

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

Docket No.: Z-2-24

Applicant: Expedite The Diehl LLC
6487 Hilliard Drive
Canal Winchester, OH 43110

Owner: KRT PROP HLDGS INC
c/o Ryan Property Tax Dept
200 E. Broward Boulevard, Suite 1410
Fort Lauderdale, PA 33301

Subject Property: Tax Parcel No. 09-014-037-003, which is located at the address of the Applicants set forth above.

Requested Relief: Applicant seeks variances for size and number of signs to be placed on a single proposed retail use within a shopping center.¹

Hearing History: The application was filed in Doylestown Township on January 23, 2024. The hearing was held on February 22, 2024, at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicant, *Pro Se*

Mailing Date: April 8, 2024

¹ The matter was originally advertised requesting approval for number of signs and location of signs. Specifically requesting two (2) wall signs for the proposed building location, where one (1) wall sign is permitted (a variance from §175-111.2.B(1)(b) of the Doylestown Township Zoning Ordinance (“Ordinance”)), and (seeking 82.08 square feet (sf) of signage for the west elevation of the building, and total sign area for both building elevations of 307.08 sf (a variance from §175-111.2.B(1)(a) of the Ordinance). During the course of testimony, Applicant clarified and reduced the scope of relief.

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 authorized representative of the lessee of the retail space within the shopping center located upon 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. The Application indicates that the lot area is 25.749 acres. The property supports an existing shopping center, currently under repair, renovation, and reuse. The leased premises at issue is proposed for the end retail unit, on the northern end of the existing shopping center building.

4. Applicant proposes a sign package for the space leased by “honeygrow”, a retail food establishment featuring “wholesome and simple” prepared foods, like customizable stir-frys, salads, and honeybars.

5. Applicant submitted exhibits with the Application and discussed same during the course of the hearing held. The exhibits showed general location and orientation of the leased space on the subject site, and provided sign detail, as follows.

- a. The shopping center property is located with frontage on both Almshouse Road and Easton Road (SR 611), wrapping around the property located directly at the northeast corner of Almshouse and Easton Roads.
- b. The leased space at issue, within the shopping center, is located at the northern corner of the existing shopping center building (closest to the previous “Barn Cinema”).
- c. The building is not oriented perfectly parallel to Easton Road, but it does have considerable frontage along Easton Road.
- d. The exterior of the leased space is undergoing renovation to include an “architectural feature” which will rise above the general façade of the existing shopping center and be placed at an angle to the existing building (that is perpendicular to neither the front façade, nor the side façade).

6. Applicant’s exhibit (Exhibit D2 to ZHB-1) represents that the front façade of the leased space is 30.0 linear feet. The sign for the front façade, advertising “honeygrow” “stir-fry * salad * honeybar”, to be located on the proposed architectural feature, is proposed at 75.83 sf in area. A variance is required in that allowable area is 1.5 times linear frontage, or 45 square feet.

7. Applicant's exhibit (Exhibit D5 to ZHB-1) represents that the proposed blade sign measures 6.25 sf, containing the "HG" honeygrow logo and projects perpendicular to the wall. The sign is to be illuminated. The Township has suggested that this sign be treated as a directional sign. The Zoning Hearing Board finds that the blade sign proposed does not meet the definition of a "Directional sign", in that it does contain a "commercial message"; is greater than "four square feet in area"; and, is illuminated. Applicant requires a variance for the proposed blade sign. See, §175-106.

8. Applicant's exhibit (D3 to ZHB-1) represents a proposed non-illuminated wall sign, consisting of the "HG" logo, on the side of the building, facing the north, with primary exposure to the northern parking area, as well as the signalized entryway to the shopping center from Easton Road. Exhibit D3 to ZHB-1 represents that the northern façade of the leased space measures 86.0 linear feet.

9. "Building sign" is a defined term within the Doylestown Township Zoning Ordinance. See, §175-106.

10. A building sign may be a "Wall" or "Fascia"/façade sign as opposed to a directional or blade sign. ("Blade sign" is the term used within Applicant's exhibits. The Ordinance provides for a "Projecting sign"). See, §175-106.

11. Applicant indicated that the additional signage is needed due to the existing orientation of the building, the unusual shape of the property, and the uneven topography, along with placement of the lot along a busy state road, Easton Road.

12. No one spoke in opposition to the application.

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

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used as a shopping center, which is a permitted use within the C-2 Commercial Zoning District in which it is located. The premises at issue is a leased retail unit within the shopping center.

2. Applicant seeks variances, from §175-111.2.B(1) of the Doylestown Township Zoning Ordinance, for size and number of signs, within the commercial district, to be placed on the building facades of the leased space for the single proposed retail use within the shopping center.

3 §175-111.2.B(1) of the Doylestown Township Zoning Ordinance, reads as follows.

§175-111.2 Signs in Commercial and Industrial districts (C-1, C-2, C-3, C-4, Q, LI).

The following types of signs and no others shall be permitted, contingent upon the securing of a sign permit, except where permits are specifically exempted by this article:

B. Building signs shall be permitted subject to the following regulations.

(1) Permanent sign(s).

(a) The total area of all building signs for non-residential uses shall be limited to 1.5 square feet per linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations. Where the nonresidential use is a multitenant establishment, the area of the signs for each establishment is limited to 1.5 square feet per linear foot of building frontage of each individual establishment and is subject to the same maximum size limitations.

(b) Number: one sign per tenant per street frontage, up to a maximum of two signs per tenant.

(c) Height: signs shall have a maximum height equal to the eave line.

4 Variance number one: Applicant requires relief to exceed the size of the primary building sign, located on the architectural feature, and advertising the name of the business. The sign is permitted. The location is permitted. But the sign is oversized when calculated pursuant to Ordinance (1.5 times linear square feet of street frontage of leased space (i.e. 30.0 linear feet x 1.5 yields 45 square feet of permitted signage)). Applicant seeks 75.83 square feet of signage.

5 Variance number two: Applicant requires relief for the blade sign, technically a projecting sign. While the sign may serve the general purpose of directing patrons to the use, the sign fails to meet the definition of “directional sign”, which would be exempt from the sign

standards. Applicant technically needs a variance for the sign itself (greater than one sign per tenant – with commercial messaging), the size of the sign (maximum 4.0 sf permitted. 6.25 sf requested), and illumination.

6 Variance number three: Applicant requires relief for the building sign proposed for the northern façade. A variance is required for greater than one sign per tenant. Once granted, the location is permitted, in that, a building sign may be placed facing a public street or parking lot. Applicant is also seeking a size variance. Applicant seeks a 176.62 sf sign. Based upon the linear square footage of that side of the leased space, the maximum permitted would be 129 sf.

7 The ZHB concludes that, but for the size of the second wall sign (on the northern side of the building), the Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variances requested under the relaxed variance standard applicable to dimensional variance cases, as articulated by the Pennsylvania Supreme Court, in Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d. 43 (1998).

8 The ZHB grants all variances requested except for the size of the wall sign on the northern wall. That sign will be permitted but limited to no greater than 129 sf in area.

9 The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses.

10 The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

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

12 Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief, for the most part, as is set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS a variance from §175-111.2.B(1)(b) and §175-111.2.B(1)(a) of the Doylestown Township Zoning Ordinance to permit a wall sign package proposed for a proposed retail use within an existing shopping center, which exceeds number and size of signs permitted.

The relief granted permits Applicant to place the following signs on the corner retail space:

1. Front wall sign at 75.83 sf in size.
2. One (1) blade sign (projecting wall sign) under the covered shopping center promenade, illuminated, and 6.25 sf in area.
3. Side wall sign, limited to 129 sf total area, to support the proposed “honeygrow” logo mural, based upon Applicant’s representation, and further subject to confirmation, that the leased space along the side wall is 86 linear feet (north elevation – Exhibit ZHB-1-D3, sign C).

The relief granted is subject to Applicant complying with all other applicable governmental ordinances and regulations, including obtaining appropriate sign permits and confirming dimensions of wall space for the leased premises as part of the application process.

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**ZONING HEARING BOARD
OF DOYLESTOWN TOWNSHIP**

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

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary