

HANOVER TOWNSHIP ZONING HEARING BOARD

OF NORTHAMPTON COUNTY, PENNSYLVANIA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application of : R. J. Schinner
Application dated : March 25, 2021
Property : 3863 Courtney Street

The Hanover Township Zoning Hearing Board after conducting a hearing on Thursday, April 22, 2021, on the petition of R. J. Schinner Co. and after denying the petitioner's requested variances from the sign ordinance, hereby makes the following Findings of Fact and Conclusions of Law in support thereof:

1. The subject property has an address of 3863 Courtney Street and a tax parcel identification number of M6-15-10L-3. It is located a PIBD – Planned Industrial Business District, one of the employment districts in the zoning ordinance.
2. From the application, the owner of the property is Triple Net Investments 56, LLC, and the applicant is a lessee.
3. The petitioner did not appear remotely at the zoom hearing. The petitioner's sole witness was David delos Santos, a representative from the sign company, D-Signs.
4. Appearing at the hearing on behalf of the Board of Supervisors was Anthony Giovannini, Jr., Esquire, of Broughal & DeVito, Solicitors to the Township.
5. Without objection by Attorney Giovannini, Mr. delos Santos read into the record the letter dated March 15, 2021, of Mike Wentland, Vice President of Operations of R. J. Schinner Co. Inc., authorizing D-Signs to speak and act for R. J. Schinner during any meeting with regards to the sign variance.

6. Mr. delos Santos testified that the subject building was recently constructed on this lot, that the building constructed is a warehouse facility for wholesale distribution, and that the applicant occupies the entire building.

7. He referred to the picture of the building on the lot which was attached to the application. The proposed sign is superimposed on this picture of the building at its proposed location. He further indicated that the dimensions with regards to the sign as shown on this page of the application have not changed.

8. Mr. delos Santos confirmed that the lettering height is 5 foot 1 inch for the letters R and J and 2 foot 6 inches for the letters S C H I N N E R, and that the total sign has a width of 20 feet 7 inches. The sign area would therefore be in excess of 104 square feet.

9. He testified that the location of the sign would be at the top of the building as depicted on the picture. From the picture it appears that the front entrance to the building faces Highland Avenue while the access to the lot itself is from Courtney Street.

10. Upon further questioning, Mr. delos Santos acknowledged that this sign was on the applicant's former building located in another municipality and the applicant desires to utilize the same sign on this building. On cross-examination by Attorney Giovannini, Mr. delos Santos acknowledged that he was aware of the sign provisions applicable to this zoning district.

11. Mr. delos Santos provided no explanation for the departure from the sign ordinance other than in his opinion, if the provisions of the zoning ordinance were followed, the sign would not be readily visible. He did not indicate that any efforts were made to propose a sign that came closer to complying with the ordinance.

12. Section 185-19D(3) of the ordinance regulates signs located in the employment districts. Subsection (a) thereof does permit a free-standing sign for each building. Mr. delos Santos did not provide any testimony indicating that the applicant considered meeting its sign needs by complying with the free-standing sign section of the ordinance.

13. Subsection (c) does provide individual uses to have wall-mounted signs subject to the regulation that the area of such a sign does not exceed 16 square feet. The subject sign, in excess of 104 square feet, is grossly in excess of that requirement.

14. Subsection (c)[1] provides that the maximum height of the lettering be 8 inches. The subject sign having a letter height of 5 feet 1 inch and 2 feet 6 inches is again greatly in excess of that requirement.

15. Subsection (c)[2] of the ordinance provides that the letters be located 4 to 10 feet above grade. The proposed sign, at the top of the building, is greatly in excess of that requirement.

16. Subsection (c)[3] provides that the sign be located on or near the user's door. It is clear that the proposed location of the sign is nowhere near the user's door. Further on cross-examination, Mr. delos Santos acknowledged that there are plenty of areas on the building where it might be possible to locate a wall sign that would be much closer to the user's door than the proposed sign.

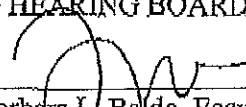
17. This Board has made it clear in prior decisions dealing with these same sections of the sign ordinance, that the intent of these provisions is simply to allow the user to identify the actual location of the entry to the building confirming someone has arrived at the correct place. It is not intended to allow the user to have wall-mounted signs large enough to be visible from a road. In this case, the road is not even a road adjacent to the applicant's building.

18. The Board finds that the applicant has failed to meet its burden of proof for the grant of a variance. In particular, the applicant has failed to show any unique conditions on this lot that create a hardship. Therefore, it likewise has failed to show that the proposed relief is the minimum relief that would be necessary in order to meet such conditions. Further, it has failed to show why a free-standing sign might not meet those needs. In short, the Board concurs with Attorney's Giovannini's argument that the proposed sign is completely out of character with the sign provisions as it relates to employment districts in the ordinance and that the applicant has simply provided no basis to justify the Board deviating from those sign provisions and granting a variance.

WHEREFORE, the Hanover Township Zoning Hearing Board adopts the above Findings of Fact and Conclusions of Law and denies the requested variances for the proposed sign.

HANOVER TOWNSHIP
ZONING HEARING BOARD

By: _____


Barbara L. Baldo, Esquire,
Chairperson

Dated: May 28, 2021