

## **FAIRVIEW TOWNSHIP ZONING HEARING BOARD**

Fairview Township Municipal Building  
7471 McCray Road, Fairview, Pennsylvania 16417  
Tel: 474-5942, Fax: 474-1199

### **APPEAL NO. 4**

July 3, 2012, 7:00 PM

Owner: St. Stephen's Episcopal Church  
Property Subject to Appeal:  
1070 Dutch Road, Fairview, PA 16415  
Index No: (21) 22-11-183

### **FINDINGS OF FACT:**

1. The public hearing on July 3, 2012 was called to order at 7:00 P.M. by Vice-Chairman Kim Palmer. Others present at the hearing were as follows: Board Members Bonnie Miller, George Harmon, Keith Farnham, Proposed Alternate Board Member David Biletnikoff, Solicitor Edward Betza, Fairview Township Supervisors Peter Kraus and Ralph Heidler, Secretary Judy Schroeck, Fairview Township Planning and Zoning Administrator James Cardman, and Court Stenographer Sondra Black.

Introductions were given and hearing procedures were reviewed. The oath was administered to those wishing to give testimony.

2. The secretary verified the hearing had been advertised with legal notice in the Erie Times News on June 18 and 25, 2012. A copy of the legal notice was posted on the property on June 22, 2012, on the Township bulletin board and web site on June 20, 2012 and mailed to 23 area residents within a 200 foot radius. The summary for Appeal No. 4 was read requesting approval for a variance related to size to construct a 58 square foot two-sided illuminated sign in an R-2 Suburban Residential District. The owner filed an appeal (No. 4) after being denied by the Zoning Officer to construct the above sign. (A copy of the owner's building permit application and appeal application is attached and incorporated by reference as Exhibit "A") (A copy of Section 827 of the Ordinance is attached and incorporated by references Exhibit "B").

3. Jim Cardman, Planning and Zoning Administrator, testified that Section 827 A 1 and 2 states that Residential and Agrarian districts limit the size of signs for churches to twelve (12) square feet and that the variance request is for a thirty-two (32) square foot sign. The Church is requesting a twenty four (24) square foot variance.

4. Don Meeder, committee member of the Church, testified that they are asking for a larger sign with brick pillars because they need to replace the existing sign. They would like to list the name of the Church along with the services, pastor's name and information for the pre-school along with illumination on both sides. Mr. Meeder also stated that the sign will be located 35 feet from the road because of a water line running across the front of the property and so that the sign will not hinder the view pulling out of their driveway. Mr. Meeder submitted several pictures (Exhibit C) of existing stone gateways and neighborhood entrance signs located across the street and immediately to the north of the church property.

5. Jim Cardman verified that the Fairview Township Zoning Ordinance limits signage to twelve (12) square feet **total** for all signs on a parcel.

6. Mr. Meeder testified that no other signs on the property will remain and that the lettering will be permanent and not able to be changed and will not be electronic.

7. Mr. Richard Trabinger, 7730 Rosina Drive, Fairview, is a property warden of the church and spoke in favor of the request. He testified that they need to replace the existing sign and believes that the new sign will enhance the property and will match the existing brick of the church building.

8. Lucile Sledge, 6651 Manchester Farms Road, Fairview, PA spoke in opposition to the request and stated that she received notice of the proposed variance and was surprised and concerned by the size of the proposed sign. She asked the Supervisors and the Board to please keep in mind the large size of the sign.

#### **CONCLUSIONS OF LAW:**

1. The application was properly brought before the Board for consideration with proper legal advertisement and posting of the property.

2. The Board felt the requested signage was too large for a residential neighborhood.

3. The Board considered all of the facts and was of the opinion that the size variance to construct thirty-two (32) square foot sign should be denied as requested. The Board would grant a size variance for up to a twenty-five (25) square foot sign.

#### **Section 827                      SIGNS**

1. Temporary sign such as signs advertising the sale, rental or development of property, temporary signs indicating the location and direction of premises and not exceeding four square feet in area temporary signs erected by churches, schools, civic organizations or other similar institutions provided the area of the sign does not exceed 12 square feet are permitted.
2. Permanent signs erected by agricultural uses and by churches, schools, civic organizations or other similar institutions shall not exceed 12 square feet in area.

A motion to deny the variance request was made by George Harmon. There was no second. A motion to deny the variance request as proposed but to grant a variance for a sign not to exceed twenty-five (25) square feet was made by Keith Farnham and seconded by Judy Miller. George Harmon was opposed to the motion. Motion passed 2-1.

Meeting adjourned.

Respectfully submitted,

Judy Schroeck, Secretary ZHB