

# PENN TOWNSHIP ZONING HEARING BOARD

MINUTES OF DECEMBER 8, 2011

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The Penn Township Zoning Hearing Board (ZHB) met on Thursday, December 8, 2011, at 7:00 p.m. in the Penn Township Municipal Building to conduct hearings. 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  
Barbara Van Horn, Alternate  
Larry Watts, Alternate  
Lenny Sizer –Zoning Officer  
Dennis Shatto – Zoning Solicitor  
Helen Klinepeter- Secretary

## HEARINGS

The ZHB opened the hearing for GiGi McDade Smith at 7:00 p.m.

See Transcript for testimony.

**Visitors Sworn In:** Helen Klinepeter, Lenny Sizer, GiGi Smith and Doug Smith.

## Evidence Submitted:

### Applicant

A-1 Side of House to Back of House  
A-2 Front of House to Garage  
A-3 Garage from Neighbors  
A-4 Front of Garage  
A-5 Back of Garage  
A-6 Frontage from Fire House Road  
A-7 Frontage from Fire House Road  
A-8 Garage Sidewalk

Mrs. Smith offered that she is asking for a variance due to the garage being in front of the principle building. Mrs. Smith offered that due to her disabilities, she needs to have garage access with her electric car. Mrs. Smith showed the pictures of the location of the garage. She offered that the garage is in place with a temporary zoning permit. The garage measures 12' x 24'. The front of the garage is 88' from the road. The encroachment of the garage is 23'. The garage is further back than the surrounding homes.

The ZHB asked questions on the location and the features of the property.

Upon completion of the evidence, the ZHB went into executive session from 7:20 – 7:25 p.m.

After reconvening the hearing and upon a Foster/Clark motion, the ZHB voted unanimously to grant the variance of the garage encroachment of the garage of 23'.

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After discussion, and upon a Glossner/Foster motion, the ZHB voted unanimously to close the hearing at 7:26 p.m.

The ZHB opened the hearing for **Members 1<sup>st</sup> Federal Credit Union** at 7:30 p.m. Mr. Shatto offered that four of the five members are members of the Members 1<sup>st</sup> FCU and did not feel that this was a conflict. Mr. Strong concurred.

See Transcript for testimony.

**Visitors Sworn In:** Helen Klinepeter, Lenny Sizer, Bill Bowerman and James Strong.

### **Evidence Submitted:**

#### **Applicant**

A-1 Proposed Signs

A-2 Revised Incidental Signs

Mr. Strong offered that he is solicitor for Members 1<sup>st</sup>. Mr. Strong started with the Message Center Sign and is requesting relief as follows:

Request 1& 2 - Section 1501.3.b, Table 2 – Part A and 1501.2.x. He is requesting to be allowed 58.437 feet for the sign to rotate the message every 10 minutes. Mr. Shatto asked when the sign would be working. Mr. Strong offered that it would be on 24 hours. Mr. Foster asked what type of message would be on the sign. Mr. Bowerman offered that the sign would show time, temperature and normal information from a bank. Ms. Glossner asked why the odd size of the sign. Mr. Bowerman offered that the manufacturer sets the size of the sign depending on the standard sizes and information on the sign. It was asked why the changing of the sign every ten minutes. Mr. Bowerman offered that time interval was chosen because the majority of municipalities allow signs that are on the 10 minutes program. Mrs. Glossner asked why the signs are on at 2:00 a.m. Mr. Bowerman answered in case someone comes in or by at that time.

Request 3 – Section 1501.3.b and Table 2 Part B. He is requesting a variance to permit three incidental signs for a proposed 3.937 square foot.

Request 4 – Section 1501.3.b and Table 2 Part A. He is requesting a variance to allow seven building signs.

Request 5 – Section 1501.3.b and Table 2 Part A. He is requesting a total square footage of 66.109 square feet for the seven building signs.

Request 6 – Section 1501.3.b and Table 2 Part A. He is requesting to be permitted 11 proposed signs including Incidental Signs.

Request 7 – Section 1501.3.b and Table 2 Part B. He is requesting to be permitted a total area of 136.357 square feet for the 11 proposed sign.

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Ms. Strong explained the location of the signs requested and with the sizes. Mr. Shatto asked if there were other buildings similar to this one and if the number of signs were similar. Mr. Bowerman answered in the affirmative. Ms. Glossner asked if the signs could be shrunk. Mr. Bowerman offered that then it would be getting into size proportions. Mr. Bowerman offered that sign 7 and 8 could be eliminated for a total of 17.74 square feet.

Upon completion of the evidence, the ZHB went into executive session from 8:15-8:45 p.m.

After reconvening the hearing and upon a Foster/Clark motion, the ZHB voted unanimously to grant the variances of one free-standing sign of 58.437 square feet, two-sided and contains identifying information for the facility, as well as a message center. The message center will change the message once every 10 minutes. Three incidental signs are granted to direct motorists to specific points within the property. Two of these signs will be 2.625 square feet each and the third will be 3.937 square feet. There will be five building signs on the structure as follows.

1. Circular logo of 8.87 square feet.
2. Identifying sign of 15.208 square feet.
3. Identifying sign of 3.583 square feet above the ATM machine.
4. Logo of 5.50 square feet.
5. Identifying sign of 15.208 square feet.

If there are complaints about the lighting of the free-standing sign, the Applicant shall consider turning off the lights between the hours of 11:00 p.m. and 5:00 a.m.

After discussion, and upon a Glossner/Foster motion, the ZHB voted unanimously to close the hearing at 8:50 p.m.

The ZHB opened the hearing for **Rock Kat** at 8:51 p.m.

See Transcript for testimony.

**Visitors Sworn In:** Helen Klinepeter, Lenny Sizer, Jessica Brown.

### **Evidence Submitted:**

**None**

Ms. Jessica Brown explained that she is the manager of the Rock Kat Bar and Grill and is asking for a variance of Section 1502.x and Section 1502.ff. She offered that she would like to replace the signs on the building with a guitar shape sign with a u-channel for an LED light.

The sign is a total of 46 square foot. There will be a message board in the sign and will only change 8 times a day, as needed. The sign is 5 feet high from the roof of the building. The property is located at the end of Inn Road and runs along SR 11/15

Upon completion of the evidence, the ZHB went into executive session from 8:55 – 9:07 p.m.

After reconvening the hearing and upon a Foster/Clark motion, the ZHB voted unanimously to grant the variance request.

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After discussion, and upon a Glossner/Foster motion, the ZHB voted unanimously to close the hearing at 9:08 p.m.

**MINUTES** – Secretary presented the minutes of July 14, 2011 for review. After discussion, and upon a Clark/Watts motion, the ZHB voted unanimously to approve the ZHB minutes of July 14, 2011.

**NEW BUSINESS** – Secretary mentioned that David Clark's term is due to expire and a recommendation is needed to either reappoint him or someone else. Upon a Glossner/Watts motion, the ZHB voted unanimously to recommend the reappointment of David Clark.

Secretary handed out a case study on steep slopes for review.

Upon the completion of all business, and upon a Van Horn/Clark motion, the ZHB voted by unanimously to adjourn the ZHB meeting at 9:12 p.m.

Respectfully Submitted;

Helen Klinepeter  
ZHB Secretary