I. Call To Order

II. Roll Call

III. Public Hour - Hearing Of Citizens

IV. Hearing

V. ZHB Hearing Protocols And Advertisement Content During COVID-19 Emergency

VI. Other Matters For Discussion

VII. Adjournment

Documents:

I. Call to Order

II. Roll Call

Richard Kalin
Lee Lowry
Donna Queeney
David Bailey - Alternate

III. Public Hour - Hearing of Citizens

IV. Hearing

A. Variance Request – 240 South Pugh Street

Days Inn Penn State, 240 S. Pugh St., seeks a variance from the 25-foot height limit for exterior signs (§15-106: Limit on Height) required by State College’s Sign Ordinance. Section 106 limits all signs, or any part thereof to a maximum height of 25 feet from grade to the highest part of the sign or any part thereof. The applicant intends to relocate an existing illuminated exterior sign to another area of the building but retain the nonconforming height of 45 feet from grade. Requests for variances are heard by the Zoning Hearing Board as authorized by Ch. XIX, Part C, Section 301 of the Municipal Code. The property is located in the General Commercial (C) zoning district.

V. ZHB Hearing Protocols and Advertisement Content during COVID-19 Emergency

VI. Other Matters for Discussion

VII. Adjournment
EXHIBIT 1

Request for Variance

Hearing Date: June 9, 2020

This document is a series of facts related to a sign variance request from Days Inn Penn State, presented on behalf of the State College Borough Planning Department, and entered as Exhibit #1.

The legal notice for this hearing was published in the Centre Daily Times, the neighboring property owners were notified by a mailing, and the property was posted in accordance with the Municipalities Planning Code requirement. The legal notice is included as Exhibit #2.

The meeting agenda and the exhibits presented herein have been posted on the Borough’s website in accordance with the established electronic meeting procedures for the Zoning Hearing Board (ZHB) that will be in effect during the COVID-19 disaster emergency declared by Pennsylvania Governor Tom Wolf. The ZHB information is located at the following address: http://www.statecollegepa.us/1179/Zoning-Hearing-Board

The application for a hearing was submitted to the Planning Department by Wendy Wagner, Assistant General Manager of the Days Inn Penn State (Applicant). Ms. Wagner contacted Borough staff for preliminary guidance on the signage proposal prior to submitting the application. The application is included as Exhibit #3.

Findings of Fact

1. The Days Inn Penn State is located at 240 S Pugh St. The hotel is situated on three tax parcels with identification numbers of 36-013-,177-,0000-, 36-013-,179-,0000-, and 36-013-,180-,0000-. Exhibit #4 is a location map of the site, which is in the General Commercial (C) zoning district.

2. The Days Inn has several exterior signs bearing the hotel’s name and logo. One of the signs is mounted along S Pugh St on the north-facing wall of the hotel, over the outdoor dining area for Mad Mex restaurant.

3. Days Inn wishes to relocate this sign for better visibility due to the recent construction of the Pugh Centre mixed-use building at 138 E Beaver Ave. When complete, the building will be an average height of 66 feet above grade. Exhibit #5

4. A sign license application was submitted to the Borough Planning Department for review. The proposal was to move the Days Inn sign to another location on the north wall of the hotel but retain the same height of the current sign installation. The sign license application and related materials are included as Exhibit #6.

5. The sign license application was not approved because the proposed installation exceeds the height limit of the Borough Sign Ordinance (Chapter XV: Signs). Section §XV-106 of the Ordinance specifies that “...no sign, or any part thereof, including braces, supports or lights shall exceed a height of 25 feet.” Exhibit #7
6. The current sign is considered a pre-existing nonconformity with respect to the height limit. A nonconforming sign is one that does not conform to one or more applicable provisions of the Sign Ordinance. Nonconforming signs are permitted to remain, however § XV-124c.(2)(b) of the Ordinance states that “No nonconforming sign shall be enlarged nor shall the location of any nonconforming sign be changed.”

7. Ms. Wagner has indicated that the Pugh Centre blocks the visibility of the sign in its current location from the 100 Block of S Pugh St. The proposed relocation will provide Days Inn the minimal amount of relief that is needed in order to restore visibility of the hotel sign.

8. The Applicant does not intend to exacerbate the existing nonconformity, and desires to install the sign at the same height as the current installation, which is 45 feet from grade to the top of the sign. The Applicant indicates that installing the sign at the current limit of 25 feet would reduce the amount of visibility from surrounding vantage points that was previously attained prior to the construction of the Pugh Centre. Furthermore, installing at the lower height would be limited by seasonal tree foliage. Exhibit #8

9. On May 19, 2020, the DRB reviewed the request for a variance. As required by the Borough Code, the DRB must consider the intent (§ XV-101) of the sign ordinance as its basic guide and may not consider reasons of economic hardship. § XV-101 is provided as Exhibit #9. The DRB provided comments to staff and voted unanimously to recommend granting the variance. Exhibit #10

10. Therefore the Applicant, Days Inn Penn State, hereby requests a variance from §XV-106 of the State College Borough sign ordinance (Chapter XV: Signs) to allow the relocation of an existing wall sign on the north façade of the hotel while maintaining a height of 45 feet to the top of the sign.
EXHIBIT 2

LEGAL NOTICE

The State College Zoning Hearing Board will meet in a virtual meeting on June 9, 2020 at Noon to hear the following case:

Days Inn Penn State, 240 S. Pugh St., seeks a variance from the 25-foot height limit for exterior signs (§15-106: Limit on Height) required by State College’s Sign Ordinance. Section 106 limits all signs, or any part thereof to a maximum height of 25 feet from grade to the highest part of the sign or any part thereof. The applicant intends to relocate an existing illuminated exterior sign to another area of the building but retain the nonconforming height of 45 feet from grade. Requests for variances are heard by the Zoning Hearing Board as authorized by Ch. XIX, Part C, Section 301 of the Municipal Code. The property is located in the General Commercial (C) zoning district.

The public is invited to participate in the meeting. Interested parties must register to attend by visiting http://www.statecollegepa.us/3162/A-Virtual-Meeting

The agenda and hearing exhibits will be posted on State College’s Website at the following location: http://www.statecollegepa.us/1179/Zoning-Hearing-Board

Thomas J. Fountaine, II
Borough Manager/Secretary

*Publish May 26 & June 2, 2020*
ZHB-1

APPLICATION FOR HEARING

The undersigned hereby applies to the Zoning Hearing Board for a hearing

1. APPLICANT
   
   Name: Days Inn Penn State
   Address: 240 South Pugh Street, State College, PA 16801
   Telephone: 814-238-8454 X 0

2. PROPERTY OWNER (if different from applicant)
   
   Name: Centre Hotel Assoc dba Days Inn Penn State
   Address: 240 South Pugh Street, State College, PA 16801
   Telephone: 814-238-8454 X 0

3. PROPERTY LOCATION

   Address: 240 South Pugh Street, State College, PA 16801
   Description: Hotel


4. Present Use of the Property: Hotel

5. Proposed Use of the Property: Same, Hotel

6. TYPE OF HEARING (check one or more)

   ___ Appeal from action of Zoning Officer or Municipal Engineer
   909 of the MPC

   X Request fro Variance, 910.2 of the MPC

   Request for Special Exception, 912.1 of the MPC

   ___ Challenge to Validity, 909.1 of the MPC

Fill in the information requested on the appropriate pages that follow for the type of hearing requested.

Wendy Wagner

Signature of Applicant

Rev. 4/15
REQUEST FOR VARIANCE
SECTION 910.2 OF THE MPC
(FORM ZHB-1(c))

I request a variance from the following sections of the Zoning Ordinance:
Ord 888, 4/5/1976 Section 3.05; amended by Ord. 1220, 9/8/1988, section 1
15-106

The nature of the variance requested is:
Exterior illuminated sign height from 25' to 45'.

Applicant believes that the variance should be granted because:

a. He/She is unable to make reasonable use of the property because:
The sign in its current location is not visible from the 100 Block of South Pugh Street

b. The unique physical circumstances which affect his/her property are:
Construction of Pugh Centre a 7 story building.

c. The unnecessary hardship on his/her property is:
   __ the result of the application of the Zoning Ordinance
   __ due to unique physical circumstances on the property not
      shared by other properties in the vicinity
   __ not solely financial in nature
   X not self-created

d. The proposed variance will not alter the character of the neighborhood nor impair the use
of the adjacent property for the following reasons:
Sign currently exists without affecting neighbors, we are asking to relocate the sign
13 feet to the left & 8 feet back, maintaining the current height of 45 feet.

e. The variance requested represents the minimum variance that will afford relief for the
following reasons:
Visibility of the sign considering seasonal tree foliage.

Attach any plans, maps, or other documents which will be helpful in understanding and evaluating
the issues involved in the variance request.

Date: ____________________________

______________________________
Signature of Applicant

Wendy Wagner

______________________________
Printed name

Wendy Wagner
Site Plan – Required for zoning application. Applicant must fill in dimensions and indicate North.
EXHIBIT 4

Variance
240 S Pugh St

Applicant
Days Inn Penn State

ZONING HEARING BOARD
# Application for Sign License

1. Street Address of Sign Installation(s): 240 South Pugh Street

2. Applicant's Name: Days Inn Penn State
   - Address: 240 South Pugh Street, State College, PA 16801
   - Telephone: 814.238.8454 X 0
   - Email: wsw164@centrehotel.com

3. Firm Erecting Sign: Edmiston Signs
   - Address: 809 North 6th Street, Bellwood, PA 16617
   - Telephone: 814.742.7321
   - Date Application Made: ____________________________
   - Email:edmistonsigns@verizon.net

4. Owner Authorization: ____________________________
   - (Signature of Owner of Lot or Building)
   - Address: 240 South Pugh Street, State College, PA 16801
   - Telephone: 814.238.8454 X 0
   - Email: wsw164@centrehotel.com

5. Zoning District: ____________________________

6. Width of Building or Premises: ____________________________
   - (Facing Street)

7. List all signs at the premises including existing and proposed. Do not include signs that will be removed.

<table>
<thead>
<tr>
<th>Type Sign</th>
<th>She</th>
<th>Existing / Propose</th>
<th>Shape</th>
<th>Square Feet (All Sides)</th>
<th>Horizontal Dimensions</th>
<th>Vertical Dimensions</th>
<th>Height Above Ground</th>
<th>Check if Infracted</th>
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<tbody>
<tr>
<td>Wall</td>
<td>Days Inn</td>
<td>Existing</td>
<td>Single</td>
<td>51</td>
<td>12 ft. 6 in.</td>
<td>6 ft. 0 in.</td>
<td>45'</td>
<td>39'</td>
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</table>

*See other side

**Total Square Footage:** 51
TYPES OF SIGNS

- **WALL SIGN** - A sign mounted parallel to the building wall.

- **PROJECTING SIGN** - A sign that projects from, and is supported by a wall of a building.

- **GROUND POLE SIGN** - A sign placed in or upon the ground that is supported by one or more uprights, poles, or braces. (Includes monument signs)

- **ROOF SIGN** - A sign erected upon or above the roof of any building.

In addition to a sign license, any sign affixed to, or incorporated into an awning, canopy, marquee, or projecting overhang requires an awning permit, and in some cases a building permit. The necessary permit applications can be obtained from the Zoning Officer.

8. Attach a plan showing the design of sign(s), materials to be used, colors, lighting, lettering, method of construction, and means of attachment to the building or the ground. Such plans must be to scale and should include a sketch, photograph, or rendering of the sign and a photograph or sketch of the area on the building where the sign(s) will be located. For free standing signs, provide a site plan showing the location of the sign on the lot in relationship to property lines and buildings.

Once sign(s) are installed, contact the Planning Office for a final inspection.

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FOR BOROUGH USE ONLY

9. Sign License Status: [ ] 10. Total Fee: __________________________

Approved [ ] Disapproved [ ]

Date: __________________________ License Number: __________________________

By (Print Name): __________________________

Remarks: __________________________

11. Final Inspection:

Passed [ ] Failed [ ]

Inspector (Signature): __________________________ Date: __________________________

Remarks: __________________________
§ 15-106. Limit on Height. [Ord. 888, 4/5/1976, Section 3.05; amended by Ord. 1220, 9/8/1988, Section 1]

In all zoning districts (except the CP-1), no sign, or any part thereof, including braces, supports or lights shall exceed a height of 25 feet. In the CP-1 District, no sign or any part thereof, including braces, supports or lights, shall exceed a height of 10 feet. Height shall be measured from grade level directly below the face of the sign to the highest part of the sign.
Sign at requested height of 45 feet
§ 15-101. Title and Intent. [Ord. 888, 4/5/1976, Sections 1.01, 1.02 and 1.03]

a. Title. An ordinance to establish regulations for the construction, erection, maintenance and removal of signs; providing for materials, sizes, number, height, lighting and location; specifying license fees, permits and inspections; and providing for enforcement and penalties for violations. This ordinance shall be known as the "Sign Ordinance."

b. General Intent. The sign regulations, controls and provisions set forth in this ordinance are made in accordance with an overall plan and program for the public safety, area development, preservation of property values and the general welfare of the Municipality and are intended to: aid in traffic control and traffic safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development; avoid uncontrolled proliferation of signs; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome and attractive character of the Municipality; and to recognize that the general welfare includes a community plan that shall be beautiful as well as healthy, spacious, as well as clean and well-balanced in its growth and development.
Request for Variance - Days Inn Penn State - 240 S Pugh St; Centre Hotel Associates, Owner; General Commercial Zoning District

Mr. Garthe briefly went over the variance request, stating that the Days Inn would like to move one of their wall signs due to the impact that the construction of Pugh Centre has had on its visibility. The hotel management would like to shift the sign horizontally to a nearby location on the building to re-establish the visibility of the sign, while retaining the nonconforming height of 45 feet from grade.

The hotel's Assistant General Manager, Wendy Wagner, presented the following additional information:

- Ms. Wagner reiterated what Mr. Garthe said, saying that in its current position, the sign is not visible to the public, and relocating it would help guests locate the hotel as well as get directional bearings.

Comments:

- Mr. Devon stated that if they were revisiting a variance already granted, he was in favor of the change in location of the sign. Mr. Garthe noted there wasn’t a variance granted, and that this was considered a non-conforming sign because it was likely installed prior to the current sign ordinance.
- Mr. Boeldt said he had no comments about the sign, which looks fine for being a corporate sign. If left as is he said, it doesn’t do anyone any good; moving it would make it more visible and maybe help their business.
- Chairman Jones said what they are asking for doesn’t really change anything and moving it would be fine.

Mr. Boeldt motioned to recommend sign be approve and was seconded by Dr. Devon. All were unanimously in favor.
MEMORANDUM

TO: Ed LeClear, Planning Director State College Borough

FROM: Jeffrey W. Stover, Esquire

DATE: May 15, 2020

RE: Zoning Hearing Board Procedures (COVID-19)

This memo reviews the procedures to be followed by the State College Zoning Hearing Board during the pendency of the COVID-19 Disaster Emergency declared by Governor Wolf. The procedures outlined in this memo are as authorized by Subchapter E of Act 15 of 2020.

For any hearing to be scheduled or held during the emergency, the Board shall conduct such hearing using an authorized telecommunications device in order to assure social distancing and the safe conduct of the hearing for all participants. A quorum shall not require the physical presence at a meeting location of the participating members of Zoning Hearing Board provided that a majority of the Board (at least 2 out of 3) shall participate remotely through the authorized telecommunications device.

Any zoning hearing to be held under this protocol will require advance notice by the posting of the date and time of the meeting on the State College Borough internet website and the advertisement of the same in the Centre Daily Times. That notice shall include the date and time of the hearing, and provide information on the technology to be used (i.e. the authorized telecommunications device) and information to the public as to how to access that technology. To the extent practicable, members of the public shall be allowed to participate in the meeting via the authorized telecommunications device. Further, members of the public shall be advised of the right and ability to submit written comments at least two business days in advance of the hearing to the Zoning Hearing Board c/o the State College Planning Director. All such comments shall be provided to the Board during the hearing and made a part of the record. In the event the author of such written comments requests through those comments to be made a party to the proceeding, they shall be so considered a party for purposes of the hearing and the right to appeal any decision of the Board.

The conduct of the meeting shall be transcribed unless transcription is waived by the Applicant. In the event the transcription is waived, the proceedings shall be recorded electronically. In addition, minutes of the meeting shall be taken and posted on the Borough internet website within 20 days after the meeting or before the next regularly scheduled meeting, whichever is earlier.
At the commencement of the hearing the Chairperson shall have each person participating in the Zoom session provide their name and address. Participants shall be given the opportunity to become parties to the case as appropriate under the circumstances of each case.

During the hearing, the Applicant, the Zoning Officer and other members of the Borough staff, and members of the public shall be permitted to present testimony and/or make comments directly related and relevant to the hearing before the Board. Those who have requested and are recognized as parties to the hearing shall also be permitted to submit testimony and evidence and to cross examine witnesses during the hearing. Any document offered as an exhibit which is being made available for the first time during the hearing will be accepted at the discretion of the Board. If the person offering the exhibit is unable to present it via Zoom, the Board reserves the right to continue the hearing in order to allow an opportunity for the exhibit to be provided in a form where all participants can see and examine it.

During the hearing, the conduct of the hearing shall be controlled by the Chairperson, Ms. Donna Queeney. The chairperson shall make the ultimate determination as to the order of presentation of evidence, and the order of questioning. Members of the Zoning Hearing Board as well as parties to the case shall have the right to question each of the witnesses. The parties shall also have the right to make legal argument to the Board. Members of the general public who are participating by the authorized telecommunications device shall also have the right to make comments to the Board on the facts and issues of the case.

Any exhibits that a party wishes to bring before the Board that are relevant to a hearing shall be submitted to the Borough Planning Director at least 5 days prior to the hearing. The Planning Director shall make the exhibits available to the Board and the public by posting the same on the Borough internet website at least 2 business days before the hearing.