

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
JUNE 2, 2011**

The Springettsbury Township Zoning Hearing Board held a regularly scheduled meeting on the above date at the Township offices located at 1501 Mt. Zion Road, York, Pennsylvania 17402.

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chair
John Schmitt
Michael Papa
Sande Cunningham

ALSO IN

ATTENDANCE: John Elliott, ZHB Solicitor
Jim Baugh, Director of Community Development/Zoning Officer
Sue Sipe, Stenographer

NOT PRESENT: James Deitch

1. CALL TO ORDER

Chairman Achenbach called the meeting to order at 6:00 p.m. He introduced the members of the Board and led the Pledge of Allegiance.

Mr. Baugh reported that the Board of Supervisors appointed Ms. Cunningham as a full member of the Zoning Hearing Board.

2. ACTION ON THE MINUTES

A. May 5, 2011

MOTION MADE BY MR. PAPA, SECONDED BY MR. SCHMITT TO APPROVE THE MINUTES OF May 5, 2011 AS PRESENTED. MOTION UNANIMOUSLY CARRIED.

Chairman Achenbach asked Mr. Baugh whether or not the case had been properly advertised. He responded that all notifications had been made.

3. OLD BUSINESS - NONE

4. NEW BUSINESS

A. Case Z-11-09 Mt. Zion Evangelical Lutheran Church – 2164 Mt. Zion Road

Timothy Rehman

All witnesses were sworn in.

The ordinances are provided: 325-107. Business Identification Signs.

R-20

Maximum sign area : 16 square feet.

No freestanding signs except for monument signs are permitted.

Maximum height for freestanding sign is 6 feet.

Comments: The applicant is requesting a variance to install a second freestanding sign. Currently there is a non-conforming freestanding sign that totals 39 square feet that advertises the church. The request is to install a second 12 square foot freestanding sign to advertise the preschool that is located at the church. This sign would replace a 20.25 square foot existing wooden sign. In the R-20 zoning district, a business is allowed no more than 16 square feet of signage. If granted, the church would be exceeding the square footage allowed by 27 square feet.

Recommendations: Staff would find it difficult to support the variance request to install a second freestanding sign. Staff would like to recommend an alternative by granting a variance to install one combined larger freestanding sign that would allow advertising for both the church and preschool. We would suggest that this sign be no larger than the total square footage of the two existing freestanding signs as they exist today (59.25 square feet).

Mr. Rehman indicated he submitted the sign request and was informed he would also need to submit a variance for a freestanding sign for the pre-school located on Mt. Zion Road, which is zoned R-20. The property is 11½ acres with a very large church and cemetery. The church is two separate functioning entities – the church and the preschool in the building. Each entity needs to convey their separate service message to the community through a sign. The existing sign needs to be replaced. This small sign is important to the people who work at the church and the community. Mr. Rehman stated the reasoning for the sign is to provide public awareness of the preschool. He noted there has been a freestanding preschool sign on the property for 20+ years. It has been replaced and/or painted throughout the years. They are proposing to replace the old sign with a smaller professional sign.

Mr. Rehman distributed photos illustrating signs in other locations in R-1, R-7, R-10, R-20 districts, showing churches or other establishments. He noted it appears that many similar variances have been given to churches and other organizations in Springettsbury Township, and that many signs that he saw seemed to be out of compliance.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant.

Charles Stuhr – 3680 Trountrun Road

Mr. Stuhr was in agreement with the church replacing the sign. His suggestion would be to incorporate the sign with the existing church sign – adding a strip on the top so they only have one sign as opposed to numerous signs.

Mr. Rehman indicated that the existing sign has a six foot limit so if he adds to the top it will exceed the allowable height. Also adding the sign to the top is not feasible since it is already 35 feet off the road. If it is placed under the existing sign it would not be visible.

The conditions for the granting of the variance were reviewed from §325-190 A-E.

Attorney Elliott stated the issue is whether the applicant has shown a hardship and if so, whether the proposed variance is the least modification that is necessary to be able to meet their needs. He noted the Township has proposed an idea which would try to accommodate the request and bring the signage on the property closer to coming into compliance with the ordinance. He noted this is in part a dimensional variance along with trying to take an existing nonconformity and bringing it closer to coming into conformity. He further stated it is the function of the Board to determine whether the variance as requested meets the criteria in the ordinance. If it does not, then the Board could go with the Township proposal and grant a conditional approval. Should the applicant determine they could not live with those conditions, it would be incumbent upon them to appeal that decision.

Upon further discussion, the following options for the applicant were suggested:

- Deny the variance request
- Allow the applicant to replace the existing sign with a comparable sign that would require a variance but it would provide a more appealing sign.
- Grant the variance with conditions, or
- Table the application allowing the applicant to amend it and present a new proposal, thus avoiding the process of reapplying and filing a new fee.

Mr. Rehman requested the application to be tabled at this time.

MR. PAPA MOVED IN THE CASE OF Z-11-09 TO TABLE THE REQUESTED APPLICATION FOR 60 DAYS. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY CARRIED

5. ADJOURNMENT

Chairman Achenbach adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Secretary

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