

**EAST GOSHEN TOWNSHIP
ZONING HEARING BOARD**

**APPLICATION OF
ALK MANAGEMENT LLC (D/B/A IMPERIAL MARBLE & GRANITE)
1311 West Chester Pike (C-1 Community Commercial Zoning District)
(Tax Parcel I.D. No.: 53-6-61.1)**

The Applicant seeks variance relief from the Zoning Chapter of the East Goshen Township Code to permit certain architectural designs and/or signage on the front of an existing building at its 1311 West Chester Pike property. Specifically, Applicant requires variance relief to allow a wall sign of approximately 36 square feet, whereby the Zoning Ordinance allows one (1) wall sign up to 32 square feet. Accordingly, a variance is sought from Zoning Ordinance Section 240-22.P.(4). Applicant also requests variance relief to allow an architectural feature and/or sign around the building's front windows, which are in the shape of the letters "I" and "M". Therefore, variance relief is required to allow the architectural feature and/or sign to remain on the front of the building. Additionally, a variance is sought from Zoning Ordinance Section 240-22.N. to exceed the permitted height of a wall sign, whereby a maximum of 14 feet is permitted, with 15.9 feet being proposed. In the alternative, Applicant challenges the Township Zoning Ordinance's definition of the term "sign" (of Zoning Ordinance Section 240-6), which would otherwise allow the building front's architectural feature and/or signage to remain as constructed.

HEARING DATE: Tuesday, December 14, 2021, at 7 p.m.

BOARD EXHIBITS:

- B-1: Zoning Application, with supporting documentation, dated October 22, 2021
- B-2: Proof of Publication (with Legal Notice appearing in the *Daily Local News* on December 1, 2021 and December 6, 2021)
- B-3: Notice to property owners within 1,000 feet, dated October 28, 2017 [sic]
- B-4: Affidavit of Posting, dated December 6, 2021 (with accompanying photographs)
- B-5: East Goshen Planning Commission recommendation, dated November 4, 2021
- B-6: Board of Supervisors recommendation, dated November 19, 2021

**EAST GOSHEN TOWNSHIP
ZONING HEARING BOARD APPLICATION**

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199

PHONE (610)-692-7171 FAX (610)-692-8950

Name of Applicant: ALK Management LLC d/b/a Imperial Marble & Granite

Applicant Address: 1311 West Chester Pike
West Chester, PA 19382

Telephone Number: 610-701-3271 Email: bchristman@lambmcerlane.com

Email Address: _____

Property Address: 1311 West Chester Pike
West Chester, PA 19382

Tax Parcel Number: 53-6-61.1 Zoning District: C-1 Acreage: 0.73 acres

Purpose of Application (check one)

- ☒ Variance (Type: ☐ Use Variance ☒ Dimensional Variance)
☐ Special Exception
☐ Appeal determination of the Zoning Officer
☐ Other _____

Sections of Zoning Ordinance in which relief is sought:

§ 240-22.P(4)

Description of the Zoning Relief requested and the future use of the property:

See Addendum attached hereto

Description of the Hardship:

See Addendum attached hereto

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.

W.R. Christman III
Signature of Applicant

10/22/21
Date

***Please review the formal application and review procedures on page three.**

EAST GOSHEN TOWNSHIP
ZONING HEARING BOARD APPLICATION

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199
PHONE (610)-692-7171 FAX (610)-692-8950

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the state of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application process and the Review Process. The application process must be completed in its entirety prior to the applications advancement into the Review Process.

Applicant Name: ALK Management LLC d/b/a Imperial Marble & Granite

Application Process Checklist (Administration use only):

<u>Item</u>	<u>Date Complete</u>
1. Completed Township Application Form:	_____
2. All related materials submitted:	_____
3. Township application and review fees paid:	_____

Application accepted on _____ by _____

Official Signature _____ Title _____

Review Process Checklist

<u>Item</u>	<u>Date</u>
1. Start date:	_____
2. Date of first formal Planning Commission Meeting following complete application:	_____
3. Date sent to CCPC:	_____
4. Date sent to Township Engineer:	_____
5. Date presented to Planning Commission:	_____
6. Date sent to CB:	_____
7. Date sent To MA:	_____
8. Date sent to HC:	_____
9. Date sent to PRB:	_____
10. Date sent to TAB:	_____
11. Date by which the PC must act:	_____
12. Date by which Board of Supervisors must act:	_____
13. Drop Dead Date; (Day 60):	_____
14. Zoning Hearing Date:	_____
15. Dates of public advertisement:	_____ & _____

EAST GOSHEN TOWNSHIP ZONING HEARING BOARD APPLICATION

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199

PHONE (610)-692-7171 FAX (610)-692-8950

Procedures for the processing and review of Subdivision, Land Development, Conditional Use, Variance, and Special Exception Applications

August 19, 2002

2nd Revision: March 2, 2006

1. In order for any application to be considered by the Planning Commission it must be submitted to the Township with all required documentation as per the Township Code and with all applicable fees paid. The Township will use a checklist to verify all required documentation has been submitted. Until the application is complete the application will not be considered "filed" by the Township staff. The Planning Commission will acknowledge receipt of the application at their next regularly scheduled meeting.
2. All materials to be considered at the next regular meeting of the Planning Commission must be submitted with at least eleven (11) copies to the Township Staff by not later than close of business the previous Tuesday. Any materials submitted after that time will be held for the following meeting and not provided to the Commission at the upcoming meeting.
3. The application review cycle for Subdivision and Land Development Applications shall begin with the next regular meeting of the Commission after the complete application is filed. The application review cycle for Conditional Use, Variance, and Special Exception Applications shall begin the day a complete application is filed with the Township.
4. Applicants should not distribute material to the Commission during a meeting unless it is directly related to the initial presentation of the application. All materials for the Planning Commission, including any material to be used at a meeting, must be delivered to the Township Staff not later than close of business the previous Tuesday.
5. The burden of supplying necessary materials to the Planning Commission in a timely manner is on the applicant. Late delivery of material may require an extension on the part of the applicant or a recommendation for denial of the application by the Planning Commission.
6. Formal application presentations to the Planning Commission will only be made at the regular meeting after the complete application is submitted and accepted by the Township staff.
7. The application will remain on the Planning Commission's agenda until such time as the Commission has made its recommendation to the Board of Supervisors and or Zoning Hearing Board.
8. Applicants are encouraged to attend each Planning Commission meeting in order to answer questions or address issues concerning their application.
9. Applications will be voted on only during the regular Planning Commission meetings.
10. The Chairman, in his sole discretion, may waive or modify any of this procedure.

Zoning Hearing Board Procedural Rule for Hearing Continuances: ADOPTED: May 13, 2009

1. The Zoning Hearing Board may grant one-application for hearing continuance. Subject to the limited circumstances referenced in paragraph 2 below, the rescheduled hearing shall be held unless the applicant withdraws the application.
2. The continuance after the first one shall only be granted in an extraordinary circumstance.
3. The Zoning Hearing board has the sole discretion whether to grant any continuance.

ADDENDUM

Zoning Hearing Board Application of ALK Management LLC d/b/a Imperial Marble & Granite

ALK Management LLC d/b/a Imperial Marble and Granite (the "Applicant") hereby requests a dimensional variance from the East Goshen Township Zoning Hearing Board (the "ZHB") in order to construct certain architectural designs and signage on the front of the building located at 1311 West Chester Pike, East Goshen Township, Chester County (the "Property"), also known as UPI No. 53-6-61.1, located in the C-1 Zoning District.

