

**ZONING HEARING BOARD OF BENSALEM TOWNSHIP, BUCKS COUNTY, PA
CERTIFICATION OF DECISION**

APPEAL NO. 2014-465

TAX PARCEL NO. 02-004-054

ADDRESS: 3501 Brownsville Road, Treiose, Bensalem Twp., PA

OWNER: Daniela Carisane/3501 Brownsville Road LLC **APPELLANT:** Matthew Clift, MRC Electric

This certifies that the Zoning Hearing Board of Bensalem Township held a hearing on **OCTOBER 1, 2015** at **7:30 p.m.** in the Bensalem Township Municipal Building and considered the application for **VARIANCE** filed by the above-named Appellant to seek relief as stated on the advertised legal notice of appeal or application.

More specifically, the Board considered and rendered a decision on a request for relief from the following provisions of the Township's Zoning Ordinance:

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>DECISION</u>	<u>VOTE</u>
232-716(2)a.2	Freestanding sign within side yard Setback (15 feet required; 8 feet Proposed)	<i>Granted</i>	<i>5-0</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The Decision of the Board is subject to the following special conditions:

Downward lighting for both sides subj. to review & approval of Township Engineer & electrical inspector

October 1, 2015

DATE

This is not a building or zoning permit. Such permits must be secured from the appropriate Township officials prior to construction or use of the premises. Building permits must be secured within two (2) years of the date of the decision granting a use or dimensional variance or any approval by this Board is automatically voided. Applicant must comply with all other applicable township, county, state and federal laws, regulations and ordinances.

Findings of Fact and Conclusions of Law will be approved by the Zoning Hearing Board within forty-five days of the date of this Certification, and forwarded to the Appellant with the formal Decision and Order of the Board.



BENSALEM TOWNSHIP

Building and Planning Department
2400 Byberry Road • Bensalem PA 19020
215-633-3644 • FAX 215-633-3653

Exhibit Z-4

Zoning Hearing Board

Appeal Number: 2014-465

Township of Bensalem, Bucks County, Pennsylvania Notice of Appeal

Appeal is hereby made by the undersigned from the action of the Zoning Officer.

Check applicable item(s):

- Certification of Non-Conforming Use
- Application for Validity Challenge
- Administrative Officer in refusing my application for a building permit dated: _____
- Special Exception
- Variance from the terms of the Zoning Ordinance of the Township of Bensalem

Appellant Name: Matthew Clift / MRC Electric

Address: 71 Lydia Ave Churchville, PA, 18966

Phone No. _____

Owner's Name: Daniela Carisane

Address: 3501 Brownsville Rd

Feasterville-Trevose, PA, 19053

Phone No. _____

Attorney Name: _____

Address: _____

Phone No. _____

Interest of appellant, if not owners (agent, lessee, etc.): _____

5. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based (if special or variance is desired):

See attached

6. Action desired by appellant or applicant (statement of relief sought or special exception or variance desired):

See attached

7. Reasons appellant believes board should approve desired action (refer to section or sections of ordinance under which it is felt that desired action may be allowed, and not whether hardship is (or is not) claimed, and the specific hardship.

See attached

8. Has previous appeal or application for special exception or variance been filed in connection with these premises?

YES NO

Specifications of errors must state separately the appellant's objections to the action of the zoning administrative office with respect to each question of law and fact which is sought to be reviewed.

I, hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith, are true to the best of my knowledge and belief.

Appellant's or Owner's Signature

Date

9/9/15

Sworn to and subscribed before me this

9th day of September 2015

Notary Public

My commission expires:

05/07/16

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
MARIE MACDONALD, NOTARY PUBLIC
BENSALEM TWP, BUCKS COUNTY
MY COMMISSION EXPIRES MAY 07, 2016

1. Application relates to the following:

Check items if applicable:

- Use
- Lot Area
- Height
- Yards
- Existing Building
- Proposed Building
- Occupancy

Other: (describe) Set back for free standing sign

2. Brief description of Real Estate affected:

Tax Parcel Number: 02-004-054

Location: 3501 Brownsville Rd, Feasterville-Trevose, PA

Lot Size: 75' x 180'

Present Use: Mexican Restaurant

Proposed Use: Same

Present Zoning Classification: _____

Present Improvement upon Land: Free standing sign

Deed recorded at Doylestown in Deed Book _____ Page _____

3. If this is an appeal to challenge, provide statement and/or basis for challenge to the validity of the zoning ordinance.

