobster. He noted that it is the same type of concept as that.

Mr. Dowling noted by definition of logos, he does not consider the steer head to be an issue. He questioned if the size of the sign is appropriate for the area. Mr. Smith noted that the 36 inch sign, noting that the code would allow 100 square feet and he looks at how the sign will balance with the architecture noting that it will only occupy 4.5% of the entire side area. He noted that it is not excessive; he noted that he is not asking for it to overpower and take away from the architecture of the building and the others in the area. He noted that it is a good balance aesthetically as well as providing traffic safety awareness for the area. He noted that he does have a 32 square foot sign slightly smaller than the 36 inch sign, and he explored using that sign noting that it is 53.9 square feet in area and he took a long hard look at it. He noted that he was originally looking to have a sign on the Mountz Jewelers side of the building, but the way the road patterns are it would be blocked and a useless sign to have. He noted that he looked at the rear elevation and the proximity to Sears and everyone else would not be a good sign to have unless you enter from the rear of the restaurant and come out at this side of the building. He explained that he looked at putting a sign on that side but considered the balance for the entire building. Mr. Dowling noted that it does not appear to be an offensive or overly large sign. He suggested that it is right at the border and beyond that it might be. Mr. Smith noted that Darden is very consistent with the balance of signage on its buildings as their standards are very high. He noted that it is an internally illuminated LED vinyl sign running on a 120 volt system, internally illuminated and perforated vinyl where you see white in the daytime and at the night it illuminates red. He noted that Darden wants to provide quality and aesthetically pleasing designs as it is part of their image and their branding.

Mr. Dowling questioned how many Longhorn Steakhouses there are nationwide. Mr. Smith answered that this brand was purchased by Darden from Smokey Bones in 2008 and there may be 250 stores across the nation. He noted that this is Darden's new brand to roll out.

Mr. Sirb questioned if all three signs will be lit 24/7. Mr. Smith answered no, suggesting that they will be lit to about 11 p.m. or 12 midnight, as the manager turns off the lights when he leaves.

Mr. Hansen noted that there is a facility on the West Shore like this one located within the same type of locations with right and left turns. He questioned if Mr. Smith proposed the signs for that location. Mr. Smith answered that he is not familiar with that store. He noted that he is not sure how long that store has been in that location and it could have been there previous to Darden making the purchase. Mr. Hansen noted that it is located near the Wegmans.

Mr. Sirb questioned Ms. Moran if the Township had a position on the variance. Ms. Moran answered no.

Mr. Sirb questioned if any board members had any additional questions. He noted that this variance would not change the characteristic of the neighborhood. He agreed with Mr. Smith that it would be useless to put a sign on the western wall as it would be blocked by Mountz Jewelers and the back is a huge parking lot. He noted that this is the maximum for what he would want to see for signage.

Mr. Sirb questioned if anyone in the audience wished to comment on Docket 1340. No response was heard.

Mr. Sirb questioned if the Board would like to make a motion on Docket 1340.

Mr. Dowling made a motion to grant the application for Docket No. 1340 as presented. Ms. Hansen seconded the motion. Mr. Turner conducted a roll call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mr. Dowling, aye; Ms. Cate, aye; and Mr. Sirb, aye.

The hearing ended at 7:18 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
SITE ENHANCEMENT SERVICES : DOCKET NO. 1340

DECISION GRANTING VARIANCES

The applicant seeks a variance from number of wall signs and maximum area of wall signs for a single tenant building. A hearing on the application was held on July 18, 2013.

Facts

1. The applicant is Site Enhancement Services of 6000 Nimitz Pkwy., South Bend, Indiana 46628. The applicant was acting as agent for Longhorn Steakhouse, the prospective tenant for the proposed building. The property is owned by Echo Retail of 700 Alpha Drive, Penn Hills, Pennsylvania 15235. The applicant was represented at the hearing by Shawn Smith.
2. The property in question consists of a large shopping center located on the north side of Jonestown Road (U.S. Route 22). The tenant and property owner are in the process of developing a free standing restaurant in the southeast corner of the property in an area which is presently used as parking spaces. The restaurant will be in close proximity to the Miller Road entrance to the mall; however, due to the site conditions access to the property will be from the rear.
3. The applicant proposes to erect three wall signs on the building. Two of the signs would be 68.9 square feet with the restaurant name. One of these name signs would be located on the south face, facing Jonestown Road, and the second would be located on the east face toward traffic entering from Miller Road and approaching from the east. The third sign would be a steer logo of 19.7 square feet to be located on the front façade on the chimney feature. This sign would not have text.
4. All of the signs would be internally illuminated and would be turned off shortly after the close of business when the manager departs the premises. The signs in total represent approximately 4.5% of the building façade.

5. The applicant has conducted studies of the site and has determined that the proposed signs are the minimum size which would allow safe identification of the site by motorists. The applicant proposes no free standing sign, nor any sign on the west façade or the north (rear) façade.

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. Section 714.A of the ordinance limits wall signs for a single tenant building to two per tenant with a maximum area of 32 square feet per sign. The proposed sign package 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 and access points. The building is shielded from view by other buildings in close vicinity which limits the window of visibility for motorists attempting to locate the site. The lack of direct access to Route 22 further compounds this problem by requiring motorists to identify the site early enough to allow proper turns.

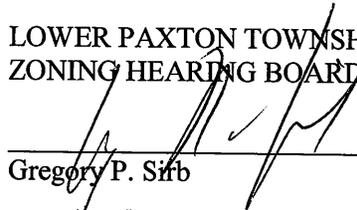
4. Granting the variance will not alter the essential character of the neighborhood which is intensively developed. The proposed sign package is in proportion to the building size and the third sign is more of a decorative element than a traditional sign.

Decision

In view of the foregoing and having 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 two 68.9 square feet wall signs and a third wall sign containing the restaurant logo with a maximum area of 19.7 square feet. In all respects the signs shall be erected in accordance with the plans and testimony submitted to the Board.

Date: 8/22/13

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

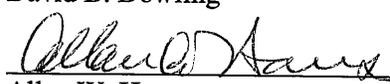


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Watson Fisher