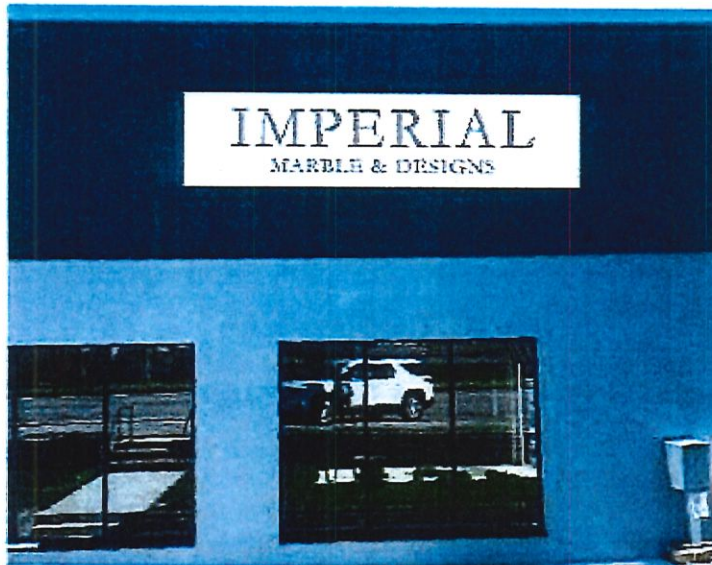
As the ZHB may know, the Applicant purchased the Property in September 2020 and, since then, has made drastic improvements to both the interior and exterior of the building. The Applicant intends to move his marble and granite business to the Property from its current location in Delaware County. In doing so, the Applicant seeks to install a wall sign of approximately 36 square feet (the Zoning Ordinance allows one wall sign of up to 32 square feet each). See Exhibit "A" attached hereto. Accordingly, the Applicant requests a *de minimis* dimensional variance of 4 square feet for the wall sign.

The Applicant has also constructed an architectural feature/trim around the front windows of the building in the shape of an "I" and an "M". The East Goshen Township Zoning Officer has deemed this to be a "sign," as defined by the Zoning Ordinance.¹ Although the time for appeal of that determination has passed, the Applicant requests a dimensional variance to allow the architectural feature to remain on the front of the building. In the alternative, the Applicant requests a variance from the definition of "sign" in the Zoning Ordinance to allow the architectural feature to remain on the front of the building.

The requested dimensional variances are necessary because the literal enforcement of the Zoning Ordinance would prohibit the Applicant from adequately advertising its business along this bustling stretch of West Chester Pike. Under the relaxed standard for dimensional variances under *Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh*, this ZHB may consider factors including economic detriment to an applicant if the variance is denied, financial hardship created by any work necessary to bring the building into strict compliance with zoning requirements, and the characteristics of the surrounding neighborhood. 721 A.2d 43, 50 (Pa. 1998). The changes already made to the Property by the Applicant have considerably improved the aesthetics of the Township along this stretch of road, and permitting the proposed sign and architectural feature would not alter the essential character of the area.

Accordingly, the Applicant requests that the ZHB grant the instant application.

¹ A "sign" is defined as "[a] lettered board, structure, display, illustration or other surface, or any other graphic device used to visually announce, advertise or convey information to the public for any purpose, and which is visible from the outside of the building." East Goshen Township Zoning Ordinance § 240-6.



153"
IMPERIAL
MARBLE & DESIGNS
34"

153"x34"= 36 Square Feet

Installation Notes:
1/2" Thick Acrylic
Letter Threaded
Spacer for Installation

Stud/Spacer



Customer:	Albert	
Company:	Imperial Marble	
Address:	1311 West Chester Pike	
City:	West Chester	State:
Phone:	PA 19382	
Page:		

Job No.:	10/1/2021	
Letter Color:	Letter Color:	
Sign Orientation:	As Noted	Estimate
Comments:	\$0.00	
Install 1/2" Thick Acrylic Non-Illuminated Cut Out Letters		



Google Maps West Chester Pike



Image capture: Aug 2019 © 2021 Google

West Chester, Pennsylvania

Google

Street View - Aug 2019

PHILADELPHIA GROUP

AFFIDAVIT OF PUBLICATION
390 Eagleview Boulevard • Exton, PA 19341

EAST GOSHEN TOWNSHIP
1580 PAOLI PIKE
WEST CHESTER, PA 19380
Attention:

STATE OF PENNSYLVANIA,
COUNTY OF CHESTER

The undersigned _____, being duly sworn the he/she is the principal clerk of Daily Local News, Daily Local News Digital, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

EAST GOSHEN TOWNSHIP

Published in the following edition(s):

Daily Local News	12/01/21
Daily Local News	12/06/21
Daily Local News Digital	12/01/21
Daily Local News Digital	12/06/21

Sworn to the subscribed before me this _____.

