

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of February 27, 2014

Members Present

Richard Freeburn  
Jeff Staub  
Sara Jane Cate  
Greg Sirb  
Alan Hansen  
Watson Fisher

Also in Attendance

James Turner  
Dianne Moran

**Docket 1352**

**Applicant:** Shogun Asian Fusion Hibachi & Sushi

**Address:** 5125 Jonestown Road, Suite 4B  
Harrisburg, PA 17112

**Property:** 5125 Jonestown Road, Suite 4B  
Harrisburg, PA 17112

Section 7 Planned Center Signs

The maximum number of wall signs in a multi-tenant building is one.

**Grounds:** Article 7. Planned Center Signs.

**Fees Paid:** January 15, 2014

**Property Posted:** February 17, 2014

**Advertisement:** Appeared in The Paxton Herald on February 12, 2014 and February 19, 2014.

The hearing began at 7:01 p.m.

Mr. Freeburn swore in Ricky Chen, 5125 Jonestown Road, Suite 4 B, Harrisburg, Pennsylvania, 17112. He explained that he is the owner of the business.

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

Mr. Freeburn questioned if the appropriate fees were paid for this application and was the property posted. Ms. Moran advised that the appropriate fees were paid on January 15, 2014. She

noted that the meeting was advertised in The Paxton Herald on February 12, 2014 and February 19, 2014. The hearing notices were posted on February 17, 2014.

Mr. Freeburn requested Ms. Moran to explain what codified ordinance pertains to this application. Ms. Moran answered that it is Article 7, Planned Center Sign Requirements. She noted that the maximum number of signs for a multi-tenant building is one. She noted that the application seeks a variance from the maximum number of wall signs requesting approval of a wall sign attached to the rear building wall.

Mr. Freeburn questioned if the applicant agreed to submit a copy of the site plan and application to the Township as exhibits. Mr. Chen answered yes.

Mr. Freeburn requested Mr. Chen to let the Board know what he proposes to do and why the variance should be granted. He noted that the Board has a good understanding from the application for what Mr. Chen proposes to do.

Mr. Chen noted that he came in to apply for a sign permit and was told that he could only put up a sign either on the store front or on the back of the building. He noted that he has been open for four months and people complain that they can't find his business since there is no sign to the rear of the building that faces the main thoroughfare inside the Towne Centre. He noted that their business is not visible from Jonestown Road as well. He noted that he receives many phone calls from people asking where they are located and in many cases; they drive the whole way to Costco only to find that they can't find the restaurant. He noted that the storefront faces the inside of the shopping center and not where the main traffic flow area is located.

Mr. Freeburn noted that the Grand Buffet use to have a sign on the back of the building facing the roadway. Mr. Chen answered that was correct. He noted that they had two signs.

Mr. Freeburn questioned if the Township has anything to add. Ms. Moran answered no.

Mr. Freeburn noted that the Grand Buffet had a sign to the rear of the building. Ms. Moran answered that they did. Mr. Freeburn questioned if it was a permitted use at that time. Ms. Moran answered that it was a permitted use for the sign ordinance that was in effect at that time.

Mr. Sirb noted that the restaurant is located in an odd place. He noted that the traffic flows from the rear of the building, noting that the back of the building is dark with no signage. He noted that it is an odd setup. He noted that a rear sign would be better for the traffic to view.

Mr. Freeburn questioned what size sign Mr. Chen proposed to put on the rear of the building if the variance was granted. Mr. Chen answered that it would be the same as the one on the front of building but it would only say Shogun Fusion and have the logo. He noted that the Asian Buffet Hibachi verbiage would not be included. Mr. Freeburn questioned if the sign would be lit. Mr. Chen answered yes. He noted that it would be a little smaller as it would not have the extra verbiage.

Mr. Staub questioned if Mr. Chen had any right to the old sign box. Ms. Moran answered no. Mr. Staub suggested that was odd. Mr. Sirb questioned if it expired with the original owner. Ms. Moran answered once it was taken down and abandoned; they lost the right to the sign. He noted that the variance was not for a location, it was about size.

Mr. Freeburn questioned if Mr. Chen had anything to say. Mr. Chen answered no.

Mr. Freeburn questioned if there was anyone in the audience that wished to be heard on this docket. No reply was heard.

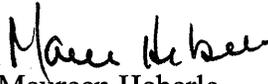
Mr. Freeburn noted that the Board has 45 days to render a decision with respect to this application and he questioned if any member of the Board wished to take action at this time on Docket 1352.

Mr. Sirb made a motion to approve the variance for the rear wall sign for Docket #1352. Mrs. Cate seconded the motion.

Mr. Freeburn requested Mr. Turner to conduct a roll call vote: Mr. Hansen, aye; Mr. Staub, aye; Mr. Sirb, aye; Mrs. Cate, aye; and Mr. Freeburn, aye. Mr. Freeburn noted that the application has been approved for the rear wall sign.

The hearing ended at 7:09 p.m.

Respectfully submitted,

  
Maureen Heberle  
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON  
: TOWNSHIP ZONING HEARING BOARD  
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA  
:  
SHOGUN ASIAN FUSION :  
HIBACHI & SUSHI : DOCKET NO. 1352

**DECISION GRANTING VARIANCE**

The applicant seeks a variance from maximum number of wall signs in a multi-tenant building. A hearing on the application was held on February 27, 2014.

**Facts**

1. The applicant and tenant of the property in question is Ricky Chen, d/b/a Shogun Asian Fusion Hibachi & Sushi of 6809 Clubhouse Drive, #G8, Harrisburg, Pennsylvania 17111.

2. The property in question is located on the interior of a large strip shopping center known as Paxton Towne Center. The property is known as 5125 Jonestown Road, Suite #4B. The applicant operates a restaurant on the property.

3. Due to the configuration of the shopping center, motorists must pass the back side of the restaurant and circle back through the parking lot to reach the entrance. The sign on the front of the restaurant faces the parking lot in the interior of the center and it is not visible to motorists entering the property.

4. The proposed sign would consist of the business name and logo. It would be internally illuminated.

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

6. No one other than the applicant appeared before the Board to testify either in favor of or against the proposed variance.

### **Conclusions**

1. Article 7 of the ordinance limits wall signs for a multi-tenant building to one. The proposed second 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 its internal location. This hardship is exacerbated by the fact that the front façade is perpendicular to Route 22 and it faces away from the entrance road. As a result the business has virtually no visibility to motorists.

4. Granting the variance will not be contrary to the public welfare nor will it impair surrounding property values. The sign will only be visible to motorists already in the center. Enabling motorists to identify their destination will prevent unsafe traffic maneuvers.

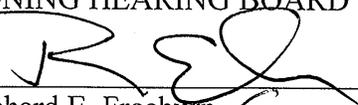
### **Decision**

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 second sign on the rear of the property known

as 5125 Jonestown Road, Suite 4B in strict conformity with the plans and testimony submitted to the Board.

Date: 3/19/14

LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD

  
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Gregory P. Sirb

  
Sara Jane Cate

  
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