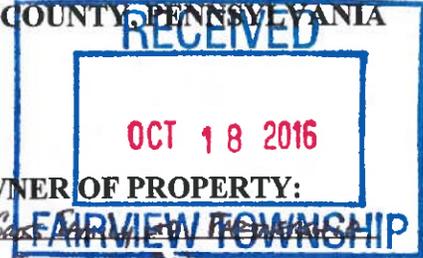




ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA



❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: MARTIN GROSS FAMILY LTD. PARTNERSHIP  
Address: 542 INDUSTRIAL DRIVE  
LEWISBERY, PA 17339  
Phone: 717-932-8361

EXISTING OWNER OF PROPERTY:

Name: MARTIN GROSS FAMILY LTD. PARTNERSHIP  
Address: 542 INDUSTRIAL DRIVE  
LEWISBERY, PA 17339

PROPERTY LOCATION:

Address: 2 LAUREL ROAD  
NEW GUMBERLAND, PA 17070  
Lot Size: 5.2 ACRES  
Date Purchased: 6-22-11  
Location: Parcel# 27000 22000 1A 000000

PRESENT USE OF PROPERTY:

Commercial  
  
EXISTING ZONE: Commercial

❖ Part 2:

ZONING REQUEST (Identification of the applicable request(s)):

- ( ) SUBSTANTIVE CHALLENGE
- ( ) SPECIAL EXCEPTION
- (  ) VARIANCE
- ( ) APPEAL OF THE ZONING OFFICERS DECISION

2016-07

SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the specific section(s) of the Zoning Ordinance involved in the request):

300-67 GENERAL PROVISIONS FOR ALL SIGNS  
(A) LIMIT ON SIGN AREA - IF THE BUILDING HAS MULTIPLE FRONTAGE, AN ADDITIONAL SIGN AREA OF TWO SQUARE FEET FOR EACH LINEAL FOOT OF MAIN BUILDING FRONTAGE SHALL BE ALLOWED.

❖ Part 3:

DESCRIPTION OF REQUEST:

SOUTH SIDE OF BUILDING DOES NOT HAVE ANY ROAD FRONTAGE PER SE. THIS SIDE IS HIGHLY VISIBLE FROM I-83.

REQUESTED VARIANCE - Allow two square feet of signage per linear foot on the south side of the building. THIS SIDE = 140 FT.

❖ Part 4

LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 300 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
Robert + MARTHA GENTZLER (Cuthbert's STEAK HOUSE)	1 Laurel RD, NEW CUMBERLAND, PA 17070	RESTAURANT
Tom + Mary Long	450 LOCUST RD. NEW CUMBERLAND, PA 17070	Residence
CLAIR JEWELBAKER	447 LOCUST RD. NEW CUMBERLAND, PA 17070	Residence
DALE + RITA KALLER	441 LOCUST RD. NEW CUMBERLAND, PA 17070	Residence
Alex + JARAH THOMAS	432 LOCUST RD. NEW CUMBERLAND, PA 17070	Residence
CHAD + BEVELLY ANOVIC	431 LOCUST RD. NEW CUMBERLAND, PA 17070	Residence
RICKIE + JENNIFER WUNSCH	430 LOCUST RD. NEW CUMBERLAND, PA 17070	Residence
Bruce + Jane Schroyer	428 LOCUST RD. NEW CUMBERLAND, PA 17070	Residence
Fishing Creek Community Assoc. FIRE DEPT.	520 LOCUST RD. NEW CUMBERLAND, PA 17070	FIRE DEPT EMS
Fishing Creek Community Assoc.	520 LOCUST RD. NEW CUMBERLAND, PA 17070	ATHLETIC FIELDS

**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**MARTIN GROSS FAMILY LTD** : **YORK COUNTY, PENNSYLVANIA**  
**PARTNERSHIP** : **DOCKET NO. 2016-07**

**DECISION GRANTING A VARIANCE TO**  
**SECTION 300-67 RELATING TO SIGN LOCATION AND AREA**

The Applicant applied for a variance to the Fairview Township Zoning Ordinance, Section 300-67.A, with respect to the location of a proposed sign on the south side of the building located at 2 Laurel Road, New Cumberland, PA 17070. A hearing on the application was held on November 17, 2016 at 7:00 p.m. at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

**FINDINGS OF FACT**

1. The Applicant is Martin Gross Family LTD Partnership, 542 Industrial Drive, Lewisberry, PA 17339. The Applicant is the owner of the property located at 2 Laurel Road, New Cumberland, PA, which is the subject of this application.
2. The Applicant is requesting relief to add signage to the south side of the existing commercial structure along the east side of Interstate 83.
3. The Applicant's property is 5.2 acres in area and located in the Commercial Business Zoning District of Fairview Township. The building has street frontage on the north, west, and east sides. However, the south side, which has excellent visibility to traffic in the north bound lane of I-83, does not have street frontage and, therefore, signage is not permitted on that side of the building without Ordinance relief.

4. Notice of the hearing was properly advertised; the property was properly posted; and all neighboring property owners required to be notified of the hearing were notified in accordance with the Township Ordinance and the Pennsylvania Municipalities Planning Code.

5. Testifying for the Applicant was Matthew Hood, 7640 Carlisle Road, Wellsville, PA. Mr. Hood is Chief Engineer for one of the Applicant's companies.

6. The Applicant proposes to place a sign measuring approximately 6' x 8' on the south side of the building, a location with very high visibility to traffic on I-83 northbound. The property adjoining the south side of the Applicant's premises is open area used for parking for the midget football association and the Fairview Township Community Association which owns the property. There is also a cell tower on the Community Association property, near to the subject premises.

7. The Community Association property to the South of the subject building is not residentially occupied or otherwise used in any manner which would make a sign objectionable. Therefore, the request for placement of a sign on that side of the applicant's building should be allowed.

### CONCLUSIONS

1. The Applicant has the burden of establishing entitlement to the requested variance, which is not a use variance, but a sign location variance which is dimensional in nature.

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicant has established its entitlement to the sign location variance as requested. The sign shall be limited to the size allowed by the size formula under the Ordinance, as determined by the Fairview Township Codes Administration Office.

DECISION

On the basis of the foregoing findings and conclusion and on the basis of all the testimony and evidence presented at the hearing, the application for a variance to the Fairview Township Zoning Ordinance, Section 300-67.A, to allow location of a sign on the south side of the Applicant's building at 2 Laurel Road should be granted. The sign shall be limited to the size allowed by the size formula under the Ordinance, as determined by the Fairview Township Codes Administration Office.

The application was approved as stated upon the motion of Mr. Maxwell, seconded by Mr. Bashore and adopted 2-0 by the Board Members present and voting.

Dated: December 15, 2016

By:   
James C. Maxwell, Chairman

Distribution:  
Applicant