Notary Public, State of Pennsylvania
Acting in County of Chester

Advertisement Information

Client Id: 884433

Ad Id: 2255659

PO:

Sales Person: 018303

PUBLIC NOTICE

On Tuesday, December 14, 2021 at 7 p.m., at the East Goshen Township Building, 1580 Paoli Pike, West Chester, Pennsylvania 19380, the East Goshen Township Zoning Hearing Board will conduct a public hearing to consider the Zoning Hearing Board Application of ALK Management LLC (d/b/a Imperial Marble & Granite), regarding property located at 1311 West Chester Pike, West Chester, East Goshen Township, Chester County, Pennsylvania 19382 (Tax Parcel I.D. No.: 53-8-61.1), which is located in the Township's C-1 (Community Commercial) Zoning District.

The Applicant seeks variance relief from the Zoning Chapter of the East Goshen Township Code to permit certain architectural designs and/or signage on the front of an existing building at its 1311 West Chester Pike property. Specifically, Applicant requires variance relief to allow a wall sign of approximately 36 square feet, whereby the Zoning Ordinance allows one (1) wall sign up to 32 square feet. Accordingly, a variance is sought from Zoning Ordinance Section 240-22.P(4). Applicant also requests variance relief to allow an architectural feature and/or sign around the building's front windows, which are in the shape of the letters "I" and "M". Therefore, variance relief is required to allow the architectural feature and/or sign to remain on the front of the building. Additionally, a variance is sought from Zoning Ordinance Section 240-22.N, to exceed the permitted height of a wall sign, whereby a maximum of 14 feet is permitted, with 15.9 feet being proposed. In the alternative, Applicant challenges the Township Zoning Ordinance's definition of the term "sign" (of Zoning Ordinance Section 240-6), which would otherwise allow the building front's architectural feature and/or signage to remain as constructed.

If any person who wishes to attend the Hearing has a disability and/or requires an auxiliary aid, service or other accommodation to observe and/or participate in the proceedings, he or she should contact the Township Building at (610) 692-7171, to discuss how those needs may be accommodated.

Zoning Hearing Board
of East Goshen Township
DLN 12/1, 12/6; 1a

Exhibit
B-2

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

October 28, 2017

Dear Property Owner:

The purpose of this letter is to inform you that the Township has received a Zoning Hearing Board application from Imperial Marble and Granite located at 1311 West Chester Pike, West Chester, PA 19380. The applicant is requesting dimensional relief from the sign ordinance regulating signs in the Community Commercial (C-1) zoning district. The applicant is also asking for a variance from the definition of "Sign" in the zoning ordinance.

The ordinance section subject to the requested relief is §240-6 Definitions (Sign), and §240-22P(4) requirements for wall signs.

Pursuant to Township policy, property owners within 1000 feet of the subject property are notified of Zoning Hearing Board application submissions and the meeting date when the application will be discussed.

This Zoning Hearing Board Application will be reviewed on:

- **November 3, 2021 - Planning Commission meeting (7:00 PM)**
- **November 16, 2021 - Board of Supervisors (7:00 PM)**
- **December 14, 2021 - Zoning Hearing (7:30 PM)**

Meetings and hearings are held at the Township Building, are open to the public, and **subject to change without further written notice by the Township**. The application is available for review at the Township building during normal business hours. Please give me a call at or email me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,
Mark A. Gordon
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions

Want more information about the latest news in the Township and surrounding area? East Goshen Township and Chester County offer two valuable resources to stay informed about important local issues. East Goshen communicates information by email about all Township news through Constant Contact. To sign up, go to www.eastgoshen.org and click the "E-notification & Emergency Alert" button on the left side of the homepage. Chester County offers an emergency notification system called ReadyChesco, which notifies residents about public safety emergencies in the area via text, email and cell phone call. Signing up is a great way to keep you and your loved ones safe when disaster strikes. Visit www.readychesco.org to sign up today!




