

# PENN TOWNSHIP ZONING HEARING BOARD

MINUTES OF FEBRUARY 11, 2010

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The Penn Township Zoning Hearing Board (ZHB) met on Thursday, February 11, 2010, at 7:00 p.m. in the Penn Township Municipal Building to conduct a hearing concerning the Mutzabaugh Family Limited, Docket # 2010-01. A list of visitors is on file in the Township Office.

Secretary conducted the roll call of the ZHB.

Present: JoAnn Glossner, Chairman  
Brian Foster, Vice-Chairman  
David Clark, Member  
Larry Watts, Alternate  
Dennis Shatto – Zoning Solicitor  
Helen Klinepeter- Secretary

### HEARINGS

The ZHB opened the hearing at 7:05 p.m.

See Transcript for testimony.

**Visitors Sworn In:** Ken Kilgore, Stanley Mutzabaugh, Helen Klinepeter

### Evidence Submitted:

Applicant:  
1 Sign Design

Ms. Glossner called the hearing to order at 7:02 p.m. Mr. Kilgore offered that he would like to amend the Zoning Application by withdrawing the portion of the request to place signs on the east and west of the canopy. Mr. Kilgore offered that the signs on the north side have been permitted. He continued that there were two reasons for the request, first that the canopy would look as one unit and as the Campus is utilized the identification would be needed. The second reason is that other fueling depots have signs on all four sides of the canopy. Ms. Glossner asked the size of the signs. Mr. Kilgore offered that the sign is 44 square feet. Mr. Shatto asked if the square footage included the price sign. Mr. Kilgore replied in the negative and that the price sign is mandated by the state; only the “Mutzabaugh” sign will be on both sides.

Ms. Klinepeter offered that the Board of Supervisors wanted to point out that in 2007 the ZHB granted a variance to Duncannon Investment Group for a sign on both sides of the building to be counted as one sign. The Board of Supervisors asks the ZHB to consider that variance as a precedent for this request and that the ZHB would grant the variance. Mr. Shatto asked if the Board of Supervisors feels that this could be treated as a single two sided sign and a variance would still be a need for the square footage. Ms. Klinepeter offered that yes to the sign being considered a single two sided sign but that the variance would be to grant the variance as was done with Duncannon Investment Group.

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Ms. Glossner called for an executive session at 7:15 p.m. and the hearing was reconvened at 7:30 p.m. Ms. Glossner called for a motion. Upon a Foster/Clark motion, the ZHB voted unanimously to grant the variance of the sign being considered a two sided sign.

After discussion, and upon a Foster/Clark motion, the ZHB voted unanimously to close the hearing at 7:35 p.m.

**MINUTES** – Secretary presented the minutes of January 12, 2010 for review. After discussion, and upon a Watts/Foster motion, the ZHB voted unanimously to approve the ZHB minutes of January 12, 2010.

### OLD BUSINESS

Mr. Shatto explained the history of the Berrier appeal and informed the ZHB that briefs are being requested from the Commonwealth Court.

### NEW BUSINESS

**Zoning Decisions Training** – Secretary informed that ZHB that there is training available and asked to be informed of the desire to attend before February 24, 2010.

**Case Law Review** – Secretary presented the Case Law Review for information from Barbara Van Horn.

Upon the completion of all business, and upon a Foster/Clark motion, the ZHB voted by majority to adjourn the ZHB meeting at 7:50 p.m.

Respectfully Submitted;

Helen Klinepeter  
ZHB Secretary