IN RE: APPLICATION OF EDGE FITNESS, LLC

BEFORE THE ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

APPEAL NO. 05-20

DECISION

The Zoning Hearing Board of Tredyffrin Township (the “Board”), after proper advertisement, met on Thursday, February 27, 2020 to hear evidence on the Application of Edge Fitness, LLC (the "Applicant") for a variance for the property located at 706 W. Lancaster Avenue, Suite B, being Tax Parcel No. 43-11K-58 (the “Property”). The requested variance is from Section 208-126.B of the Zoning Chapter of the Tredyffrin Township Code of Ordinances (the “Code”) to permit a 245.7 square foot wall sign and a 92.7 square foot wall sign. The Applicant was represented by Daniel P. Rowley, Esquire. Christopher Beson testified on behalf of the Application.

Present at the hearing were Chairperson Daniel McLaughlin and Members Neill Kling and Lindsay Andreuzzi. Also present at the hearing were Michael Pilotti, Senior Building, Code & Fire Official, and Amanda J. Sundquist, Esquire, Solicitor for the Board. No one sought party status.

At the conclusion of the hearing, the Board rendered the herein decision. The Applicants waived the time period for issuance of this written decision.

I. Findings of Fact

1. The following exhibits were admitted as evidence at the hearing:

Exhibit B-1 Application with attachments;

Exhibit B-2 Proof of Publication of the notice in the Daily Local News;

1 The Applicant originally sought a 281.1 square foot wall sign, and 103.2 square foot wall sign. The Applicant amended its request at the hearing to reflect reduced sign area.
2. The hearing was duly convened, and the Applicant presented evidence in support of the Application.

3. The Property is located at 706 W. Lancaster Avenue, Suite B, Tax Parcel No. 43-11K-58.

4. The Applicant is a tenant in the Devon Square Shopping Center.

5. The owner of the Property is Carnuntum Associates, L.P.

6. The Devon Square Shopping Center is located in both Tredyffrin and Radnor Townships, but the Applicant’s location is entirely within Tredyffrin Township.

7. The Property contains a mix of commercial uses, with one primary building and two pad sites.

8. The primary building is currently occupied by Acme, Target and the proposed Edge Fitness.
9. Edge Fitness will be leasing a portion of the primary building that was occupied by K-Mart prior to 2017.

10. The primary building faces West Lancaster Avenue.

11. The Property can be accessed by two driveways on West Lancaster Avenue, two driveways on Sugartown Road, and through the adjoining Devon Square Business Center.

12. The Devon Square Business Center contains offices, banks and a hotel.

13. The Applicant proposes to install two wall signs: (1) a 245.7 square foot sign on the northern facing building façade (toward West Lancaster Avenue); and (2) a 92.7 square foot sign on the western facing building façade (toward Devon Square Business Center).

14. The proposed wall signs have a smaller proposed square footage than originally proposed in the Applicant, because the Applicant recalculated the sign area after submission of the Application.

15. Section 208-126.B limits the wall sign area to a maximum of 40 square feet.

16. The location of Edge Fitness is set back approximately 450 square feet from West Lancaster Avenue, a substantial set back

17. There is significant landscaping along West Lancaster Avenue and within the shopping center parking lot that reduces visibility of wall signs on the primary building.

18. The Applicant also proposes a western facing sign, as there is ingress and egress to the Devon Square Business Center, which contains uses that are complimentary and a source of membership to Edge Fitness.

19. Sign visibility is critical for a fitness center that relies upon “drive-by-and-see” advertising.

20. The proposed wall signs will be internally lit LED signs.
21. The proposed wall signs will not be flashing or neon signs.
22. Clare Lewis offered public comment.
23. No one appeared to oppose the Application.
24. The proposed variance will not alter the character of the neighborhood.
25. Granting the proposed variance will not be injurious to the neighborhood or otherwise be detrimental to the public health, safety and welfare of the community.

II. Discussion

Section 208-150 of the Code empowers the Board to grant variances from the terms of the Code. The Municipalities Planning Code and existing case decisions provide that variances from a zoning ordinance may be granted owing to any physical circumstance or condition of the property which causes unnecessary hardship, and which hardship is not self-created. In addition, applicants for a dimensional variance need not be held to the same strict standards imposed on applicants for a use variance. Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43 (Pa. 1998).

The primary building where the Edge Fitness will be located is set back approximately 450 feet from West Lancaster Avenue, and is screened by substantial landscaping along West Lancaster Avenue and within the parking lot. The distance combined with the landscaping will make it difficult of a 40 square foot sign to serve its purpose. Granting the proposed variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare of the community.

III. Conclusions of Law

1. The hearing was duly advertised, all required notices were given, and the hearing was duly convened.
2. The Board has jurisdiction over this matter.

3. The Applicant has established entitlement to the requested variance relief.

The Board, therefore, enters the following:

ORDER

AND NOW, this 31st day of March, 2020, confirming the Board’s written decision of February 27, 2020, upon consideration of the Application of Edge Fitness, LLC for a variance from Section 208-126.B of the Code to permit a 245.7 square foot wall sign facing West Lancaster Avenue to the north, and a 97.2 square foot wall sign facing the Devon Square Business Center to the west, for the property located at 706 West Lancaster Avenue, Suite B, being Tax Parcel No. 43-11K-58, in the C-2 Commercial District of the Township, IT IS HEREBY ORDERED that the relief requested shall be GRANTED.

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

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DANIEL F. McLAUGHLIN, Chairperson

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NEILL KLING

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LINDSAY ANDREUZZI
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