

ATHENS TOWNSHIP ZONING HEARING BOARD

June 2, 2014

Zoning Hearing Board members in attendance were: Solicitor, Gerard A. Zeller, Esq., John Baird, Rita Jo Swingle, Walt Haggerty, Alternate, Cindy Parrish, Zoning Officer, and Secretary, Elaine Daddona. Diane Marvin was unable to attend. Stenographer was Caitlyn Jurek of Verbatim Reporting. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman John Baird called the meeting to order at 5:01PM.

Steven Bell, TL Cannon Corp. (Applebee's)

Parcel #09-020.24-096-000-000

Application for Variance(s)

The applicant seeks (4) variances in total, including area lot width reduction from 150 feet to 113 feet and two variances to allow additional square footage of wall and free standing signs and one variance to permit taller free standing signage, and such other relief as determined by the Zoning Hearing Board.

Cindy Parrish, Zoning Officer, presented the application to the Zoning Hearing Board members for the property located at 500 N. Elmira St., Athens Township, Pennsylvania, being the former site of DeSisti's Trailer Court and proposed to be the site of Applebee's with a re-address of 1860 Elmira Street, zoned Commercial.

TL Cannon Corporation was represented by Marshall C. Hardy, P.E., Senior Project Manager of McFarland Johnson and Attorney Jonathan Foster presented testimony for the above application which began at 5:06PM.

The first variance regarding the minimum lot width states that as a result of the proposed subdivision of the property, the new 0.7 acres parcel along McDuffee Street has a lot width of 113 feet, while the Township Zoning Ordinance states that a Commercial district lot must have a minimum lot width of 150 feet.

The proposed site will require three sign variances as follows: Parallel Wall sign area-a maximum of 50 total square feet of wall, awning or canopy signs per every 20,000 sq.ft. of gross floor area is allowed in the Commercial District. Applebee's is requesting a total of 133.2 sq.ft. of wall signs, which includes four 33.3 square feet signs on the four exterior walls of the restaurant building.

Free-Standing sign area – a maximum of 75 total sq.ft. of free standing sign is allowed per Township Zoning Ordinance for establishments under 100,000 sq.ft. in the Commercial District. Applebee's is requesting a pylon sign with two panels totaling 175.2 sq.ft., the main panel with their name/logo (117.3sq.ft) and a lower panel with a manual variable sign area (57.9)sq.ft.

Free-Standing sign height-a maximum freestanding sign height of 20 feet is allowed in the Commercial District per the Township Zoning Ordinance. Applebee's is proposing a

freestanding sign height of 30 feet.

Testimony in the matter of the above variances by Mr. Hardy and Attorney Foster Page concluded at 5:45PM.

Attorney Damian Rossettie was present on behalf of Vincent DeSisti regarding Mr. DeSisti's ownership of the property proposed to be developed, as well as a 0.7 acre parcel that is being retained by Mr. DeSisti which is a residential lot presently zoned Commercial. A proposed subdivision has been filed with Athens Township Planning Commission to be reviewed on this date by the Athens Township Planning Commission. Mr. Rossettie stated that it is the intention of Mr. DeSisti following the completion of the subdivision process to file a Zoning Map Amendment application for the residual lot if the proposed development is approved.

Rita Jo Swingle, Zoning Hearing Board member, asked if the Zoning Officers had any concerns to the application. Cindy Parrish stated that they had a concern about the precedent allowing businesses to come in and ask for changes in the signage due to visibility concerns. Patricia Cole, resident of McDuffee Street and Daniel Stark, resident of Clinton Street testified regarding the application. Testimony concluded at 5:50PM.

Mr. Foster made a closing statement on behalf of the applicant, and Mr. Rossettie made a closing statement on behalf of Mr. DeSisti which concluded at 6:02PM. Executive session of the Zoning Hearing Board began at 6:02PM to reach a decision in this matter, and reconvened at 6:25PM.

Attorney Zeller asked Mr. Foster, the applicant's attorney, if they would waive receiving a written Decision within the 24-hr. period, and he stated they would.

Attorney Zeller asked for the vote of the Zoning Hearing Board as follows:

Lot Width variance of 37 ft.: Vote unanimously to grant a variance for the subdivision of the lot that creates a nonconforming lot with a frontage of 113 feet instead of 150 feet conditioned on the owner utilizing the lot as a residential property and having the Zoning Ordinance amended to rezone the property residential.

Wall sign size variance of 83.2 sq.ft.: Vote unanimously to grant a variance for two (2) wall signs for a total of 66.6 square feet consisting of 33.3 square feet each for the west and south sides of the building which is in excess of the allowed 50 square feet.

Freestanding sign variance of 100.2 sq.ft.: Vote unanimously to grant a variance for a freestanding sign consisting of two parts of 175.2 square feet instead of the allowed 75 square feet.

Height of the Pylon sign variance of 10 ft.: Vote unanimously to grant a variance for a 30 foot high pylon sign instead of the allowed 20 feet.

The meeting was adjourned at 6:35PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary

