

Dover Township
Zoning Hearing Board
May 17, 2017

Vice Chairman Phillip Brown called the meeting to order at 7 p.m. Members present: Jeffrey Edmonds, Robert Wright, Steve Barkdoll. Absent: Jane Ginter and Donald Bubb. Also present: Zoning Officer Georgia Sprenkel, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and eight citizens.

Mr. Brown noted that Mr. Wright will be a voting member for tonight's meeting.

I. Minutes

Motion by Wright, second by Barkdoll, to approve the minutes of the meeting of January 18, 2017. All members voted aye; motion carried.

II. Zoning Case

A. ZHB 17-2 – Lidl US Operations, LLC; request for Variance for Section 27-503.C(1)(a), setback; and request for Variance for Section 27-807 (Chart A-P5), freestanding business sign height; property at 3025 Carlisle Road.

Present on behalf of the applicant: Attorney Charles Suhr. This proposal is for a grocery store. Two Variances are requested – setback and sign height. The setback is currently 30', and the applicant would like a 32' setback, which would result in less of a non-conformity. Minimum is 50'.

The sign Variance request involves an 18' sign height limit; maximum permitted is 19'. The applicants feel that this would be a de minimus Variance, if granted.

Also present were Todd Magiera, Project Manager, and David Kane, Development Manager. Mr. Kane gave the background on the company, which is a sort of one-stop shopping place. Their products are 90% Lidl brand, and they do offer national brands. Mr. Suhr distributed a packet of information, labeled Applicant's Exhibit A. It was noted that Lidl purchased this property in November of 2015. This site is desirable to the applicant because of its location on the main corridor (Route 74/Carlisle Road). Mr. Kane noted that there are also two locations planned in York. Hours: 7 or 8 a.m. to 9 p.m. There are usually 35 employees per day, roughly 8 per shift. The front of the store would face Hilton Avenue, and the store has a corner entry area, different from the usual. This proposal is a "right-hand" store. There are left-hand stores, the only variation of the prototype. The proposed building is the typical store for the US locations.

Mr. Magiera offered information from an engineering standpoint. He showed a drawing of the existing conditions on the lot, including three access points. Currently on the site, there's a building (41K square feet) and parking lot and a substation for the electric company. The ordinance requires a 50' setback on the front (Carlisle Road) and the side (Hilton Avenue) – currently, the setback on Hilton is about 30'. The site meets the Carlisle Road setback but not the Hilton Avenue setback. There is currently very little green space on this lot (about 15% pervious area). Mr. Magiera also showed a drawing of the proposed building, which is smaller than the existing store. This proposal shows two access points, one on each road, and the applicant has eliminated the third access. But for the two Variance requests, this proposal meets

all the Zoning Ordinance requirements. A series of photographs was shown, comparing the current conditions of the site with the proposed views.

The setback Variance request was discussed. This is a corner lot, having two front yards. At its closest point to Hilton Avenue, the setback is about 30' (50' minimum required). This is an existing non-conformity. Proposed setback is 32', 2' farther away from Hilton Avenue, which is a reduction of the existing non-conformity. The distance is reduced, as is the square footage of the building involved. The applicant feels that the setback cannot be met (by say, "chopping off" the offending portion of the building), as that would stray from its typical construction.

The sign height Variance was discussed. Maximum height permitted by the Ordinance is 18'; proposed sign is 19'. The sign is curved on the top, with the upper part of the curve (cap) at 19'; the lower part of the curve/cap is at about 18'. The curve of the sign matches the curve of the roof of the building, which the applicant feels is important for the store's branding. It was noted that all other aspects of the sign comply with the Ordinance. Why not build a shorter sign? This is what Lidl builds and would prefer to use on all its sites. Mr. Magiera feels that a shorter/smaller sign would not be as visible to customers driving past on Carlisle Road. There are two signs on the building, which are not as large as the freestanding sign. Because of the great distance of the building from the road, the applicant feels it's important to have the larger freestanding sign near the road and not rely solely on the signs on the building.

Mr. Suhr questioned Mr. Magiera about the size and shape of the lot and how it is not conducive, in the applicant's opinion, to being able to shift the building around to comply.

Questions: where is the loading dock? About the same place as the existing site, with access off of Carlisle. How many parking spaces? 160-180, employee spaces included. Where are the trash dumpsters to be located? Wherever they are, they will be hidden behind a screen. Where will the freestanding sign be located on the lot? Where the current sign remains are? It will likely be on the opposite side of the driveway from where the former sign was. Wherever the Township Engineer says to put it, that's where it will be placed, of course, keeping the clear sight triangle in mind.

Mr. Craley asked questions – first commending the applicant for not requesting a much larger sign. Out of the 12 or 13 stores that Mr. Magiera has worked on, maybe 3 or 4 requested dimensional variances that were granted. Where the variances were not granted, the store declined to pursue the application further. Mr. Craley noted that when the existing store is demolished, the non-conformity is removed. Mr. Suhr disagreed. Another question – is it possible to turn the building slightly and use a "left-hand" store, thereby eliminating the need for a Variance? Not really, because of the power lines and the substation on the property. Regarding the sign, the actual sign base is 2 ½ feet high – why not put it another foot deeper in the ground? That would eliminate the need for the Variance. Mr. Magiera wasn't sure; that would be a Lidl call as to its standard issue sign requirements.

From the audience, Matt Leaman, 2130 Pine View, asked how close the building will be to his road? Minimum is 35', so it will be farther away from the road (than the current building) at that point.

Mr. Suhr summed up, reiterating that uniformity of the buildings and signs is important to Lidl, especially as it's a new venture to the United States, and it wants to be known consistently and well.

The Planning Commission *unanimously* recommended approval of the Variance request for setback, Section 27-503.C.1, to permit a 32' minimum setback, based on the following: it will decrease the degree of the non-conformity; elimination of the side activities on Hilton, replacing it with the green space area; and the building footprint is smaller.

The Planning Commission recommended approval of the application for the sign Variance, to permit a 19' sign, Section 27-807. *Four members voted aye; Kauffman opposed. Motion carried.*

Hearing closed.

Rulings:

Motion by Barkdoll, second by Wright, to approve the request by Lidl US Operations, LLC, for Variance for Section 27-503.C(1)(a), to permit a 32' setback. All members voted aye; motion carried.

Motion by Wright, second by Barkdoll, to grant the request by Lidl US Operations, LLC, for Variance for Section 27-807, sign height, on de minimus grounds. All members voted aye; motion carried.

III. Other Business

There will likely be a Zoning Hearing Board meeting in June.

Motion by Wright, second by Barkdoll, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:21 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary