

BEFORE THE BOROUGH OF MILLERSVILLE ZONING HEARING BOARD

IN RE: :
: :
APPLICATION OF : Case No. 2-2012
ST. PHILIP THE APOSTLE CHURCH :

DECISION OF THE ZONING HEARING BOARD

A. FINDINGS OF FACT

1. Applicant is St. Philip the Apostle Church, 2111 Millersville Pike, Lancaster, Pennsylvania 17603.
2. The property which is the subject of this application is located at 2111 Millersville Pike in the Borough of Millersville, Lancaster County, Pennsylvania.
3. Applicant is the owner of the subject property.
4. On September 26, 2012, Applicant filed a request for variances for four proposed signs on the subject property.
5. The application was advertised in a newspaper of general circulation October 10, 2012, and October 17, 2012.
6. The property was posted October 18, 2012, and signs were also placed at John Herr's Market and in the Borough Hall.
7. A hearing was held October 25, 2012. Appearing at the hearing were Ken Brent, a representative of the Applicant, as well as Ann Marie Hall and Albert Hall, Jr., representatives of Fastsigns, the sign contractor.
8. The hearing was stenographically recorded.
9. The subject property is located at the northeast corner of the intersection of Millersville Pike and Route 741.
10. Both roads are major roadways.
11. The property is improved with a church as well as a parking lot and accessory structures.
12. The church currently has two signs totaling 30 square feet in size.

13. In addition to the two permanent signs, the church also has a roll out sign with plastic letters that it uses for special occasions.

14. Applicant proposes to remove one of the existing permanent signs, retaining the other; and to provide three new permanent signs, for a total of four signs. The temporary roll out sign would be discarded.

15. The proposed four signs would total 166 square feet in area.

16. Sign No. 1 would be located near the southwest corner of the property, near the intersection of Route 741 and Millersville Pike. This would be a brick sign, approximately 30 feet long, and slightly curving. The height of the sign at the highest point of the pillars would be approximately 6 feet. The general design and appearance of the sign would be as identified as a "proposed sign 1" in Applicant's zoning application.

17. Applicant would erect two smaller signs, identified as "proposed sign 2 & 3" in Applicant's application, one on Route 741 at the entrance to the parking lot on the west side, and one on Millersville Pike.

18. Applicant testified that the smaller signs would be used to inform the public about activities and the schedule of worship services.

19. Applicant would retain the sign on Millersville Pike identified as "existing sign 4", but would add a new face to the sign.

20. As part of its application, Applicant submitted Special Exception Plan-exhibit "B", which was presented at the time of the hearing, showing, in general, the proposed location of the new signs. Applicant stated that the precise setback of each new sign had not been established, but agreed as a condition of approval that all signs be outside of any setbacks required by the Millersville Borough zoning ordinance or by the Department of Transportation, and, further, that no signs would be placed in a way as to interfere with the clear sight triangle at the intersection.

21. Although the message portion of the signs would be only 6 feet in height, ornamental portions of the signs would exceed the 6 foot height limitation.

22. Applicant stated that the existing sign on Route 741, on the west side of the property, would be completely removed. The roll out sign would be discarded.

23. No one appeared from Borough Council regarding the application.

24. Ed Arnold, Borough Manager and acting Zoning Officer, stated that the Borough supported the application so long as any Department of Transportation requirements were followed.

25. No one testified in opposition to the application.

26. Following the conclusion of testimony, the Board voted unanimously to grant the requested variances, as submitted, with the condition that Applicant must comply any requirements of the Department of Transportation and must meet required setbacks.

B. CONCLUSIONS OF LAW

1. The property is located in the R-1 Residential District.
2. The maximum signage allowed in the R-1 Residential District for permanent signs is 20 square feet.

C. DISCUSSION

A variance is properly granted in Pennsylvania when a property owner can show that, due to pre-existing physical conditions of the property which are not the fault of the applicant, strict enforcement of the zoning ordinance prohibits a reasonable use of the property.

In the present case, the subject property is 14.6 acres in size, and is located in the R-1 Low Density Residential District. The use, which pre-dates the ordinance, is non-residential.

The property is not only a dual frontage property, but fronts upon two busy roads, with traffic moving by, at least sometimes, at significant speed.

As an institutional use, Applicant has a need to identify itself and communicate its message to the community beyond the need normally associated with uses in the Low Density Residential zone. The church has a legitimate need to advertise the schedule of worship services, as well as special community events. Further, the church is a destination for persons who may be unfamiliar with the area who come to the church for weddings and other events. It is in the community interest to make sure that persons unfamiliar with the church can readily identify it.

The Millersville Borough zoning ordinance does not make any special allowance for the signage problems of dual frontage properties. Therefore, it is necessary for the possessor of such a property to seek variance relief regarding signage so that motorists approaching on either road will have an opportunity to identify their destination.

The board notes that some minimal relief from the height requirement of the sign ordinance is necessary because non-message portions of the sign structure will exceed the 6 foot height limitation. The board finds that a height variance is necessary in order to enhance the visibility of the signs. If the signs are going to be set back from the intersection sufficiently to ensure compliance with setbacks as well as the clear line of sight triangle, the signs will need to be readable by passing motorists. We find that, under the circumstances, a height variance is properly granted to deal with the unique physical circumstances of the subject property.

D. DECISION

AND NOW, this 25th day of October, 2012, the application of St. Philip the Apostle Church to erect three new signs, for a total of four signs, totaling 166 square feet, is granted, subject to the following conditions:

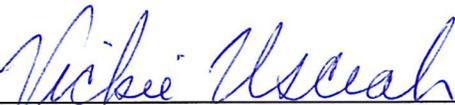
1. Applicant shall erect the signs substantially as depicted in Applicant's application.
2. Applicant shall erect the signs outside of applicable setback requirements and shall not locate the signs in a way that interfere with clear line of sight at the intersection, as defined by the Pennsylvania Department of Transportation.
3. Applicant shall discontinue use of the roll out sign.
4. Applicant shall comply with all other terms and conditions of the Millersville Borough zoning ordinance.

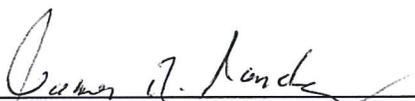
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