

ERECTED INTO A TOWNSHIP IN 1733  
**TOWNSHIP OF WORCESTER**  
AT THE CENTER POINT OF MONTGOMERY COUNTY  
PENNSYLVANIA

1721 Valley Forge Road  
P.O. Box 767  
Worcester, PA 19490

Phone (610) 584-1410  
Fax (610) 584-8901

**THIS SECTION COMPLETED ONLY BY TOWNSHIP:**

APPEAL NO.: ZHB 2021-07 DATE FILED: April 30, 20 21

APPLICATION:     BOARD OF SUPERVISORS  
                       ZONING HEARING BOARD

1.    Date of Application: April 30, 2021

2.    Classification of Appeal (Check one or more, if applicable):
- a.    Appeal from the Zoning Officer's Determination
  - b.    Request for Variance
  - c.    Request for Special Exception
  - d.    Challenges to the Validity of Zoning Ordinance or Map
  - e.    Request for Conditional Use Hearing
  - f.    Request for Amendment to Zoning Map
  - g.    Request for Zoning Ordinance Amendment
  - h.    Request for a Curative Amendment
  - i.    Request for other relief within the Jurisdiction of the Zoning Hearing Board as established in Section 909.1(a) of the Pennsylvania Municipalities Code

3.    Applicant:

- a.    Name: SONA Realty LLC
- b.    Mailing address: 339 N Broad St., Apt. 2414, Philadelphia PA 19107
- c.    Telephone number: (610) 334-1714
- d.    State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: (REQUIRED) Equitable Owner

**Please attach Deed to prove ownership, an Agreement of Sale to prove equitable ownership, or an Affidavit allowing Tenant to apply for necessary relief.**

4.    Applicant's attorney, if any:

- a.    Name: Bernadette A. Kearney, Esq. / HRMM&L
- b.    Address: 375 Morris Road, PO Box 1479, Lansdale, PA 19446
- c.    Telephone number: 215-661-0400

5. Property Details:
- a. Present Zoning Classification: C Commercial
  - b. Present Land Use: \_\_\_\_\_
  - c. Location (Street Address):  
2005 Valley Forge Road
  - d. Parcel #: 67-00-03220-00-7
  - e. Lot Dimensions:
    - (1) Area: 37,700 SF
    - (2) Frontage: Approx. 270 feet
    - (3) Depth: Approx. 158 feet
  - f. Circle all that apply in regards to the above specified property:
    - Public Water       Public Sewer
    - Private Well       Private Septic
  - g. Size, construction, and use of existing improvements; use of land, if unimproved: **(Please submit as an attachment)**  
See attached.
6. Proposed Use(s):
- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)**  
See Attached.
7. Legal grounds for appeal (Cite specific sections of Pennsylvania Municipalities Planning Code, Zoning Ordinance, Subdivision Regulations, and/ or other Acts or Ordinances). All sections that apply must be listed in which relief is required and an explanation provided. **(Please submit as an attachment)**  
See Attached.
8. Has any previous appeal been filed concerning the subject matter of this appeal?  
 Yes     No
- If yes: specify: **(Please submit as an attachment)**  
1980 ZHB decision attached
9. Challenges please list requested issues of fact or interpretation:  
**(Please submit as an attachment)**
10. Worcester Township to provide the list of names and addresses of properties situated in the vicinity of the subject property as per Township Code Section 150-224

**CERTIFICATION**

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.

Shiv Shah  
Signature

Shiv Shah  
Printed Name

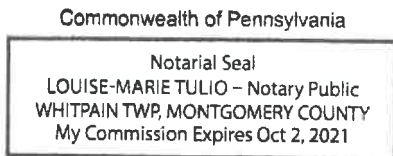
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Montgomery : SS

The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.



Shiv Shal  
Applicant

Applicant

Sworn to and subscribed before me this 30 day of April, 2021

Louise-Marie Tulio  
Notary Public

Date Received: April 30, 2021

[Signature]  
Zoning Officer

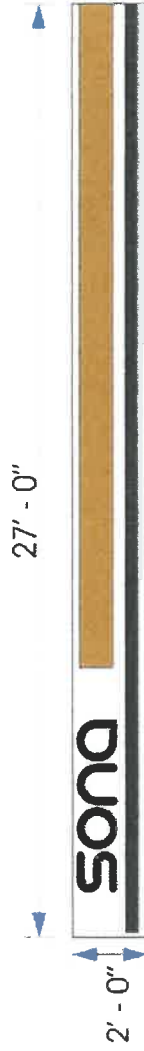
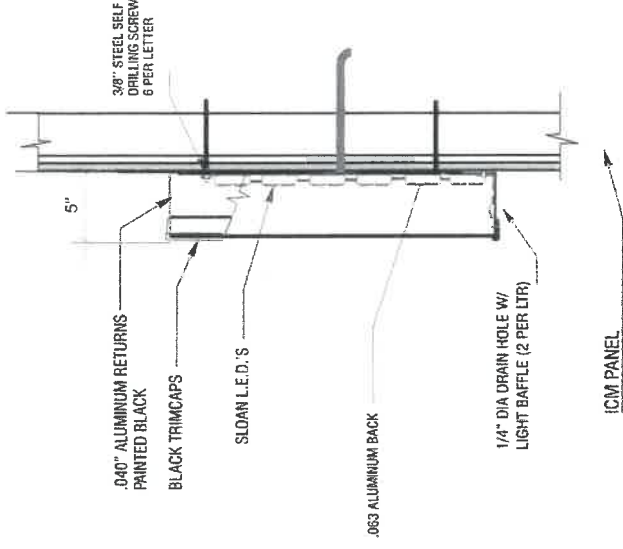
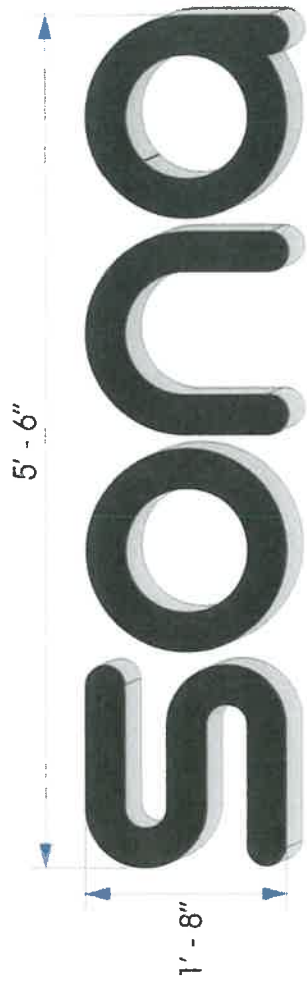
## Zoning Attachment

5.g: The Property is the existing Center Point Exxon. Existing improvements include gas fuel 4 gasoline pumps with canopy and three bay service station building.

6. & 7. The proposed use is to replace the existing signage as follows: On the free-standing double-sided existing Exxon sign, the face of the sign shall be removed and replaced with new price signs as seen on the attached. The existing Exxon sign is internally illuminated and the proposed sign will be internally illuminated. The Applicant is requesting variance relief from Section 150-147.C(1) to permit the price signs to be internally illuminated and a variance from Section 150-147.C.(3) and Section 150-147.F(3) to allow an electronically changeable price sign.

On the canopy, the Applicant is replacing the existing Exxon lettering on the three sides of the canopy with "SONA" which sign size is smaller than the existing Exxon lettering. The SONA channel letters will be illuminated and the Applicant is requesting variance relief from Section 150-147.C(1) to permit the channel letters to be internally illuminated.

The requested zoning relief for the Property is appropriate as the requested internal illumination of the signage will adequately identify the gas station, especially in the evening. The electronically changeable price sign is the current means of communicating gas prices to the traveling public and is a safer means of changing the price sign than manually. The electronically changeable price sign will not scroll, blink or flash and will not have animation.



50' - 0"

Cover existing canopy with vinyl decals (3 sides except the one faceign store)  
 Manufacture and install new internally illuminated channel letters (3 sets)

This original design is the sole property of the VII-SERVICE LLC, it cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from the VII-SERVICE LLC.

Now



Proposed



2005 S Valley Forge Rd, Lansdale, PA 19446



Remove and disposal of existing Exxon faces  
 Manufacture and install new faces for existing  
 double sided price signs

This original design is the sole property of the VI-SERVICE LLC, it cannot be reproduced, copied or exhibited, in whole or part, without first obtaining written consent from the VI-SERVICE LLC.

2005 S Valley Forge Rd, Lansdale, PA 19446

Proposed



Now



This original design is the sole property of the VR-SERVICES LLC. It cannot be reproduced, copied or exhibited, in whole or part, without first, obtaining written consent from the VR-SERVICES LLC.

TO YOU ARE HEREBY NOTIFIED TO PLEAD TO THE ENCLOSED PLEADING WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF OR A DE FAULT JUDGMENT MAY BE ENTERED AGAINST YOU. TRIAL BY JURY OF TWELVE DEMANDED.

ATTORNEY FOR

LAW OFFICES  
CLEMENS AND NULTY  
510 EAST BROAD STREET  
SOUDERTON, PENNSYLVANIA

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED.

