

**ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Application No. Z-7-2015

Applicants: Bruce A. Goodman, Seymore Rubin, and
The 2012 Judith J. Goodman Investment Trust
c/o Goodman Properties
636 Old York Road, 2nd Floor
Jenkintown, PA 19046

Owners: Same

**Subject
Property:** Tax Parcel No. 9-14-30-2 which is located 1661 Easton Road,
Warrington, PA 18976.

**Requested
Relief:** The Applicants request a variance from §175-109.B.3.a.1 of the
Doylestown Township Zoning Ordinance (“Ordinance”) in order
to permit a freestanding sign for a shopping center in the C-2
Zoning District to exceed 75 square feet per side. Additionally,
they request a variance from §175-109.B.3.a.2 to allow a
freestanding sign to exceed 20 feet in height. Further, the
Applicants request modification of conditions of variance relief
granted by this Board in 1995 so as to modify the size of the
upper panel on the proposed freestanding sign; to permit more
than six separate stores to be identified below the identification
panel; and to permit each identification panel to exceed 40 square
feet in size.

**Hearing
History:** The application was filed in Doylestown Township on December
1, 2015. The hearing was held on January 28, 2016 at the
Doylestown Township Building, 425 Wells Road, Doylestown,
PA 18901.

Appearances: Applicants by: Michael J. Savona, Esq.
Eastburn and Gray, P.C.
60 E. Court Street
Doylestown, PA 18901

Mailing Date: February 19, 2016

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.

2. The Applicants are the Owners of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the C-2, Commercial Zoning District of Doylestown Township. It is 17.47 acres in size and accommodates the Doylestown Pointe Plaza, which is a multi-store shopping center. The use of the Subject Property as a shopping center (Use E14) is permitted by right in the C-2 Zoning District, pursuant to Ordinance §175-71.A.

4. The shopping center was originally constructed in the 1960s. It located most of the stores along the rear property line of the Subject Property as viewed from Route 611, with a large parking field between the stores and Route 611. A separate freestanding building is located on the northwest corner of the Subject Property, occupied by the Uno Pizzeria and Grill, located near the intersection of Almshouse Road and Route 611.

5. There is a monument sign identifying the Uno facility located along Route 611, which sign remains unchanged by this application.

6. The shopping center has two vehicular access ways, one from Route 611 and the other from Almshouse Road.

7. A freestanding sign exists in the proximity of the Almshouse Road entrance which, although the Applicants propose to refurbish it, will remain at the same height, size and location.

8. In addition to the Uno Pizzeria, there are 18 other commercial tenants occupying store fronts in the shopping center including: Schuylkill Valley Sporting Goods, Sleepy's, a Pennsylvania State Store, H&R Block, Sears Hardware, Hair Cuttery, Executive Cleaners of Doylestown, Pet Supplies Plus, Little Gym, GameStop, Chuck E. Cheese's, AT&T, Redner's Warehouse Market, Manhattan Bagel, Orangetheory Fitness, Hand & Stone Spa, Coco Nail Saloon, and Mei Ting Asian Cuisine.

9. The location of the two freestanding signs, and the monument sign, is as depicted on Exhibit B-1.E, a "Record Plan (Final)", prepared by Chambers Associates, Inc., dated October 5, 1994, last revised April 4, 1995.

10. In addition to the three signs previously identified, each of the commercial tenants features wall signage on their respective store fronts.

11. In 1995, the Applicants applied for and received a number of variances from this Board related to signage on the property as set forth in Exhibit B-1.A, a copy of the Decision of the Doylestown Township Zoning Hearing Board, dated October 19, 1995.

12. Among the variances granted in that Decision was a variance from §109-B.3.a.1 to permit the erection of the freestanding pylon sign on the Route 611 frontage of the Subject Property with an area of 150 feet, instead of the 75 feet required by that Ordinance provision.

13. This variance was granted subject to three conditions:

1. that the upper panel contain an identification panel for the shopping center not less than 40 square feet;
2. that no more than 6 separate stores be identified below the identification sign; and
3. that each identification panel not exceed 40 square feet in size.

14. This application relates to the existing freestanding sign along Route 611. It seeks a variance from §175-109.B.3.a.1, which limits the area of a freestanding sign for a shopping center in this district to 75 square feet per side, in order to increase the per side area from the existing 150 square feet to 230 square feet per side.

15. It also seeks a variance from §175-109.B.3.a.2 to allow the height of the freestanding sign of 31 feet 6 inches, instead of the 20 feet maximum height permitted thereby.

16. The most significant geographic feature of the Subject Property is the fact that virtually all of it lies significantly below the grade of Route 611 and portions of Almshouse Road. Additionally, the shopping center layout leaves approximately 400 feet between Route 611 and the majority of the storefronts.

