IN RE:
APPLICATION OF
MORGAN PROPERTIES, T.A.
DEVON LANTERN OWNER, LLC

BEFORE THE ZONING HEARING BOARD
OF TREDYFFRIN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA
APPEAL NO. 04-20

DECISION

The Zoning Hearing Board of Tredyffrin Township (the “Board”), after proper advertisement, met on Thursday, May 28, 2020, to hear evidence on the Application of Morgan Properties, T.A. Devon Lantern Owner, LLC (the "Applicant") for a variance from Section 208-125.A(4) of the Zoning Ordinance of Tredyffrin Township (the “Code”) to permit internal illumination of a sign at the property located at 300 Avon Road, Devon, PA 19333, being Tax Parcel No. 43-11K-57.1A (the “Property”). The Applicant was represented by Debra Shulski, Esquire. Lauren Werkiser and Richard B. Crawford, testified on behalf of the Application.

Present at the hearing were Chairperson Daniel McLaughlin, and Members Neill Kling, and Mark Sheppard. Also present at the hearing were Michael Pilotti, Senior Building, Code & Fire Official, and Amanda J. Sundquist, Esquire, Solicitor for the Board. No one appeared to offer public comment or sought party status.

The Applicant waived the Municipalities Planning Code (“MPC”) time period for delivery 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  March 17, 2020 continuance e-mail;

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1 As a result of the Covid-19 disaster emergency, the hearing was held virtually via Zoom.
2 The Applicant also sought a variance from Section 208-125.B(3) to permit a second freestanding sign (Sign “1” in the Application), as well as a variance from Section 208-125.A(4) to permit internal illumination of Sign “1”. It was determined subsequently to the filing of the application that Sign “1” is located in Radnor Township and therefore, no relief was required.
3 The sign at issue in this Application is designated as Sign “2” in the Application and hearing materials.
Exhibit B-3 April 15, 2020 continuance e-mail;
Exhibit B-4 April 21, 2020 Act 15 of 2020 Letter;
Exhibit B-5 Proof of Publication;
Exhibit B-6 Affidavit of Posting;
Exhibit B-7 Affidavit of Mailing;
Exhibit A-1 Zoning Hearing Board Application;
Exhibit A-2 Property Deed;
Exhibit A-3 Aerial Photograph;
Exhibit A-4 C.V. of Richard B. Crawford;
Exhibit A-5 Sign Package; and
Exhibit A-6 Street Graphics Report.

The Code and Zoning Map are incorporated herein by reference.

2. The hearing was duly convened, and the Applicant presented evidence in support of the Application.

3. The Property is located at 300 Avon Road, Tax Parcel No. 43-11K-57.1A.

4. The Property is located in the R-4 Residential Zoning District.

5. The Owner of the Property is Devon Lantern Owner, LLC.

6. The Applicant is Morgan Properties.

7. The Applicant is authorized to appear on behalf of the Owner.

8. The Property was purchased in 2019.

9. Located on the Property is Stonegate at Devon Apartment Homes, which is a large multi-family residential apartment complex consisting of 627 dwelling units.
10. The complex has a main entrance on Sugartown Road, a secondary entrance on Poplar Avenue, and rear entrances on Avon Street and Grove Avenue.

11. The posted speed limit on Sugartown Road is 35 m.p.h.

12. The Applicant proposes to replace an existing freestanding sign on the corner of Poplar Avenue and Sugartown Road, at the west end of the Property.

13. The existing sign is single sided.

14. The existing sign is a post-and-panel wood sign.

15. The existing sign is 6 feet in height.

16. The existing sign is 18 square feet.

17. The existing sign is externally lighted from dusk to dawn.

18. Section 208-125.A(4) of the ordinance permits signs to be illuminated by “…indirect light only …”.

19. The proposed sign will be single sided.

20. The proposed sign will be constructed of fabricated aluminum.

21. The proposed sign will be 5 feet in height.

22. The proposed sign will be 14.25 square feet.

23. The proposed sign will be internally lighted.

24. The proposed sign will have a black opaque background.

25. The internal illumination will be of the lettering from dusk to dawn.

26. The proposed sign is not a digital sign or a changeable copy sign.

27. The proposed sign lighting will permit for greater visibility and legibility for drivers seeking to read the sign at night.
28. The proposed sign lighting is in keeping with the signage and type of development located to the east and north of the Property.

29. The proposed sign lighting will have the least impact on adjacent residential property, as compared to indirect lighting.

30. Richard B. Crawford was accepted as an expert in sign design.

31. No one sought party status.

32. No one offered public comment.

33. The proposed relief will not alter the character of the neighborhood.

34. Granting the proposed relief will not be injurious to the neighborhood or otherwise 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 Applicants seek a variance to permit a replacement sign to be internally lighted, as opposed to indirectly lighted. The internal illumination will permit for greater visibility and legibility for drivers seeking to read the sign at night. It is in keeping with the signage and type of development located to the east and north of the Property, and will have less impact on the adjacent residential property, as compared to indirect lighting. The proposed sign is also smaller
and shorter than the existing sign. 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. Richard B. Crawford was admitted as an expert in sign design.

4. The Applicant has established entitlement to a variance from Section 208-125.A(4) to permit internal illumination of the proposed sign.

The Board, therefore, enters the following:

ORDER

AND NOW, this 18th day of June, 2020, confirming its oral design on May 28, 2020, upon consideration of the Application of Morgan Properties, T.A. Davon Lantern Owner, LLC for relief to permit a proposed sign to be internally illuminated on the property located at 300 Avon Road, being Tax Parcel No. 43-11K-57.1A, in the R-4 Residential Zoning District of the Township, IT IS HEREBY ORDERED that the requested variance from Section 208-125.A(4) to permit a proposed sign to be internally lit shall be GRANTED

ZONING HEARING BOARD OF TREDYFFRIN TOWNSHIP

Daniel McLaughlin, Chairperson

Neill Kling, Vice-Chairperson

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