See attached

4. If this is an Appeal from action of the Zoning Administrative Officer then complete the following:

Date Determination was made: _____

Your statement of alleged error of Zoning Administrative Office: See attached



BENSALEM TOWNSHIP

Building and Planning Department

Office 215-633-3644 • Fax 215-633-3753

Matthew K. Takita

Director of Building and Planning

2400 Byberry Road • Bensalem, PA 19020

September 3, 2015

MRC Electric
71 Lydia Ave
Churchville, Pa 18966

Project:	FREESTANDING SIGN
Project Address:	3501 Brownsville Rd Trevose, Pa 19053
Tax Parcel:	02-004-054
Property Owner:	Peppes Mexican Grill
Permit Status:	Application Denied

Electronic Review Status

Dear Sir/Madam:

A review was conducted on the application for the referenced project pursuant to Chapter 232 ZONING, The attached sheets show what was found during the review and this information is required to complete the permit application for the above referenced project.

The review process utilizes Adobe Acrobat allowing reviewers to make their comments directly on the plan pages. These comments are tracked throughout the review and a printed summary serves as the basis for a rejection on the project until required changes have been made. The attached sheets will show an image of the plan page including its associated comments with connector lines. Only those pages of the plans that require a revision have been generated and included.

You are required to resubmit plans with revisions and will need to burn the **complete** set of plans with revisions to a new disc. Return it to the Building & Planning Department. You are to include a summary list of **all** changes that were made to the plans including those required by the Township. For each change made to the plans, note the sheet number, drawing title, and a brief description of the change made. Please label the disc with the project address, date and revision number to distinguish it from any earlier submissions.

It is our intent that you receive as few rejections as possible and provide reviewers a more efficient method for completing the review by utilizing the comments summary. The print dialog box should include the following summary options:

- * Layout - Document and comments with connector lines on single pages
- * Font Size - Large font size
- * Include - all comments
- * **Clear** - the checkbox to NOT include pages containing no comments

It is possible that upon receipt of the revised plans, additional items for compliance may be required. This letter shall serve as formal notice that your permit application has been rejected for said project until such time as the requested information has been provided.

You have the right to appeal this rejection letter. Applications for the Zoning Hearing Board can be obtained from the Building and Planning Department located in the Municipal Building at 2400 Byberry Road, Bensalem.

Respectfully,

Harold W. Gans, P.E., P.L.S.
Township Engineer

Email Address

HWG/lva
Enclosures

Peppe's Mexican Grill
Bensalem Township
3501 Brownsville Road
Feasterville-Trevoze, PA

Specific reference to section of the Zoning Ordinance upon which application for variance is based: Sec. 232-716 (2) a.2.

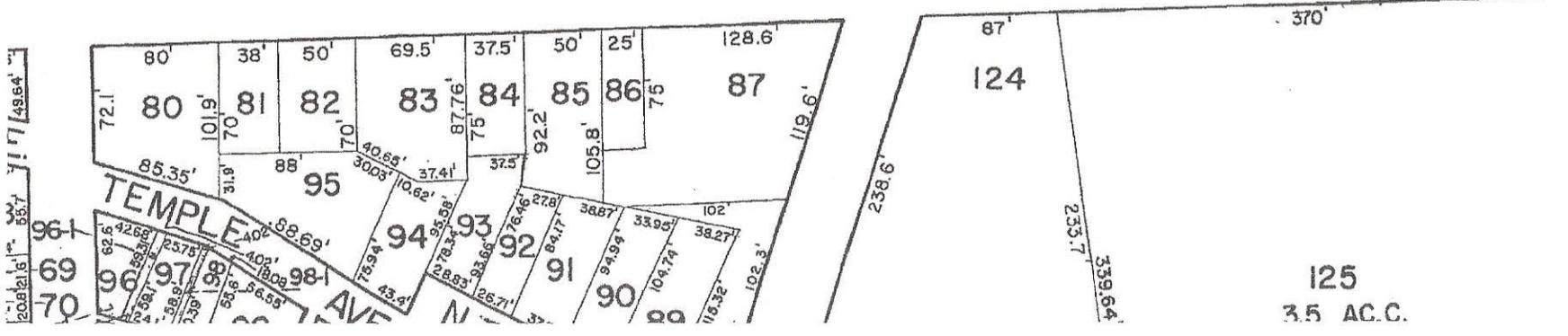
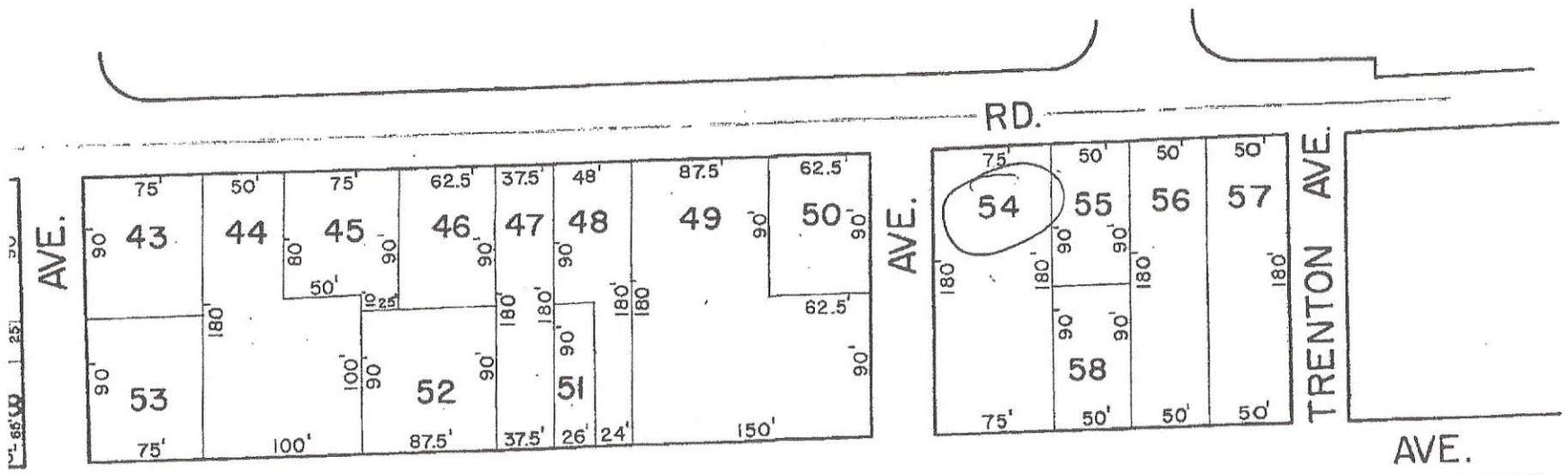
Action desired by appellant or applicant: Matthew Clift (Mr Electric) Appellant seeks relief in the form of a variance to allow a freestanding sign to be installed short of the required setback stated in Sec. 232-716 (2) a.2.

Reasons appellant believes the board should approve desired action: Matthew Clift Appellant believes the board should approve based on Sec. 232-716 (1) (i) (ii), where lineal frontage and lot square footages exceed requirements.

The strict application of the Zoning Ordinance will cause a detriment in reasonable return due to the unique positioning and setback of the building on the property. Peppe's Mexican Grill is requesting the installation of a new freestanding sign 8' setback from the side property line where a 15' setback is required by the Zoning Ordinance.

A true hardship is created by the inability of Peppe's to properly identify itself to their potential customer base. It is crucial that passersby be able to recognize the restaurant as a destination and mentally place the restaurant.

Without the requested signage the restaurant could easily be misidentified by potential customers.





PHILADELPHIA, PA | BETHLEHEM, PA | MOUNTAINSIDE, NJ

PRINCIPALS

- Anthony F. Naccarato, PE, SECB
President
 - Mark W. Lunden, PE, SECB, *Vice President*
 - Dennis V. Mordan, PE, SECB, *Vice President*
 - Margaret A. Hart, *Chief Financial Officer*
 - Paul P. Panzarino, PE
 - Scott M. Bauer, PE, SECB, LEED AP
 - Michael E. Herrmann, PE
- FOUNDERS
- William F. O'Donnell, PE, *Retired*
 - Peter A. Naccarato, PE, *Retired*

November 13, 2015

Peppe's Mexican Grill
3501 Brownsville Road
Trevose, PA 19053

**RE: 3501 Brownsville Road – Sign Stakeout
File No. 0907.0079.01**

On November 9, 2015 we examined the above referenced property for a stakeout inspection for the construction of a new frees-standing sign. The inspection has failed due to the following reason:

1. Proposed sign location was measured approximately 20.5' from the center of roadway and approximately 12' from the side yard property line. The new sign would be located within the ultimate right-of-way of Brownsville Road (60' wide) and also is within the 10' required setback area. This is in violation of section 232-714(1).

Per your approved zoning variance you are permitted 8' from the side yard; however, that variance does not permit the setback issue to the roadway.

Based on the above listed zoning deficiency, your inspection has failed. In order to proceed with this, you are required to obtain a variance from the Bensalem Township Zoning Hearing Board. Applications for appeals to the Zoning Hearing Board can be obtained in the Building and Planning Department located in the Bensalem Township Municipal Complex at 2400 Byberry Rd, Bensalem Township.

For your final inspection by the engineering department, you must contact us directly. If you have any questions, or wish to schedule an inspection with the engineering department, please contact me at 215-633-3652 or qnearon@bensalempa.gov.

O'Donnell & Naccarato, Inc.



