

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of August 30, 2012

Members Present

Richard Freeburn
Sara Jane Cate
Jeffery Staub
Alan Hansen
Watson Fisher

Also in Attendance

James Turner
Dianne Moran

Docket 1320

Applicant: Big Bob's Flooring Outlet
Scott Apple

Address: 6305 Allentown Blvd,
Harrisburg, PA 17112

Property: 6305 Allentown Blvd.
Harrisburg, PA 17112

Interpretation: Article 714.A - Permanent signs: Maximum Height = 10 feet.

Grounds: Article 714 of the Lower Paxton Township Zoning Ordinance
pertains to this application.

Fees Paid: July 31, 2012

Property Posted: July 21, 2012

Advertisement: Appeared in The Paxton Herald on July 15 and 22, 2012.

The hearing began at 7:05 p.m.

Mr. Freeburn noted that it was customary to enter the application and site plans as Township exhibits, and questioned if the applicant had any objections. Mr. Sersch answered that he did not.

Mr. Freeburn swore in Dianne Moran, the Planning and Zoning Officer for Lower Paxton Township.

Ms. Dianne Moran advised that the appropriate fees were paid on July 31, 2012. The proper advertisements appeared in The Paxton Herald on July 15th and 22nd, 2012. The hearing notices were posted on July 21, 2012

Mr. Freeburn questioned what ordinance pertains to this application. Ms. Moran answered that this variance is for Article 714.A: Permanent Signs and Freestanding Signs as the maximum height is 10 feet. She noted that the applicant proposes the placement of a sign at southeast corner of Blue Ribbon Avenue and Route 22. She noted that the permitted sign height is ten feet and the applicant proposes a sign height of 35 feet.

Mr. Freeburn swore in Scott Sersch of Harrisburg Signs who was present on behalf of the applicant Scott Apple from Big Bob's Flooring. He explained that the applicant was unable to be in attendance this evening.

Mr. Sersch provided the Zoning Hearing Board with additional drawings for the application.

Mr. Sersch noted that page one shows that the sign base sits down approximately 35 feet from the road level. He explained that he is awaiting information on setbacks from Dan Brown of PennDOT to determine what the exact height should be. He explained that he would like his sign to be ten feet above road level using the proper road setbacks. He noted that page two shows an overview for the property, one parcel that sits perpendicular to Blue Ridge Avenue. He noted, the reason for putting the sign in the corner, is that you can't see anything from that location. He noted that he received landlord approval to erect the sign in that location. He noted that page three shows a photograph of the sign with the estimated location for where the sign will be set. He noted that he has been unable to get his truck into that location and needs the setback information to determine where to place the sign base. He noted that page four shows his son and the bottom peg is ten feet high and it is about 15 feet below the street level, therefore the request for a 35 foot height variance. He noted that the final height would be determined after the setbacks are provided.

Mr. Freeburn questioned if the sign would be illuminated. Mr. Sersch answered yes.

Ms. Cate suggested that he was not putting in a new building rather it is for a building already in place on the parcel. Mr. Sersch answered that was correct. Ms. Cate noted that the sign is a distance from the building. Mr. Sersch suggested that it is 400 feet from the building.

Mr. Fisher questioned if the sign would face Allentown Boulevard. Mr. Sersch answered yes, as it sits perpendicular to Blue Ridge Avenue. He noted that normally you don't have a 25 foot drop off from the road to place a sign. He noted that the ordinance states that the sign cannot be more than ten feet high. Mr. Freeburn noted that it would be a 35-foot high sign... Mr. Sersch noted that it might vary depending upon the setbacks, noting that there is a slope to the roadway in that area. He noted that it could be 32 or 33 feet.

Mr. Freeburn noted that someone applied for an increase height and when they didn't get it, they built up a mound of dirt to place the sign upon. Mr. Sersch noted that it occurred on Mountain Road. Mr. Freeburn noted that was an example of the opposite of what Mr. Sersch is looking for. Mr. Staub noted that it also occurred on Linglestown Road at the Eye Institute. He suggested that as a result of that occurrence, language was added to the sign ordinance to prevent it from occurring again. Ms. Moran noted that it is in the definition section.

Mr. Sersch noted that this is the opposite of that example.

Mr. Freeburn questioned what would happen if in the future someone decides to build and fill in the area where you want to place the sign. Mr. Sersch noted that the owner will have to take down the sign. He noted that the pole could be buried in the ground if they did that. Mr. Freeburn suggested that the variance would be on condition of the fact that it is put in a 25-foot depression. He noted if they fill in the depression, the condition would no longer be in effect. Mr. Sersch noted that the sign could only be ten feet above Blue Ribbon Avenue.

Mr. Fisher questioned where you enter to get to the flooring outlet. Mr. Sersch answered that you would enter from Allentown Boulevard. He noted that the owner is talking about adding an entrance from Blue Ribbon Avenue. Mr. Sersch stated that he would probably put a tag sign to state, entrance on Allentown Boulevard.

Mr. Freeburn questioned if the sign dimensions fall within the ordinance. Ms. Moran answered yes.

Mr. Turner noted that visibly it will be lower in elevation than the Ollie's sign that is directly across the street. Mr. Sersch answered yes.

Mr. Freeburn noted that no one is in the audience to comment on the application.

Mr. Freeburn noted that hearing no further testimony by the applicant, board members, or the audience, the board has 45 days to render a decision relative to this application.

Mr. Staub made a motion to approve Docket #1320 conditioned upon the sign being in a 25-foot depression and no more than ten feet above the street. Mrs. Cate seconded the motion. Mr. Turner conducted the following roll-call vote: Mr. Fisher, aye; Mr. Hansen, aye; Mr. Staub, aye; Mrs. Cate, aye; and Mr. Freeburn, aye. Mr. Freeburn noted that the application was granted.

The hearing ended at 7:17 p.m.

Submitted by:


Maureen Heberle
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
BIG BOB'S FLOORING : DOCKET NO. 1320

DECISION GRANTING VARIANCE

The applicant seeks a variance from maximum height regulations for a free-standing business sign. A hearing on the application was held on August 30, 2012.

Facts

1. The applicant and lessee of the property in question is Big Bob's Flooring Outlet of 6305 Allentown Blvd., Harrisburg, Pennsylvania 17109. The application was submitted by Dan Sersch of Harrisburg Signs, who appeared on behalf of the applicant. The property is owned by Hayden Dauphin Associates of 1 Fayette Street, Suite 400, Conshohocken, Pennsylvania 19428.

2. The property in question is located at the southeast corner of Allentown Blvd. (U.S. Route 22) and Blue Ribbon Avenue and consists of a multi-acre parcel improved with storage units and commercial space. The majority of the lot is approximately 25 feet below the grade level of U.S. Route 22, the primary thoroughfare.

3. The applicant proposes to install a 35 feet tall pole sign with a 5 feet by 8 feet sign face. This sign would be internally illuminated and would stand approximately ten feet above the road level.

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

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

Conclusions

1. Section 714.A of the ordinance restricts the height of freestanding signs along Blue Ribbon Avenue to ten 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 is burdened by a hardship consisting of the irregular site topography. This factor results in the sign location being 25 feet below grade level. A ten feet tall sign in that area would not be visible to motorists.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The proposed sign will be visually comparable to signs which are in compliance with the ordinance so there will be no offsite impact. The public welfare will only be promoted by allowing the reasonable identification of the applicant's business.

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 a sign not to exceed 10 feet in height above road grade level at the nearest point to the sign location.

Date: 10/11/12

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD



Richard E. Freeburn



Sara Jane Cate

Allan Hansen


Watson Fisher