LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Meeting of September 25, 2008

Members in Attendance	Also in Attendance
Sara Jane Cate, Vice Chairperson	James Turner, Solicitor
Richard Freeburn	Dianne Moran, Planning & Zoning Officer
Gregory Sirb	

Docket # 1252

Applicant:	Country Inn & Suites, Chiggy Enterprises Bhupendra Patel
Address:	300 N. Mountain Road
Property:	1025 Peiffers Lane
Interpretation:	The maximum number of wall signs is two signs per wall on two walls (total 4). The applicant proposes three signs, one on each of three walls.
Grounds:	Article 7, of the Lower Paxton Township Codified Ordinances pertains to this application.

Ms. Cate explained that it is customary for the Board to enter the application and site plan as exhibits. The applicant had no objection to their doing so.

Dianne Moran, Planning & Zoning Officer was sworn in.

Ms. Moran testified that fees were paid on September 2, 2008. Advertisements were made in the Paxton Herald on September 10 & 17, 2008. Hearing notices were posted on September 16, 2008.

Ms. Moran stated that the maximum number of wall signs is two per wall, on two walls. The maximum area of a wall sign is 10% of the vertical building wall face to which the sign is attached. The applicant proposes three signs at 114.2 square feet each.

Bhupendra (Bo) Patel, Chiggy Enterprises, home address of 1902 Glendale Road Harrisburg PA 17112, was sworn in.

Mr. Patel stated Chiggy Enterprises is in the process of building a 78-room hotel at the Union Deposit Road exit off of I-83. There will also be a meeting room, indoor pool, breakfast area, business area et cetera.

Mr. Patel stated the ordinance allows for two signs on two walls. He is proposing a sign on the east and west wall, each one will be 114.2 square feet. The north face of the building is where he would like another sign to get exposure to the southbound traffic on I-83.

Mr. Freeburn asked if the hotel is in the planning stages. Mr. Patel stated it is under construction. Mr. Freeburn asked if it is next to the Holiday Inn Express. Mr. Patel stated the parking lot from Holiday Inn Express abuts his parking lot.

Mr. Freeburn stated the Holiday Inn Express has two wall signs, one on the east side and one on the west. They also have a monument sign. Mr. Patel noted their signs are very large compared to what he is proposing.

Mr. Freeburn asked if the Holiday Inn Signs are permitted. Ms. Moran stated they are allowed to be that large, the banners were up and basically reflected what the permanent signs will be. Mr. Freeburn stated that they are very large signs.

Mr. Freeburn was concerned that if the Zoning Hearing Board allows three signs for Chiggy, then how would the Board tell the Holiday Inn Express that they can't have three signs. Mr. Patel stated he is allowed four signs and they are asking that the third one be on a third wall. Mr. Freeburn and Ms. Cate thought the ordinance says that they can have one wall sign on each of two walls. Ms. Moran stated she interprets it that they are allowed two walls with two signs each, that means that Mr. Patel is entitled to four wall signs, using two walls. She noted that he is only putting one on each of two walls, and the variance request is for a sign on a third wall. Ms. Cate stated that there appears to be a mistake in the ordinance, and it does not make sense. Mr. Sirb asked if the intent if the ordinance is so that someone cannot paper each wall of a building with signs. Ms. Moran stated the old ordinance allowed 64 square feet, and the applicant could divide it up how they wanted. The current ordinance allows signage on two walls, using 10% of the wall face, and you can divide it how you need to between two signs.

Mr. Sirb asked what the hardship is to use the third wall and less signs. He suggested it is a compromise, and if the third wall was used, then there should be less signage. Ms. Moran stated that conditions can be attached to the variance to say that they cannot have the other two signs that would otherwise still be permitted, or condition the future of those walls in some way.

Ms. Cate stated she looked at the hotels in Lower Paxton Township, and most of them do not have any wall signs at all. Mr. Patel stated that the way the hotel is situated, drivers coming south will almost miss the building.

Ms. Cate asked if the applicant wants a wall sign on the north, the south and at the entrance. Mr. Patel stated he will put a sign on the east and west sides, and is requesting

a variance for a sign on the north wall. Ms. Cate asked if one sign on the back would serve the same purpose. Mr. Patel stated no, they would miss the building until they see the sign on the west sign. Ms. Cate thought they would see it. Mr. Patel agreed they would once they take the exit for Union Deposit Road, but they will not see it before the off-ramp. If there is a sign there they will see it almost a mile before.

Mr. Freeburn stated that he understands the compromise the applicant is seeking. The property is entitled to four signs, and the applicant is agreeing to one fewer sign, a maximum of three, if an additional wall is granted. Mr. Patel agreed, and further noted that the signs he wants are much smaller than what is allowed. Mr. Freeburn asked if the applicant would agree to not increase the size of the sign beyond which is shown.

Mr. Freeburn stated that the Holiday Inn wall sign comprises of a large H in a box, then Holiday Inn in script. He asked if that is one sign or two. Ms. Moran stated the new sign ordinance calculates a sign like that on page 7-11, the sign area is the sum of the two smallest adjoining rectangles.

Mr. Freeburn stated that if the Holiday Inn sign is considered a single sign, then they will come to the township for another huge sign on the other wall. Ms. Moran stated that a variance process would be required, and each hearing is judged on a case by case basis. Mr. Freeburn asked the difference between the two hotels' requests, and if the Zoning Hearing Board is essentially rewriting the ordinance. Mr. Turner stated Mr. Patel is asking for a sign that has an area of 114 square feet, and he is allowed 640, or 860 square feet. Mr. Patel noted that the 114 figure is based on boxing in the whole sign, if the area is measured using two adjoining rectangles, it comes out to 60.2 square feet. Mr. Freeburn stated that is a substantial reduction. Mr. Turner stated that is the answer to Holiday Inn. Ms. Moran stated that the flower accounts for 54 square feet of the sign even though a lot of that area is air space.

Mr. Sirb asked if the Holiday Inn would still be under the maximum area. Ms. Moran answered yes. Mr. Patel agreed that 10% of the wall space is pretty big.

Mr. Sirb stated a sign of 600 square feet would be allowed. Mr. Patel agreed that would be a huge sign, almost 20x30.

Ms. Cate asked if the applicant owns other hotels in the area. Mr. Patel stated he owns the Best Western on North Mountain Road in Lower Paxton Township. Ms. Cate stated there are no wall signs there. Mr. Patel stated there is one, on the side where the canopy is.

The Township had no position on this hearing, nor was there comment provided from the audience.

Mr. Sirb stated he is comfortable giving a variance as long as the substantial compromise can be documented. The applicant is really reducing the square footage, where he is allowed over 600, and is using 100. The stipulation should be added that the applicant cannot use the other wall. Mr. Patel agreed that was reasonable.

Mr. Sirb made a motion to approve the variance as submitted, with the following conditions: that no other signs be installed beyond what is presented with this application; that no other walls be used for signage; and, that the dimensions be restricted to what was presented with this testimony. Mr. Freeburn seconded the motion and a roll call vote followed: Mr. Freeburn-Aye; Mr. Sirb-Aye; and Ms. Cate-Aye.

The variance was granted.

The hearing ended at 7:29 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary