

**PEQUEA TOWNSHIP  
ZONING HEARING BOARD  
Minutes of – December 6th, 2016**

The members of the Pequea Township Zoning Board met on December 6th, 2016 at 19:00 hrs. in the conference room of Pequea Twp Municipal Building. The meeting was called to order by Chairlady Johns.

**Members Present:** Jackie Johns, James Haines, Tom Haas and Mark Meyer

**Absent:** Robert Mellinger

**Court Reporter:** Kelly Snyder

**Zoning Officer:** Tiffany Parry – Solanco Engineering

**Old Business:** A motion was made to approve the July 5th, 2016 meeting minutes by Tom Haas, seconded by Jim Haines, with all in favor.

**New Business:**

**Special Exception and Variance Consideration** – A request by Lancaster Outdoor, LLC for a property located at 3320 Willow Street Pike, Willow Street, PA 17584 for the consideration of a Special Exception pursuant to Sections 1003.7 and 1406.C.2 and a Variance pursuant to Section 1406.D – Maximum Height Requirement of the 2015 Pequea Township Zoning Ordinance, for the installation of a billboard and dynamic display sign. The property is located within the Industrial Zoning District.

**The Hearing:**

Sworn in for formal recognition:

Tim McGovern – Outdoor LLC, 1650 Crooked Oak Drive, Suite 310, Lancaster Pa., 17601

Ruth Smoker – 3480 Willow Street Pike, Willow Street PA 17584

Daryl and Elizabeth Mills – 3565 Willow Street Pike, Willow Street PA 17584

Jeff Frey – Owns farm adjoining Fleming Tile

Sam Fleming Jr. – Owner Fleming Tile, 3320 Willow Street Pike, Willow Street PA 17584

Tiffany Parry stated property at 3320 Willow Street Pike was posted 11-23-16. She also stated she reviewed the application and confirmed property is in the Industrial District and all requirements of the application process have been met.

If approved by the ZHB, a zoning permit will still be required.

Tim McGovern addressed the ZHB Members and went thru the application as follows: Submitted revised billboard plans showing 35 feet in height instead of the 25 feet as spelled out in the zoning guidelines:

Submitted 2 colored pictures showing below grade condition:

Advised billboard will be more than 1000 feet away from the current proposed billboard approved for JR Reynolds as required by the current zoning regulation. Mr. McGovern testified not knowing exactly where the JR Reynolds billboard will exactly be, his billboard is approx: 1300 feet from the northern boundary of the Reynolds Property.

The sign will meet all State and Federal requirements:

Reviewed property boundaries, set back and topography:

Reviewed photos of below grade condition, explaining the request for the additional 10 feet in height and location of Billboard:

Closest residence is more than the required 300 feet away:

Discussed design 10 X 30 feet in size and will be “V” shaped with the south face being dynamic and north face being static single LED light.

South face of sign will be dynamic 24 hrs. a day, 7 day a week. Sign will automatically dim at dusk to minimize brightness after dark. The sign will also comply with industry lighting guidelines as follows: no greater than 3/10 foot-candle power @ 300 feet. (NOTE: Pequea Township current zoning ordinance does not address this issue).

Sign will be maintained by Outdoor LLC and property sign sits on will be maintained by Fleming Tile:

It was also clarified this billboard is a “for rent” sign with paid advertisement. Sign cannot be used to advertize Fleming Tile, if it did it would make it an onsite sign which would not comply with current zoning:

Jackie Johns questioned the signature of the owner, cannot read it and wanted clarification on whose it was. Mr. McGovern testified it was Sally Fleming.

Jackie also questioned the size, drawing shows a 2 foot apron which would make the face 12 wide instead of the permitted 10 feet. Mr. McGovern testifies the 2 foot apron is being used to “hide” the frame work and has nothing to do with the sign. After a review and discussion involving Tiffany, according to the ordinance, this 2 foot apron would be considered part of the sign face. Mr. McGovern testified he would remove the apron.

Jackie Johns questioned who would actually own the sign. Mr. McGovern testified Outdoor LLC would own the sign and is leasing the ground off of Fleming Tile.

Daryl Mills questioned section 1406B – 1 all signs shall reflect the general character of the neighborhood.

Elizabeth Mills spoke they will now be between 2 lighted signs. Property used to be owned by Boehm Family. Their valley has lots of nocturnal animals. Concerned how this

lighting would affect them. When EM Herr put their lighted sign in it shined directly into their front window. Is screening a possibility?

Dr Mast testified the light off this sign would shine right towards his house on Herrville Rd, across 272 from Fleming Tile.

Sam Fleming testified he is in the Industrial Zone and he works hard at keeping the property neat. The extra income off this sign would further help him afford college educations for his children. He has been in business for 16 years.

ZHB broke for executive session @ 20:05 hrs and after a brief discussion returned @ 20:18.

Jackie Johns addressed the attendees; she is concerned with the resident's opinions. Historic properties will be affected. Signs in the Industrial District are permitted but not a right. Also concerned that a "non property" owner owns the sign.

Mark Meyer also addressed the attendees. While he did listen to the neighbors concerns and feels for them, bottom line is Pequea Township mandated this area as an Industrial District. Mr. Fleming keeps this property neat and clean, and to deny a land owner the opportunity to better his living is wrong.

Mark Meyer made a motion to approved the Special Exception and allow the sign. Motion dies due to lack of a second.

Jackie Johns then made a motion to deny the Special Exception, which also died due to lack of a second.

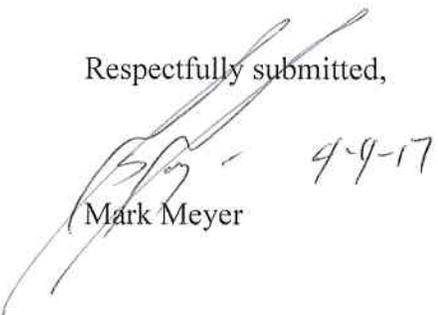
Solicitor Janice Longer then made a ruling motion is denied due to lack of a vote.

Meeting Adjourned 20:25.hrs.

**The Decision:**

On December 7, 2016, the Pequea Township Zoning Hearing Board denied the Special Exception/Variance Application for a digital billboard and height variance at 3320 Willow Street Pike, Willow Street, Pennsylvania 17584, in Pequea Township, pursuant to Section 1406.C.2 of the Township's Zoning Ordinance.

Respectfully submitted,

 9-9-17  
Mark Meyer

Zoning Hearing - December 6, 2016 Sign-in Sheet

Tiffany Pany, Solanco Engineering - Zoning Officer

Samuel A. Mills 3510 Willow Street Pike

Ian Shannon 3400 Willow Street Pike

Tim McGovern 4619 N Progress Ave Hbg

Elizabeth Mills 3510 Willow Street, PA

Jeffrey Frey 13 Adel. St Rd. W.S. Pa.

Kurt Swoyer 3480 Willow Street PA

Sam Fleming 3520 Willow Street Pk

Dan Mart 105 Henville Rd Willow St Pk