17. The Applicants' evidence established that these conditions make it difficult for passing motorists to locate the individual stores in the shopping center and that the Route 611 pylon sign is the safest and most effective method of conveying the location of these stores to vehicular passersby.

18. The Board's previous decision established that prior to the Applicants' purchase of the shopping center, it was in a deteriorating condition. The Applicants, after purchase, substantially remodeled and reconstructed the shopping center, resulting in a significant upgrade.

19. The Applicants have established that, in recent years, it has become increasingly difficult to attract new commercial tenants due, largely, to the inability to list more than 6 of the tenants on the Route 611 freestanding sign.

20. Presently, approximately 2/3 of the commercial tenants in the shopping center lack visibility on the Route 611 sign.

21. Bruce A. Goodman, who testified on behalf on the Applicants, established that the stores not listed on the existing pylon sign fail to perform as well as those identified on it. New commercial tenants insist upon a presence on the pylon sign and, in the past, potential commercial tenants have lost interest in the property when they were informed that they could not be identified on the Route 611 pylon sign. According to Goodman, this situation has begun to threaten the continued viability of the shopping center.

22. The Applicants further seek to modify the three conditions that were imposed upon the 1995 Route 611 signage variance and to eliminate specific panel sizing requirements and the limitation on the number of commercial tenants that may be identified on the sign.

23. Goodman established the importance of signage in the shopping center business generally and that significant well-lit, well situated signage is necessary to insure success, particularly given the new interaction and pressure between bricks and mortar stores and online retailers.

24. The new 611 sign proposed will be at the same width as the existing sign (10 feet), but 8 feet taller, adding 80 square feet to its existing size. The height proposed, of 31 feet 6 inches, is necessary to accommodate that additional area. The supporting structure for the sign remains the same.

25. The evidence established that the increased signage area will enable placement of new tenants on the sign and enable the retention of existing tenants by locating their identity on it.

26. It will be internally illuminated with LED lighting. There will be no flashing or moving images on the sign.

27. The Applicants presented Exhibit B-1.F, a letter from the Board of Directors of the Greens of Doylestown Homeowners Association, which represents a residential development located to the west of the Subject Property on Almshouse Road, indicating no opposition to the variance relief requested.

28. In addition, two residents of the Greens of Doylestown appeared at the hearing with no objection to the changes to the Route 611 sign proposed, provided that the size, location and height of the existing Almshouse Road sign remain the same.

29. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW¹

1. The Subject Property has been developed and used as is permitted by right in the C-2 Zoning District in which it is located.

2. The signs that exist on the Subject Property result from variances granted by this Zoning Hearing Board in Exhibit B-1.A. When granted, they enabled adequate and safe identification of the stores in the shopping center.

3. The Board is satisfied that changed circumstances require an increase in the Route 611 freestanding sign size so as to enable the property Owners to determine the correct proportion of the size of signage panels identifying commercial tenants, as well as the number of commercial tenants to be displayed there.

4. The Board is satisfied that the variances sought, as well as the modifications of conditions previously imposed, are necessary to maintain the commercial viability and competitiveness of the shopping center on the Subject Property.

5. The Board further concludes that the determination of the size of the panels and the number of tenants to be displayed on the Route 611 sign is more appropriately made by the Owners of the Subject Property in order to insure presence of the commercial tenants on the signs with sufficient sign area to allow safe identification of the location of these tenants within the shopping center by passing motorists.

6. The competent evidence presented leads the Board to conclude that, if the relief requested in this application is granted, there will be no negative impacts upon surrounding properties or uses.

7. The evidence establishes that the relief sought by the Applicants is the minimum variance necessary.

8. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.

9. The Applicants have presented evidence of sufficient factors to warrant the grant of the dimensional variances requested.

10. Accordingly, the Doylestown Township Zoning Hearing Board determined to grant relief to the Applicants and the Subject Property as is set forth hereafter.

¹ All Conclusions and the Board's Decision resulted from a 2-1 majority vote of the Board. Board Member Richard Gaver voted against the motion to grant relief.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS the following variances from the Doylestown Township Zoning Ordinance:

1. §175-109.B.3.a.1, to permit the freestanding sign fronting on Route 611 to be 230 square feet in size per side; and
2. from §175-109.B.3.a.2, to allow the Route 611 fronting freestanding sign to be 31 feet 6 inches in height.

Further, the Board eliminates the conditions of approval imposed by the Exhibit B-1.A related to the size of individual identification panels on the proposed sign or the limitation on the number of commercial tenants that may be identified on it.

The relief herein granted is subject to compliance with all other applicable governmental ordinances and regulations.

**ZONING HEARING BOARD OF
DOYLESTOWN TOWNSHIP**

By: /s/ William J. Lahr
William J. Lahr, Chairman

/s/ Mitchell Aglow
Mitchell Aglow, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.