

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

Application No. Z-6-2012

Applicant: Heritage Gateway Center, LP
865 Easton Road, Suite 250
Warrington, PA 18976

Owner: Same

Subject
Property: Tax Parcel No. 9-22-1-1, which is located at 1980 S. Easton
Road, Doylestown, PA.

Requested
Relief: The Applicant requests a variance from, and/or a modification of,
a 2006 Doylestown Township Zoning Hearing Board Decision in
order to allow the placement of up to six tenant plaques on the
existing freestanding monument signs on the property, instead of
four such plaques, to which they were entitled under that
Decision.

Hearing
History: The application was filed in Doylestown Township on November
5, 2012. The hearing was held on December 17, 2012, at the
Doylestown Township Building, 425 Wells Road, Doylestown,
PA. 18901.

Appearances: Applicant by: Giovanna M. Raffaelli, Esq.
865 Easton Road
Warrington, PA 18976

Date of Issuance: **January 22, 2013**

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 Applicant is the Owner of the subject property and is therefore possessed of the requisite standing to make application to this Board.
3. The subject property is located in the VC, Village Center Zoning District of Doylestown Township. It has been developed as a 32,000 square foot, 2-story office building, with accessory parking, known as "The Gateway Center".
4. Pursuant to Ordinance §175-109.A.1.b.2, since the subject property fronts on three public streets, there are presently three freestanding monument signs on the subject property, each facing one of its fronting streets.
5. On April 14, 2006, the Applicant received variance relief from this Board to enable each of the free-standing signs to be 32 square feet in size, subject to a condition that: "The text will allow the listing of no more than four (4) of the property's tenants on each of the signs."
6. The structure on the subject property was originally envisioned to accommodate one tenant. However, at the time of the hearing on their 2006 variance application, the Applicant indicated that they expected four tenants and hence offered a condition to limit the number of tenant plaques on the requested sign to four.
7. The structure now accommodates seven tenants, six of whom request a presence on each of the freestanding signs.
8. Compliant with the condition, each of the signs now contains four tenant plaques. By removing some of the words on the existing sign, the Applicant can achieve the placement of six tenant plaques on the existing freestanding signs, without increasing their size.
9. Dr. Michael Dachowski, an oral surgeon, testified that his office is located on the subject property. His practice involves the performance of emergency oral surgery to patients referred to him by dentists and not familiar with his office location.
10. Dr. Dachowski established that he has experienced patients circling the property without locating it and then searching elsewhere for the office location.
11. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW

1. The Applicant seeks a modification of a condition contained within this Board's previous Decision. Accordingly, the Applicant is not required to prove a hardship in order to obtain relief, rather only that there has been a change in circumstances since the relief was granted which justifies it without negative impact upon surrounding properties or uses.

2. The Board concludes that the condition was originally imposed, not to comply with any ordinance requirement, but consistent with the request of the Applicant.

3. The Board finds it necessary for commercial tenants to have their presence depicted on identification signs for a multi-tenant commercial property.

4. Dr. Dachowski's testimony evidences the necessity for the location of his tenant plaques on the signs on the subject property.

5. The Board concludes that since the size of the signs is not proposed to change, there is no negative impact from the increase of the number of tenant plaques as requested.

6. The Board concludes that the grant of the relief requested will have no negative impact upon surrounding properties or uses.

7. The Applicant has satisfied its burden of establishing the necessary change of circumstances to warrant the modification of the condition of zoning relief earlier granted.

8. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request as set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Doylestown Township GRANTS a modification of a condition of variance approval received by the Applicant regarding the subject property as described in Exhibit "B-1.b", a Decision of this Board issued on April 14, 2006, so as to permit the continued existence of a sign area of 32 square feet on each of the three freestanding signs existing on the subject property, subject to the condition that the text on each of the signs will allow the listing of no more than six of the property's tenants. This relief is further conditioned upon compliance with all other applicable governmental ordinances and regulations.

ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP

By: Andrew McPherson, Isl
Andrew McPherson, Chairman

William J. Lahr, Isl
William J. Lahr, Vice Chair

Richard K. Gaver, Isl
Richard K. Gaver

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.