

IN RE: : BEFORE THE ZONING HEARING BOARD
: OF EAST HANOVER TOWNSHIP
APPLICATION FOR SPECIAL :
EXCEPTION OF S.M.D. : HEARING: May 4, 2017
ENTERPRISES, INC. :
: DECISION: May 4, 2017
No. 2017.06 :
: WRITTEN DECISION MAILED: June 16,
: 2017
:

DECISION OF THE ZONING HEARING BOARD

The Zoning Hearing Board of East Hanover Township, Dauphin County, Pennsylvania, conducted a properly advertised and properly posted public hearing on May 4, 2017, commencing at 7:00 p.m., upon the Application for a Special Exception of S.M.D. Enterprises, Inc., by its President, Damu Naren Patel, with respect to the property located at 226 Bow Creek Road, f/k/a 252 Bow Creek Road, East Hanover Township, Dauphin County, Grantville, Pennsylvania, 17028, also being Dauphin County Tax Parcel No. 25-011-088.

Notice of the hearing was published in *The Sun* on April 13, 2017, and April 20, 2017, in accordance with the requirements of the Pennsylvania Municipalities Planning Code and the East Hanover Township Zoning Ordinance. Additionally, in compliance with Section 603.1.1 of the Zoning Ordinance, written notice of the hearing was conspicuously posted on April 13, 2017, on and about the tract of land which is the subject of the hearing. Jackie Wilbern, the East Hanover Township Zoning Officer, was present at the hearing and confirmed that the notice was posted. Furthermore, Ms. Wilbern confirmed that she had provided and mailed on April 20, 2017, written notice of the hearing to those property

owners adjacent to the subject property as identified in the Application for a Variance as well as to the Applicants.

Members of the Zoning Hearing Board were JoLynn M. Stoy, Chairperson, Shirley Allison, and Kenneth C. Wolensky, Alternate Member, who were present during the hearing. Applicant was represented by David Stone, Esquire, with respect to the presentation of the Application. In addition to representatives of the Applicant, Robert J. Fisher, of R. J. Fisher & Associates, Inc., was present to provide testimony on behalf of the Applicant. All individuals who offered testimony during the course of the hearing were duly sworn.

FINDINGS OF FACT

The subject property has a total lot area of approximately 9.587 acres upon which two (2) hotels are presently constructed and operating. The subject property is located in a Highway Commercial Zone (HC) of Section 210 of the East Hanover Township Zoning Ordinance. Applicant is proposing to construct one (1) additional four (4) story hotel on the property, consisting of ninety-two (92) rooms.

The location and dimensions of the hotel are set forth on a Zoning Variance and Special Exception Plan ("Site Plan") which has been submitted as part of the Application and made a part of the record. The four (4) story proposed hotel shall be located to the south of an existing two (2) story hotel which has a forty-five (45) room capacity as well as to the south and west of the second two (2) story existing hotel having a fifty-five (55) room capacity.

The structure to be built shall be in accordance with Hilton's new brand of hotels called "Tru" Hotel. The style of hotel shall include a large public area, office space, entertainment and play area, properly equipped fitness room and swimming pool or spa

areas. Hotel guests will be using guest rooms which are designed in the style of personal bedrooms. The floor plan of the property shall be designed so as to provide that hotel guest rooms are in closer proximity to designated activity areas.

A paved parking area shall surround the proposed building with a minimum of ninety-six (96) spaces being provided. Lighting for Applicant's property shall be provided in order to be dark sky compliant and the parking lot shall be serviced by LED overhead lights that are deflected downward. The two (2) hotels currently on the property respectively maintain fifty-nine (59) and sixty (60) dedicated parking spaces for each use as set forth on the Site Plan submitted as part of the record before the Board.

The proposed hotel will be served by public sewer. No public water is available within the Township at this time. However, private (well) water shall be provided. A sprinkler system shall be included within the building and serviced by the on-lot water source.

An overhead power line is located parallel to Bow Creek Road, traversing the property from northwest to the south as set forth on the Site Plan. The power line requires both vertical and horizontal clearance of thirteen (13) feet each. The width of the power line easement is approximately fifty-five (55) to sixty (60) feet. The power line is located within the center of the easement area set forth on Applicant's Plan.

Applicant's four (4) story hotel shall have a maximum height of 52.71 feet. The parking area shall be located a distance of approximately sixty (60) feet from the Bow Creek Road right-of-way. The property located to the south of the subject tract is vacant and undeveloped.

Access to the existing hotels on the property is by means of a macadam driveway directly from Bow Creek Road located along the northern portion of the lot. The proposed four (4) story hotel shall have a separate macadam access from Bow Creek Road to be located at the southwestern-most portion of the property. Applicant's property is subject to a change in elevation of approximately twelve (12) feet, increasing from Bow Creek Road to the proposed construction site of the hotel.

Within the vicinity of the subject property and in close proximity are other hotels currently operating. These include: a four (4) story Hampton Inn directly to the west of the existing property along Bow Creek Road; a four (4) story Comfort Inn and Suites, as well as a four (4) story Holiday Inn, both located to the north and west of the subject property and Interstate Route 81.