**EAST GOSHEN TOWNSHIP
1580 PAOLI PIKE
WEST CHESTER, PA 19380**

AFFIDAVIT OF POSTING

Date of Posting: December 6, 2021
Property Location: 1311 West Chester Pike, West Chester, PA, 19382
Tax Parcel Number: 53-6-61.1
Type of Hearing: Zoning Variance Hearing
Date of Hearing: December 14, 2021

I Mark A. Gordon East Goshen Code Official swear that on
December 6, 2021 I posted the appropriate notification of the hearing referenced above.

Signed and sealed this 6th day of December 2021.



Signature
Mark A. Gordon

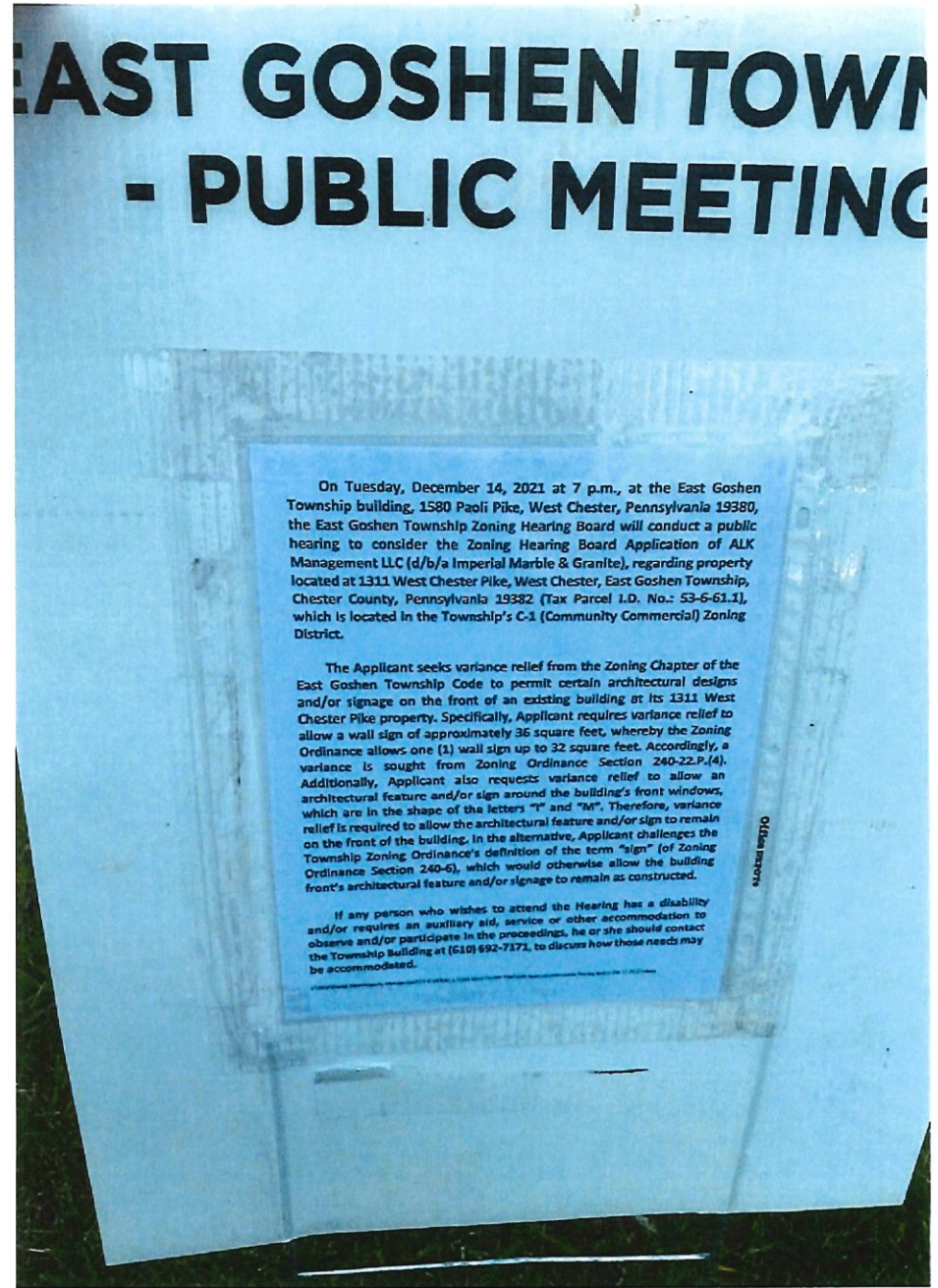
Print Name



Notary Public

Commonwealth of Pennsylvania
County of Chester

Commonwealth of Pennsylvania - Notary Seal
Barbara L. Phillips, Notary Public
Chester County
My commission expires March 29, 2023
Commission number 1129022
Member, Pennsylvania Association of Notaries



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If any person who wishes to attend the Hearing has a disability and/or requires an auxiliary aid, service or other accommodation to observe and/or participate in the proceedings, he or she should contact the Township Building at (610) 692-7171, to discuss how those needs may be accommodated.

EAST GOSHEN TOWNSHIP
PLANNING COMMISSION
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

November 4, 2021

East Goshen Township
Board of Supervisors
1580 Paoli Pike
West Chester, Pa. 19380

Re: 1311 West Chester Pike / Zoning Variance Requests

Dear Board Members:

At their meeting on November 3, 2021 the Planning Commission voted unanimously in favor of the following motion:

Mr. Chairman, I move that the Planning Commission recommend that the Board of Supervisors take "No Position" on this application.

Sincerely,



Mark A. Gordon
Township Zoning Officer



KRISTIN S. CAMP
p: 610.436.4400 Ext# 1050
f: 610.436.8305
