

ATHENS TOWNSHIP ZONING HEARING BOARD

November 22, 2016

Zoning Hearing Board members in attendance were: Solicitor, Andrew Hutz, Esq., Chairman John Baird, Rita Jo Swingle, Kirstie Lake, Ed Reid, Zoning Officer, and Secretary, Elaine Daddona. Stenographer was Christine Reynolds of CSR Reporting. Sign-in sheet was available for all others in attendance and is hereby attached.

Chairman John Baird called the meeting to order at 6:30PM.

Robbins Sign Co. LLC

Parcels #09-007.10-039-002-000; #09-007.10-039-000-000

Application for Variances

The applicant, represented by Kelly Jo Hunink, is requesting a variance under Article 7, Section 704 (B)(2)(d) of the Athens Township Zoning Ordinance to allow for the total sign area of a canopy sign to exceed (twenty-five) 25% of the face area. A variance under Article 7, Section 704 H(2) of the Ordinance to allow a freestanding sign to exceed twenty (20) feet in height above the average grade of the property. A variance under Article 7 Section 704 (B) of the Ordinance to allow the total business sign to exceed four hundred and seventy five (475) square feet, and such other relief as determined by the Zoning Hearing Board.

Ed Reid, Zoning Officer, presented the application to the Zoning Hearing Board members for the property located at 2789 Elmira St., Athens Township, Pennsylvania, zoned Commercial.

Testimony began with the applicant representative, Kelly Jo Hunink on behalf of the Robbins Sign Company, LLC for signage at the former Xtra Mart property, now to be occupied by Mirabito. It was stated that the variance requested under Article 7 Section 704(B) of the Zoning Ordinance to allow the total business sign to exceed four hundred and seventy-five (475) square feet **would not** be necessary and therefore would be withdrawn as a request. The other variances for the canopy signs and freestanding sign are still requested.

Chairman Baird stated the Board would like to discuss the variances separately and went into executive session at 6:45PM. The hearing resumed at 7:00PM to consider the variance for the freestanding sign to exceed twenty (20) feet in height above the average grade of the property. Motion by Rita Jo Swingle to grant the variance on the request, per Page 1 of 9 of the applicant's photographs, that to not grant the variance would cause a change from the signage standard and cause additional work from the Company, amended by Chairman Baird to add that it was being changed regarding the height for safety reasons, and motion and amendment seconded by Kirstie Lake. Roll call vote was "Yes" from all Board members and motion carried.

The hearing resumed to consider the requests for the canopy signs to exceed twenty-five per cent (25%) of the face area. After a discussion with Ms. Hunink regarding the variance requests, Attorney Hutz asked if she would like to delay a decision of the Board on the gas canopy (east side) would, if approved by Mirabito, be moved to come in compliance with the Ordinance, and she stated she did not. Executive session therefore began again at 7:30PM and the remaining variances were discussed. The Board reconvened at 7:40PM. Motion by Rita Jo Swingle to grant the variance on the diesel canopy (on the east side) with the condition being to get both of the vinyl signs (north and south sides) within the twenty-five per cent (25%) compliance of the Zoning Ordinance and channel stays as is, second by Kirstie Lake, and motion carried.

Page 2
Athens Twp. Zoning Hearing Board
November 22, 2016

The Decision of the Board for the gas canopy sign (the lighted channel side) was that the applicant representative be granted a stay to determine from Corporate by the next meeting of the Zoning Hearing Board on December 27, 2016 regarding whether or not she would need a variance, and that she only needs to come back to the Board if she actually still should require the variance for this signage. The applicant's representative agreed to waive the 24-hr. time constraint to receive a written Decision of the Board.

Motion by Rita Jo Swingle to approve the Minutes of May 24, 2016 as read, seconded by Kirstie Lake, and motion unanimously carried.

The meeting was adjourned at 7:50PM, as there was no further business to discuss.

Respectfully submitted,

Elaine J. Daddona, Secretary