The two (2) existing hotels on the property are operating under the trade name of Days Inn. Signage for these properties include existing signage on each building so that they are visible from Bow Creek Road in addition to a single monopole sign that is located within the frontage of the property presently to the south of the existing macadam driveway. This existing sign is approximately twenty and one-half (20½) feet in height and has an area of eighty-two (82) square feet. The sign is non-conforming and has existed prior to adoption of the current Zoning Ordinance requirements. Additional signage shall be constructed on the proposed building front elevation, such sign being seventy-one (71) square feet in area. An additional sign being fifteen (15) square feet in area will be affixed on the rear of the building.

Applicant is proposing to relocate the existing monopole sign to the south of its present location by a distance of approximately one hundred and twenty (120) feet. The sign

upon its relocation shall be dedicated to the use only of the Hilton Tru Hotel trade name. Applicant has requested and been granted variances from sections 210.7 and 314.4 of the East Hanover Township Zoning Ordinance with respect to a maximum height of 52.71 feet for the four (4) story structure and additional signage not to exceed seventy-one (71) square feet to be located on the front of the building and fifteen (15) square feet on the rear of the proposed structure as set forth in Docket No. 2017.05, which is incorporated herein by reference.

DISCUSSION AND CONCLUSIONS

Applicant is proposing to relocate the existing monopole sign which is located within the front of the lot along Bow Creek Road a distance of approximately one hundred twenty (120) feet from its present location in a southerly direction. The proposed sign shall be situated in proximity to the proposed new entrance to the Tru hotel structure to be built.

Section 504 of the East Hanover Township Ordinance provides the following requirements with respect to the substitution or replacement of non-conforming uses as:

“Any non-conforming use may be replaced or substituted by another non-conforming use by special exception, if the Zoning Hearing Board determines that the proposed use is at least equally compatible with the surrounding area, as the original non-conforming use. In addition, the proposed non-conforming use shall not increase any dimensional non-conformities. The Zoning Hearing Board may attach reasonable conditions to the special exception to keep the use compatible with its surroundings.”

Applicant is proposing only a change in location of the existing non-conforming sign, which is approximately eighty-two (82) square feet in area and having a height of twenty and one-half (20½) feet. Only the trade name to be located on this sign shall be changed from currently being “Days Inn” to the new “Hilton Tru Hotel” brand name. The sign shall remain dedicated with respect to this advertising for the proposed construction. In addition to the

requirements of Section 504 of the Zoning Ordinance, in order to grant a special exception, Applicant must also demonstrate compliance with general requirements of Section 604.3.2 of the Zoning Ordinance. Upon consideration of all the testimony and evidence presented, the Board is persuaded that all such requirements are satisfied.

The proposed hotel structure shall be consistent in character with the other four (4) story hotel uses and the signage accompanying them. No changes to the signage are proposed by Applicant other than with respect to the trade name for the new structure and the additional signage that is to be placed upon the front and rear of the four (4) story hotel itself as set forth in the grant of variances pursuant to Docket No. 2017.05.

The Board is persuaded therefore that by changing only the location of Applicant's sign and the trade name, which are non-conforming uses, the nature and character of the sign shall remain at least as equally compatible with the surrounding area and other hotel uses. Accordingly, the proposed use shall continue to remain consistent with the purposes and intent of the Zoning Ordinance.

Due to the location of this property, Applicant is not unmindful of the need for adequate signage to provide proper direction to the public to the location at issue. The uses within this area are in proximity to the substantial interchange being Interstate Route 81. Applicant's property is subject also to various physical circumstances and conditions which highlight the need for appropriately placed signage upon the property. Based upon the existing hotel use of this property, as well as other hotel uses within the area, the Board is persuaded that the proposed relocation of the sign and change in trade name will not detract from the use and enjoyment of adjoining nearby properties or substantially change the character of the subject property and neighborhood.

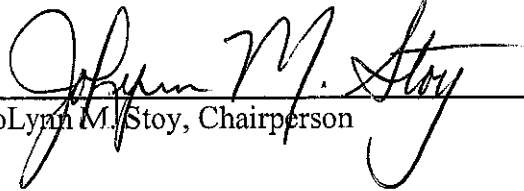
Since Applicant is maintaining the height and area of the sign, but only proposing its relocation and modification, the Board finds further that no increase in the dimensional non-conformity shall occur. Likewise, no additional public facilities shall be required and those that exist shall remain to be available to serve the proposed use.

The subject property is not located within a Flood Overlay Zone and therefore requirements of Section 604.3.2.F are not applicable. In addition, the Board is persuaded that the proposed sign and its relocation shall be compliant with the remaining specifications of Article 4 of the Zoning Ordinance as applicable and set forth and described on the plans, drawings and Application submitted as part of the record before the Board. As a result of all the foregoing, the Board finds that Applicant's proposed use as presented shall be consistent with Township Comprehensive Plan for continued growth and development.


DECISION

For all the reasons previously set forth, evidence and testimony presented, the East Hanover Township Zoning Hearing Board does hereby GRANT Applicant's request for a special exception to relocate to the south the existing monopole free-standing non-conforming sign upon the condition that it shall not exceed eighty-two (82) square feet nor a height of twenty and one-half (20½) feet to the location of the new hotel site with trade name for Hilton Tru Hotels as submitted on the drawings and made a part of the record before the Board.

ZONING HEARING BOARD, EAST HANOVER TOWNSHIP



JoLynn M. Stoy, Chairperson



Shirley Allison, Member

Kenneth C. Wolensky, Member

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