e: kcamp@buckleyllp.com
118 W. Market Street, Suite 300
West Chester, PA 19382-2928

November 19, 2021

VIA ELECTRONIC MAIL

East Goshen Township
Zoning Hearing Board
1580 Paoli Pike
West Chester, Pennsylvania 19380

Re: East Goshen Township Board of Supervisors
Recommendation to Zoning Hearing Board for Zoning Application filed by
ALK Management LLC, d/b/a Imperial Marble and Granite
1311 West Chester Pike

Dear Board Members:

On November 16, 2021, the Board of Supervisors met and considered the merits of the above-captioned zoning application wherein the Applicant seeks the following variances related to two signs it intends to erect for the above property and business:

- a variance from Section 240-22.P(4)(a) to allow the wall sign to be 36 square feet as opposed to 32 square feet;
- a variance from 240-22.P(4)(a) to allow the wall sign to be 2' 10" as opposed to 2' in height;
- a variance from 240-22.N to allow the wall sign to be installed at a height of 15' 9" to the bottom of the sign as opposed to 14'.
- Applicant also seeks a variance from the definition of "sign" to allow the "IM" lettering that has been installed as trim around the front windows to remain.

The Board of Supervisors voted to support the IM lettering that has been installed as trim around the front windows and has no objection to such lettering remaining in its current configuration and size. The Board was opposed to the total area and height of the wall sign but supported the wall sign being installed at a height of 15' 9" to the bottom of the sign given the difference in grade of the property from the road.

Please let me know if you have any questions or comments about the Board's recommendation.

Very truly yours,



Kristin S. Camp

KSC/jak

cc: Mark Gordon, Zoning Officer (*via email*)
William Christman, Esquire (*via email*)