

ZONING HEARING BOARD OF LOWER PROVIDENCE TOWNSHIP

APPLICATION NO.	Z-19-22	:	
		:	
APPLICATION OF:		:	
Forge U4, LLC		:	Hearing Date: October 24, 2019
2620 Egypt Road		:	
Eagleville, PA 19403		:	
		:	
		:	
PROPERTY:		:	
Parcel 43-00-04831-55-6		:	
South Trooper Rd, Condo 4		:	

OPINION, DECISION AND ORDER OF THE LOWER PROVIDENCE TOWNSHIP ZONING HEARING BOARD

INTRODUCTION AND BACKGROUND

The applicant, Forge U4, LLC, seeks variance relief to erect a sign that is 45.58 square feet, to be affixed to a 5 story hotel building (Tru by Hilton). The application states alternate grounds for relief. If the proposed relief is considered a wall sign, the request is for a variance from ordinance 143.141.3.K(1) because the proposed 45.58 square foot sign is 14 percent larger than the 32 square foot limit in the ordinance.

The application was properly advertised, and a public hearing was held before the Lower Providence Township Zoning Hearing Board (the “Board”) on October 24, 2019 at 7:00 p.m. at the Lower Providence Township Building. The following members of the Board were present: Kathie Eskie, Chairperson; George Ozorowski, Vice Chairman; Patricia Alzamora, Member; Joseph Pucci, Member; Gail Hager, Member; and Robert Hardt, Alternate. Joseph E. Bresnan, Esquire served as special counsel to the Zoning Hearing Board.

No person sought party status or presented comments or questions of any kind. Testimony was limited to that of Applicant, in the person of Brad Macy. Applicant was represented by Bernadette Kearney, Esquire.

FINDINGS OF FACT

1. The following Board exhibits were admitted:

B-1. Copy of application;

B-2. Notice of Hearing;

B-3. Certificate of Posting;

B-4. Certificate of Notification.

2. The following Applicant exhibits were admitted:

A-1. An 11 tab packet of exhibits in support of application.

3. Applicant seeks to install a second sign on its proposed Tru hotel by Hilton.
4. The proposed sign will be 45.58 square feet and will be mounted on the south elevation of the building.
5. It will be internally lit and may stay lit at all hours insofar as the hotel will always be open.
The brightness of the sign can be controlled.
6. Pursuant to the definitions in Ordinance 143-139, the proposed sign is a wall sign simply because it is a sign to be affixed to the exterior wall of a building. The proposed sign also would appear to be an upper identification sign. Although Ordinance 143.141.3.K.(1), which addresses upper identification signs, does not expressly define them, it applies to identification signs mounted on the upper exterior portion of buildings exceeding three stories in height.

CONCLUSIONS OF LAW

1. The Applicant has standing to appear before the Board regarding the requested relief.
2. Applicant has sustained its burden of proof and is entitled to the requested relief.
3. Although the Board would vote to grant the relief regardless whether the proposed sign is a wall sign or an upper identification sign, it interprets the sign as an upper identification sign because such is the more specific definition and as a general rule, the specific controls over the general.

{ ORDER FOLLOWS ON NEXT PAGE }

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ORDER

For the reasons set forth in the foregoing decision, the Order of the Lower Providence Township Zoning Hearing Board is as follows:

The Board interprets the sign presented in the application as being an upper identification sign and the request for a variance from Ordinance 143.141.3.K(1) is GRANTED. Applicant may locate a second upper identification sign on the hotel, to be 45.58 square feet in size. The second sign will be affixed to the southern elevation of the hotel.

{ SIGNATURE PAGE FOLLOWS }

Z-19-22, ORDER

**LOWER PROVIDENCE TOWNSHIP
ZONING HEARING BOARD**

Kathie A. Eskie, Chairwoman

George J. Ozorowski, Vice Chairman

Gail Hager

Joseph Pucci

Patricia Alzamora