

**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN** in accordance with Chapter 280-142.F & G that the Zoning Hearing Board of Radnor Township will hold a public hearing at the Township Municipal Building, 301 Iven Avenue, Wayne, PA on **Thursday, December 20, 2012, at 7:30 p.m.** to hear the following Appeals:

**APPEAL #2887**

The Applicant, Visionary Properties Inc. d/b/a Visionworks property located at 550 East Lancaster Avenue and zoned PB seeks a variance from Section 280-123(B) to install a second wall sign attached to the south façade of the building.

Please publish: December 5, 2012

December 12, 2012

**ZONING HEARING BOARD APPLICATION**

**TOWNSHIP OF RADNOR**

**301 IVEN AVENUE**

**WAYNE, PA 19087**

**610-688-5600**

**FAX: 610-971-0430**

www.radnor.com

<b>TOWNSHIP USE ONLY</b>
APPEAL # <u>2887</u>
FEE: _____
DATE RECEIVED: _____

\*\*\*\*\*  
**GENERAL INFORMATION:** Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to this application. Ten (10) copies of this application with required attachments must be filed with the Community Development Department not less than *thirty (30)* calendar days prior to the hearing.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING**

**APPLICATION FEE: RESIDENTIAL \$550.00 NONRESIDENTIAL: \$700.00**

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**PLEASE TYPE OR PRINT**

Property address: 550 East Lancaster Avenue

Name of applicant: Visionary Properties, Inc.

Telephone number: (201) 524-6565 Email: SCampbell@visionworks.com

Property Owner (if different than above): KNO-361 Realty Associates, LLC

Property address: Mall Properties, Inc., 5500 New Albany Rd. East, Third Floor, New Albany, OH 43054

Telephone number: (614) 289-5818 Email: \_\_\_\_\_

Attorney's name: Erich J. Schock - Fitzpatrick Lertz & Bubba, P.C.

Address: 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219

Telephone number: (610) 797-9000 Email: eschock@fblaw.com

**Relief requested and/or basis for appearing before the Zoning Hearing Board including *specific citation to any and all sections of the Zoning Code relevant to the appeal. (attach additional pages if necessary)***

Dimensional variance from Zoning Ordinance §280-123(B). See attached Supplemental Statement.

**Description of previous decisions by the Zoning Hearing Board pertinent to the property, or attach copies of decisions: *(attach additional pages if necessary)***

**Brief narrative of proposed improvements: *(attach additional pages if necessary)***

No prior decisions.

**Brief narrative of proposed improvements: *(attach additional pages if necessary)***

34.5 - sf wall sign.

**ATTACHMENTS: Ten (10) copies of each of the following *must be* provided:**

**Engineered plan or survey of the property drawn to scale, prepared by a registered architect, engineer or surveyor licensed in Pennsylvania, containing the following information:**

- a) lot lines and lot dimensions described in metes and bounds (in feet)
- b) total lot area;
- c) location of easements and rights of way, including ultimate rights of way;
- d) location of all setback lines for existing and proposed structures;
- e) location of steep slopes, floodplains, riparian buffers, wetlands, and other pertinent features; f) location of existing and proposed improvements;
- g) table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and specifying whether the existing and/or proposed improvements comply with the zoning requirements, or specify the degree of any noncompliance; and,
- h) all other features or matters pertinent to the application

**PLANS SHALL NOT EXCEED 24" X 36", AND MUST BE NEATLY FOLDED TO NO GREATER DIMENSION THAN 8 1/2" X 11" AT FILING**

**Please indicate whether the following additional requirements are included:**

Y X N \_\_\_ List of witnesses and summary of testimony.

Y X N \_\_\_ Photographs of the property at issue and all adjoining properties.

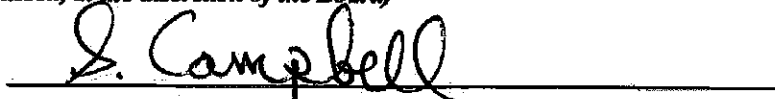
Y \_\_\_ N X \_\_\_ Copies of written professional reports, including traffic studies, land planning studies, appraisals, floodplain analyses, economic forecasts or other written reports which the applicant wishes to present at the hearing. (*note - the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination*)

Y X N \_\_\_ Copy of deed, lease, agreement of sale, or other authorization to file the appeal. (*note leases or agreements of sale either must expressly permit the tenant or buyer to file the appeal, or must be accompanied by a by a letter from the owner clearly authorizing tenant or buyer to file the appeal*)

Y \_\_\_ N X \_\_\_ Will this application involve land development or the subdivision of land. Applications that involve land development subdivision of land are referred to the Planning Commission for review and recommendation. *Applicants will be notified of the date and time of the Planning Commission meeting*

Y \_\_\_ N X \_\_\_ Will briefs or memoranda of law be filed in accordance with requirements of the Zoning Hearing Board. (*note - 10 copies of any brief or memorandum of law to be submitted by the applicant must be received by the Community Development Department no later than 14 days prior to the meeting*)

Y N Will the applicant (or duly authorized officer of the applicant, if applicant is not a natural person) be present at the hearing. If not, then power of attorney, notarized and in recordable form, authorizing the person who will testify on behalf of the applicant, and to bind the applicant in any proceedings of the Board must be presented at or before commencement of the hearing. Attorneys, agents, or other representatives of the applicant may not appear and testify on behalf of the applicant without power of attorney. Forms of power of attorney are available in the Community Development Department. *(note- failure to provide power of attorney will result in either the appeal being discontinued, or being dismissed, at the discretion of the Board)*



SIGNATURE OF APPLICANT

**AN ADDITIONAL FEE F \$150 SHALL BE CHARGED FOR ANY CONTINUANCE REQUESTED BY THE APPLICANT. THIS FEE SHALL BE PAID PRIOR TO THE RESCHEDULING OF THE HEARING.**

**BEFORE THE ZONING HEARING BOARD**  
**RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA**

In Re: Application of Visionary Properties, Inc. :

**SUPPLEMENTAL STATEMENT**

I. Background

Visionary Properties, Inc. d/b/a Visionworks ("Applicant") leases a 3,049-SF commercial suite (the "Visionworks Suite") in St. David's Square (the "Shopping Center"), which is located at 555 East Lancaster Avenue in Radnor Township. The Shopping Center is owned by KMO-361 Realty Associates, LLC. The Shopping Center is located on the south side of East Lancaster Avenue in the Planned Business Zoning District.

II. Submission

Enclosed with this application are plans depicting: (i) a proposed 34.5-SF wall sign (ii) an approved 23.95-SF wall sign and (iii) four (4) monument and directional signs. Also enclosed are photographs of the Visionworks Suite with the installed wall sign, an aerial of the Shopping Center, and a site plan sketch of the Shopping Center with the Visionworks Suite highlighted and also showing the monument and directional signs. Finally, a copy of the lease between KMO-361 Realty Associates, LLC and Visionary Properties, Inc., authorizing Applicant to have two wall signs on "end cap" units is provided.

III. Zoning Relief

The Radnor Township Zoning Ordinance at §280-123(B) states, "Where a shopping center or retail use is permitted or integrated within a planned development, each business shall be permitted one wall sign not to exceed 60 square feet in sign area." At the same section, the Zoning Ordinance states, "When a building has frontage on more than one street, the sign area of wall signs along each street shall be limited by the amount of building frontage along that street." Applicant has installed a permitted sign over the entrance on the east façade. Applicant is requesting a variance for a second wall sign of 34.5-SF in area to be attached to the south façade.

The Shopping Center contains several significant retail businesses, including a Micro Center, TJ Maxx, Bed Bath & Beyond, Home Goods and Genuardi's. There is also a four-unit building along the western entrance to the Shopping Center, and the Visionworks Suite is the end unit in at the building. The door is on the east façade facing the central parking area. The Visionworks Suite's south façade abuts an internal driveway, across from a parking lot serving TJ Maxx and Genardi's.

This four-unit structure is located at the corner of the western entrance drive into the Shopping Center. The directional sign on the western entrance drive directs patrons to turn left into the central parking area for TJ Maxx, Micro Center, and two of the other tenants in the four-unit structure. Applicant believes a sign on the south façade facing the driveway between the western entrance and central parking lot is important to allow patrons to effectively locate its facility. The second sign on the south façade will alert patrons entering the Shopping Center's central parking area that the Visionworks Suite is the southern-most unit in the four-unit building. This will prevent patrons from unnecessarily attempting to locate the Visionworks Suite after completing a left hand turn into the parking lot. Patrons will know to park immediately upon entering the central parking area to access the Visionworks Suite. The patrons include patients for the doctors on staff, often including a significant number of people from outside the immediate area that otherwise may not frequent the Shopping Center.

Second, granting this relief will result in Applicant erecting a sign that is in conformance with the "Intent" section concerning sign regulation in the Radnor Township Zoning Ordinance, found at §280-116. The "Intent" section states, "It is the intent of this article to regulate all signs within the Township to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. Applicant's proposal meets the Township's sign regulation intent as well as the specific goals also set forth in that section. This is particularly true considering the sign is internal, facing into the Shopping Center, and while not a public street does abut an internal driveway in the Shopping Center. It is not intended to and will have no impact outside of the Shopping Center itself and, presumably, no impact on the elements of signage that the Township intends to regulate. Effectively, the proposed wall sign is directional in nature, promotes traffic safety, and does not create clutter or otherwise harm aesthetics within the Shopping Center.

Lastly, the total square footage of the approved sign and the proposed sign is 58.45 square feet. The combination is within the 60 square feet limit imposed by §280-123(B). They are merely divided between two signs on two building facades with frontage, one of which, however, is an interior driveway in the Shopping Center and thus gives rise to the relief.

#### IV. Conclusion

For the above reasons, Applicant requests relief for the wall sign as proposed.

Date: November 16, 2012



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Erich J. Schock, Esquire  
Thomas J. Schlegel, Esquire  
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