

**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.

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