Quinton Nearon
Bensalem Township Engineering Inspector



Harold W. Gans, P.E., P.L.S.
Bensalem Township Engineer

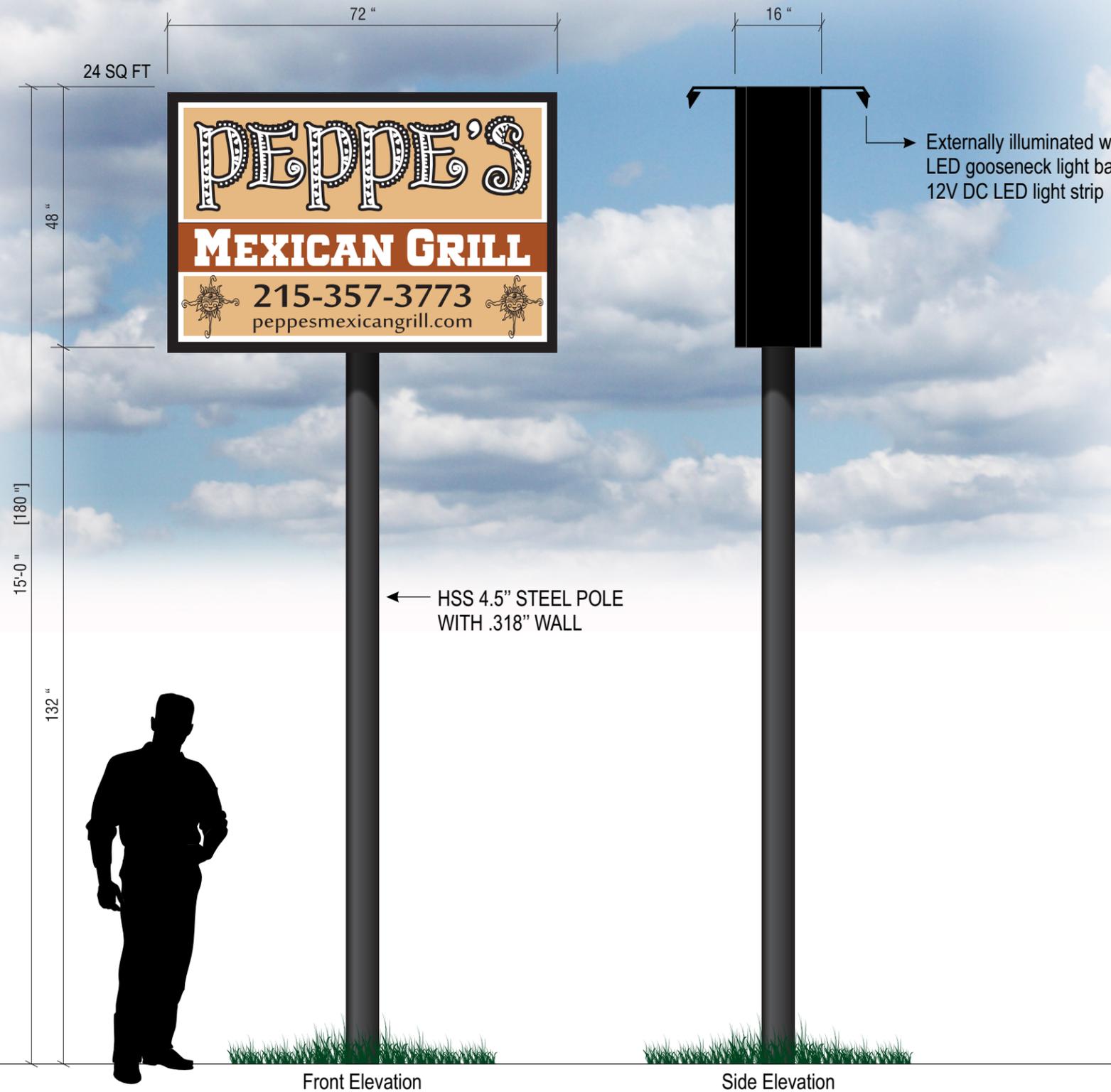
QN:HWG:tar

cc: Matthew Takita, Director of Building and Planning, Bensalem Township
Loretta Alston, Bensalem Township
MRC Electric via email matt@mrctsigns.net

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Pylon Sign Elevation

Scale: 1/2" = 1'-0"



Double Sided Pylon Sign:

Externally illuminated sign with white LED gooseneck light strip from top of sign
 Fabricated aluminum sign cabinet & retainers painted black
 White lexan faces with applied vinyl graphics

Colors:



Newly proposed sign & location



Newly proposed sign & location



Customer Approval:

DRAWINGS PREPARED BY:



CORPORATE HEADQUARTERS
 145 Railroad Drive
 Warminster, PA 18974
 267.988.4370

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REVISIONS

LOCATION

Pepper's Mexican Grill
 3501 Brownsville Road
 Feasterville-Treose, PA 19053

DRAWN BY: SCALE: AS NOTED

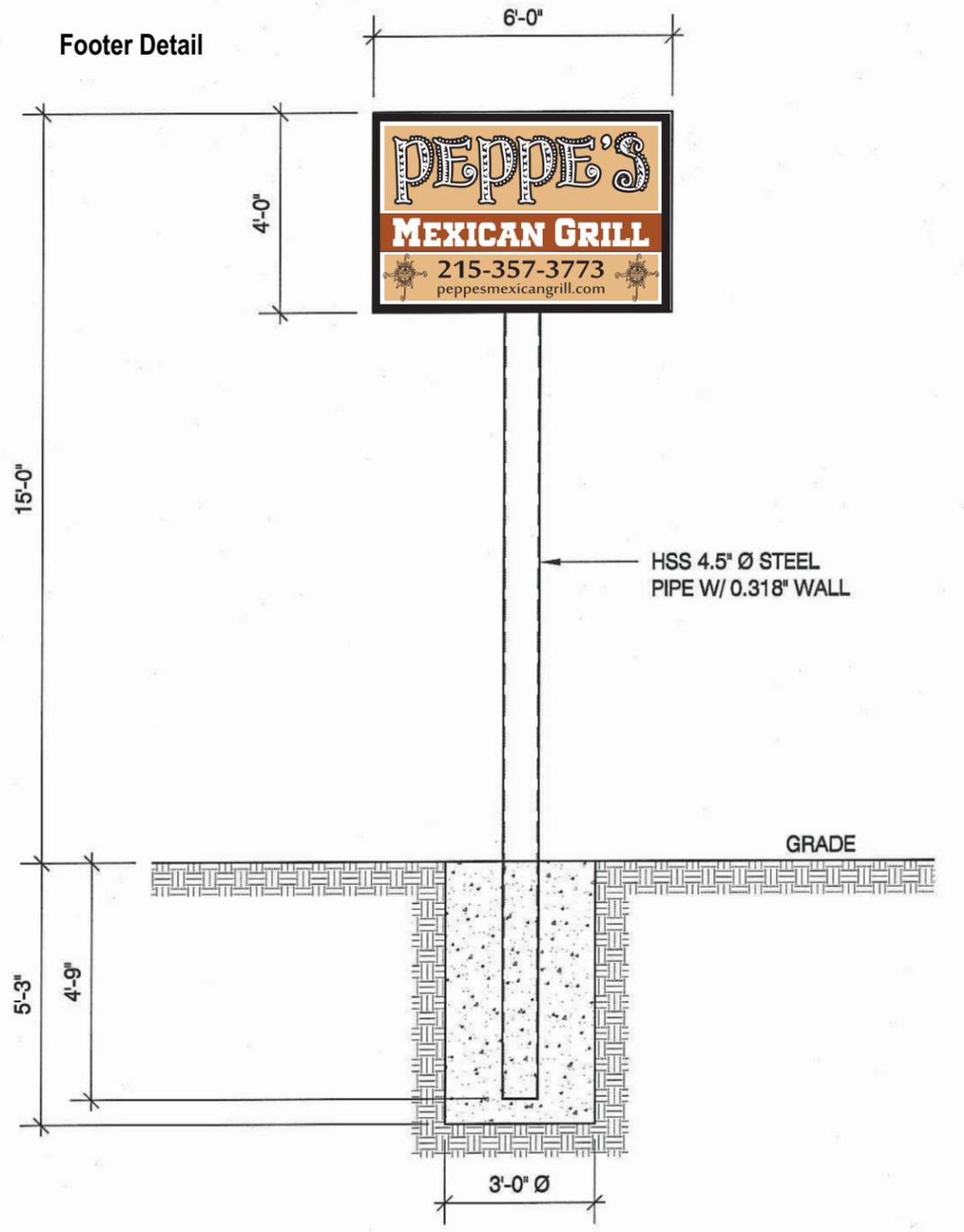
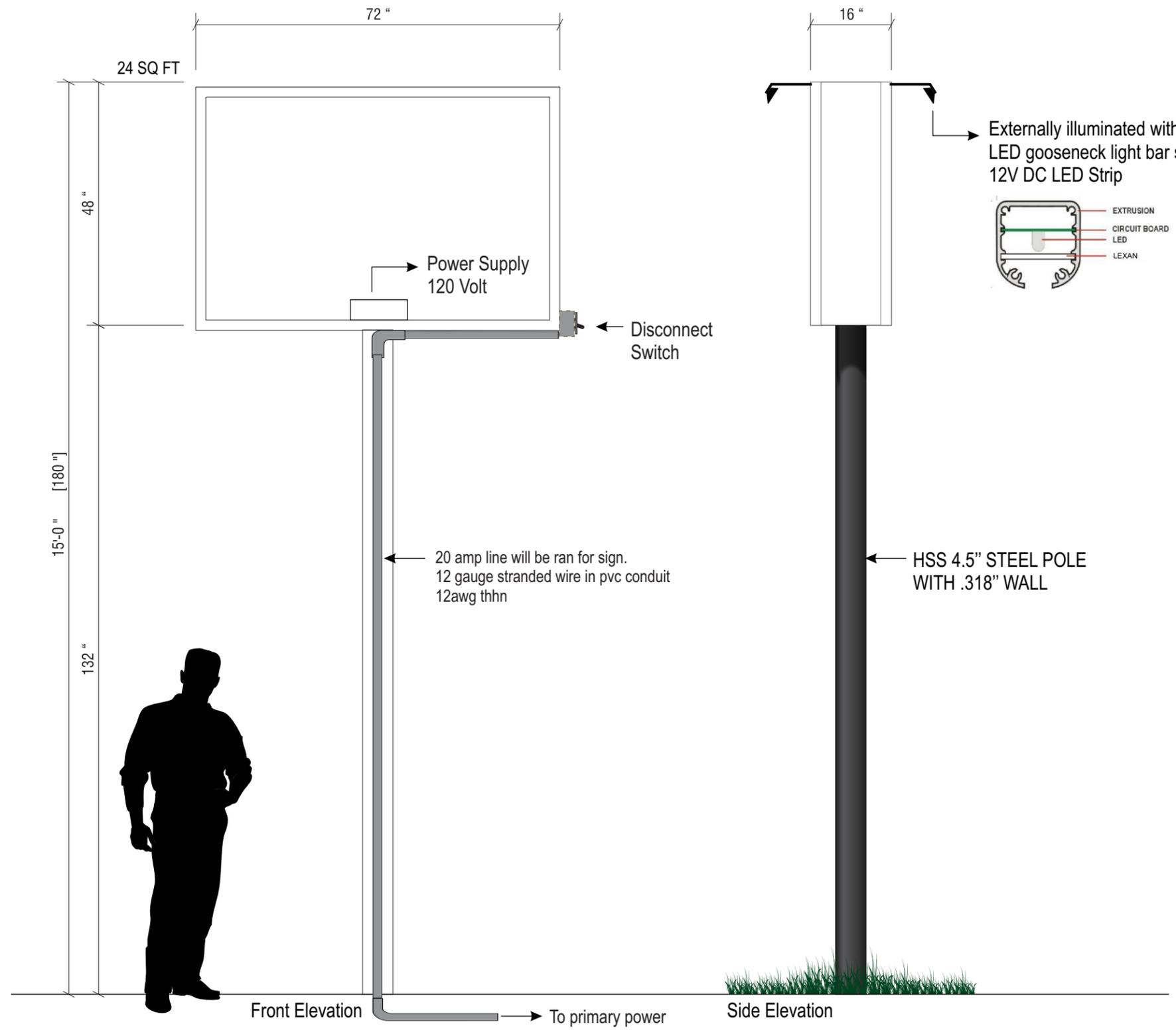
DRAWN: SALES: BW

Peppes Feasterville Treose 6_18_15 R3

JOB#: 28-0000 SHT #: 1

U.L. NOTE
 THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

ELECTRICAL LOAD
1.25 AMPS @ 120 VOLTS
ELECTRICAL REQMTS
(1) 20 AMP CIRCUIT



Customer Approval:	MRC SIGNS LIGHTING ELECTRICAL	CORPORATE HEADQUARTERS 145 Railroad Drive Warminster, PA 18974 267.988.4370	This is an original unpublished drawing created by MRC Electrical & Sign Specialists. It is submitted for your exclusive use, in connection with a project being planned. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. This drawing is the property of MRC Electrical & Sign Specialists	REVISIONS 	LOCATION Peppe's Mexican Grill 3501 Brownsville Road Feasterville-Treose, PA 19053	DRAWN BY:	SCALE: AS NOTED
						DRAWN:	SALES: BW
Peppes Feasterville Treose 6_18_15 R3						JOB#: 28-0000	SHT #: 2

HighLINER 2

LED lighting for Indoor & Outdoor

HighLINER 2 is designed to replace fluorescent lighting in applications such as coolers, stock rooms, wall washes, soffits, and canopies. HighLINER 2 is easy to install and is a simple solution to save energy and reduce ongoing maintenance costs.

- Improves walkway and aisle visibility and building aesthetics
- Fits easily into new or existing interior and exterior surfaces
- Saves up to 64% energy compared with typical fluorescent fixtures

Co-extruded housing – Eliminates sealing surfaces by using two materials which are formed together—an opaque white for the back and a diffused lens material in the front.

Wire channel – Powers lights by running a header wire above the housing to connect multiple HighLINER 2s while hiding the power source.

Wire cover – Snaps onto the ends of HighLINER 2 to cover wire connections and/or bridge distances between lights.

Specifications

Electrical

Input voltage	100-240 VAC, 50-60 Hz		
Output voltage	24 VDC, Class 2 low voltage		
Input power	System ¹	Luminaire ²	
	4'	17 W	14.4 W
1'	4 W	3.6 W	
System efficacy	105 lm/W		

Lighting

Light output ³	4'	1792 lumens
	1'	448 lumens

Light distribution	Linear
Color temperature (K)	5 000 K
Color rendering (CRI)	80

Performance

Ingress Protection	IP66
UL location rating	Dry, damp, and wet locations
Operating temperature	-25 °C to 50 °C
Life rating	100,000 hours (L ₇₀) ⁴
Dimming	Optional Motion Sensing (see Cold Series Dimming Control data sheet)

Construction

Housing	Acrylic, impact modified with UV stabilization
Body color	White

Mounting

4'	Mounting clips (3 included) Wire nut housing (2 included)
1'	Mounting clips (2 included) Wire nut housing (2 included)

Documentation

Warranty	5-year limited
Agency listings	UL (NSF/ANSI 2), ETL, CE, DesignLights Consortium [®] (DLC), RoHS
Files available	LM-79, LM-80, IES

¹ For calculating the maximum number of luminaires that can be connected to a power supply, use the LUMINAIRE INPUT POWER.
² For calculating the maximum number of luminaires that can be connected to the branch circuit, use the SYSTEM INPUT POWER.
³ Tolerance range for optical and electrical data: ±15%.
⁴ Based on LED component manufacturer data.

Multi-Application

wg



Ordering Information

Product	Part Number
4' HighLINER 2	701912-C1I75
1' HighLINER 2	701912-L1C1I75

Power Supplies¹

Description	Part Number
100 W	701895-24C

Accessories (included)

Description	Part Number
Mounting Clip	400686
Wire Nut Housing	400860

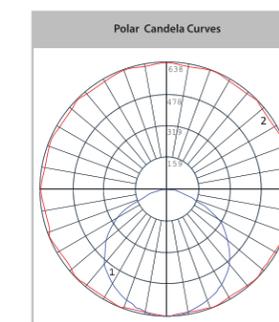
¹ Single power supply can drive up to six (6) lights.
² May require an L-bracket (not included) for mounting.
³ Alternative for 400661. Cat 5 cabling to the sensor not included.

Dimming

Description	Part Number
Dimming Controller	701890-PWR
Occupancy Sensor, Standard ²	400661
Occupancy Sensor, Wide Angle ³	400964

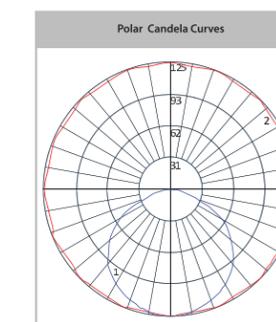
Photometrics

4' HighLINER 2



(1) Vertical Plane (2) Horizontal Cone

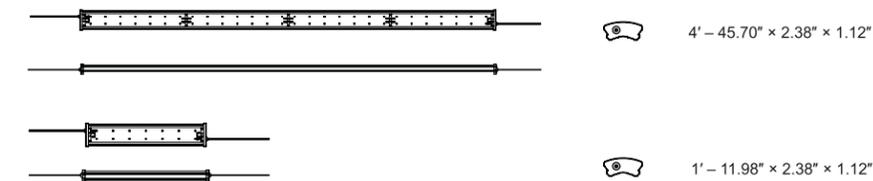
1' HighLINER 2



(1) Vertical Plane (2) Horizontal Cone

Dimensions

weight = 1.06 lbs (4'), 0.25 lbs (1')



Project Name/Location _____

Part Number _____

Notes# _____

Date _____



5725 Olivias Park Drive, Ventura, CA 93003
 805.676.3200 Fax 805.676.3206
 info@SloanLED.com SloanLED.com

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Customer Approval:

DRAWINGS
PREPARED BY:



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 145 Railroad Drive
 Warminster, PA 18974
 267.988.4370

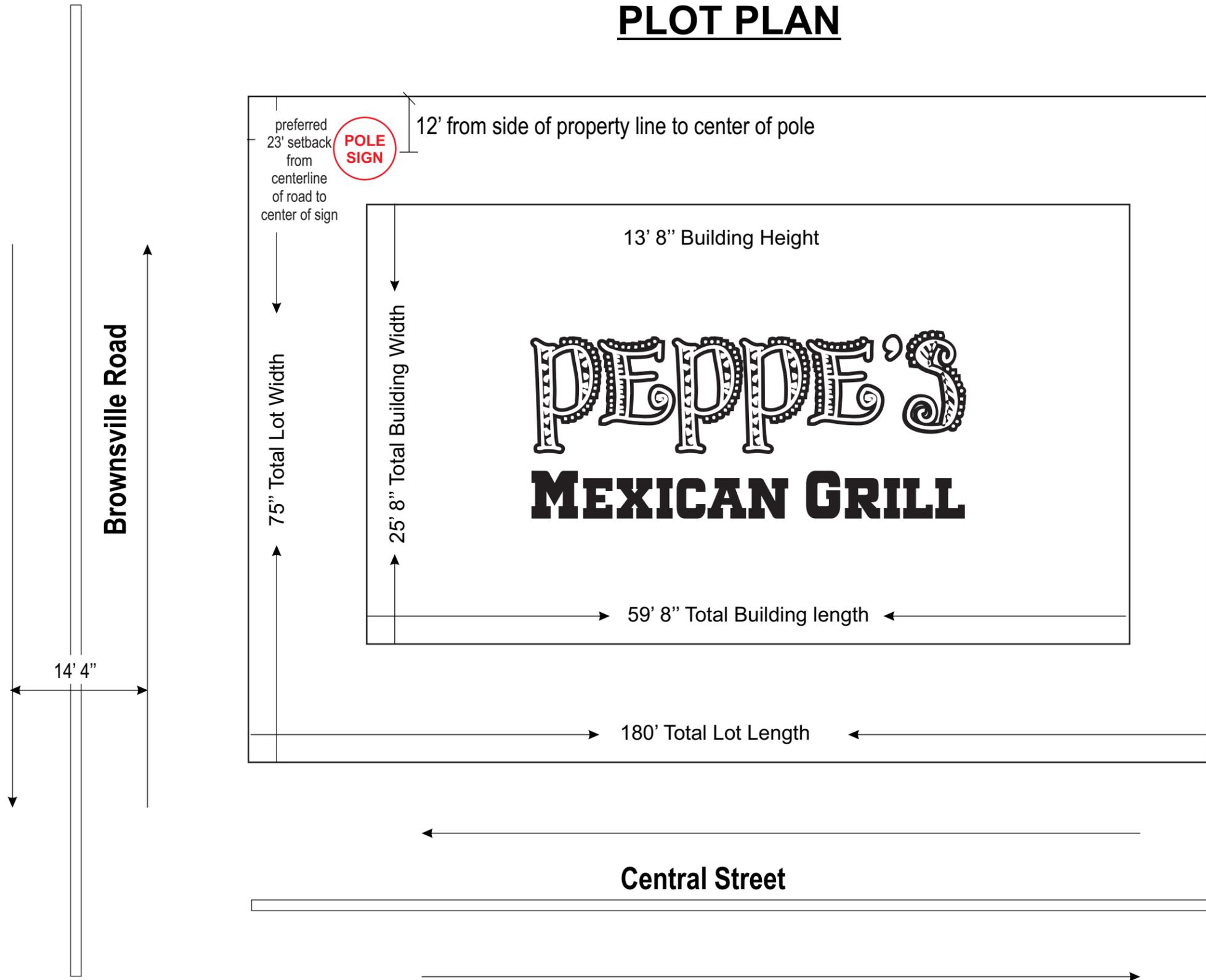
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REVISIONS

LOCATION
Peppes Mexican Grill
3501 Brownsville Road
Feasterville-Treose, PA 19053

DRAWN BY:	SCALE: AS NOTED
DRAWN:	SALES: BW
Peppes Feasterville Treose 6_18_15 R3	
JOB#: 28-0000	SHT #: 3

PLOT PLAN



Neighboring Sign



Customer Approval:

DRAWINGS PREPARED BY:



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3501 Brownsville Road
Feasterville-Treose, PA 19053

DRAWN BY:	SCALE: AS NOTED
DRAWN:	SALES: BW
Peppes Feasterville Treose 6_18_15 R3	
JOB#: 28-0000	SHT #: 4

Existing Site



Newly proposed sign & location



Customer Approval:

DRAWINGS
PREPARED BY:



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3501 Brownsville Road
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Peppes Feasterville Treose 6_18_15 R3	
JOB#: 28-0000	SHT #: 5

30' Setback



23' Setback



Customer Approval:

DRAWINGS
PREPARED BY:



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DRAWN:	SALES: BW
Peppes Feasterville Treose 6_18_15 R3	
JOB#: 28-0000	SHT #: 6