*[Signature]*

BEFORE THE ZONING HEARING BOARD OF WORCESTER TOWNSHIP,  
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: : NO. 80-2  
APPLICATION OF EXXON CO., U.S.A. :

DECISION

I. BACKGROUND

A public hearing was held on February 26, 1980, with regard to the application of Exxon Company, U.S.A., for a variance to erect a pair of price signs on the post which supports an existing "Exxon" identification sign. The application was presented in two parts, seeking the identical installation at two locations, one being an Exxon station located in Fairview Village and the other at their station in Center Point. Notice was published in a newspaper of general circulation and, in accordance with that notice, the hearing was conducted at the Farmers' Union Hall, Center Point, Pennsylvania. The only testimony presented was given by Albert Whalen, a marketing representative, and by Kurt Reinmiller, an engineer, both being employed by the applicant. In addition, background information was furnished by Mr. Russell H. Place, Secretary of Worcester Township, and by Mr. George Standbridge, the former Zoning Officer whose letters pointing out the need for a permit led to the present application. The applicant was not represented by an attorney.



At the commencement of the proceedings, a request was made to the effect that anyone who wished to enter an appearance as a party to the proceeding could step forward and identify himself, in order that the person might participate in the examination of witnesses and otherwise utilize that standing which accrues to a party. There was no response.

The witnesses were affirmed and a stenographic record was generated and made a part of this record. No request was made by anyone for a copy of the Decision or Opinion. A public discussion of the merits was held by the Board following the close of testimony, and a final vote was taken at the public meeting at which this document was signed and released.

## II. FINDINGS OF FACT

1. The applicant is Exxon Company, U.S.A., a division of Exxon Corporation, with a local address of 216 Goddard Boulevard, King of Prussia, Pennsylvania, 19406. It is the owner of two gasoline service stations, one of which is located on the southwest corner of Germantown Pike and Valley Forge Road in Fairview Village (Fairview Village Station) and the other being located on the northeast corner of Skippack Pike (Route 73) and Valley Forge Road (Route 363), Center Point (Center Point Station).

2. Both stations are located in areas zoned as "'C' Commercial District" and both are located on corner tracts.

3. With regard to the matter at hand, both stations are very similar, each having a three-bay service station building and three-gasoline pump islands. Of interest here is the fact that both stations have erected, in that corner of the properties located at the intersection of the two streets, an internally illuminated double-faced sign, having an area on one side of approximately 36.13 square feet and bearing the identifying name "Exxon". In each case, the sign is stationary and is mounted on the top of a square pillar estimated to be approximately fifteen feet high.

4. The purpose of the hearing, as stated by the applicant in its application and repeated during the course of the testimony, is to obtain a variance from the terms of the Zoning Ordinance in order that two additional signs may be mounted on each of these pillars in order to display the momentary price of gasoline.

5. At each location, the two signs would have printing on both sides and would be mounted perpendicular to each other so that they would be located approximately halfway up the column. By printing on both sides of each sign, the pricing information would be available to all four directions of traffic.

6. Each of the two signs to be mounted at a given location would be made of sheet metal measuring approximately 46" x 64" (20.44 square feet) and each would be illuminated by a series of overhead quartz lights.

7. The applicant seeks a variance from two sections of the Ordinance, one being Section 1302 (E), which restricts outdoor signs of service stations located on corner lots to a maximum of 150 square feet, and from Section 1104 (B) which states that no signs may be located within 35 feet of the right-of-way of any highway.

8. In both locations, the requested signs would be located well within 35 feet of both of the intersecting highway rights-of-way.

9. With regard to the reason for the variance, the witness for the applicant indicated that the major reason in having the signs mounted is that the corporation was seeking uniformity throughout the United States, having spent the last year and a half mounting similar signs on what the applicant refers to as the "major" poles in order that the motoring public would know the current price for gasoline. The witness for the applicant said that experience has shown that a free-standing price sign has not been satisfactory because the wind may blow it down, causing a potential hazard to safety as well as blocking visibility.

10. In addition, the applicant stated that the installation of the signs would have no effect upon the sale of gasoline since each station has a certain allocation which is determined not by how much gas it might sell, but is set by an agency of the United States Government based on sales made during the period of October 1978 through February of 1979.

11. A set of the subject signs were in fact erected at the Fairview Village station in mid-1979 without authorization and that, in the intervening six months or so, the signs have had no discernible effect upon the gasoline sales at that station.

12. When questioned specifically with regard to the subject of hardship, the witness for the applicant stated that the hardship would consist of a difficulty in placing such a pricing sign anywhere other than within the 35-foot setback from the right-of-way and still give the signs the utmost visibility. In short, the location of the price signs on the "major" sign pole is the optimal placement, and this was the essence of the "hardship" encountered by the applicant.

### III. DISCUSSION

The Worcester Township Zoning Ordinance of 1953, as amended, clearly does not permit the installation of the two pricing signs, at either station, in the place and in the manner as proposed by the applicant. The column which supports the identification brand name of the filling station, the column upon which the proposed signs are to be located, is well within thirty-five feet of the right-of-way of not one but two highways, in both locations. Section 1104 (B), in discussing additional regulations applicable to commercial districts, states that no signs may be located within this 35-foot zone and the applicant has failed to give any reason that would constitute the type of "hardship" that

is required before a variance from the clear terms of the Ordinance may be granted. Nationwide uniformity certainly does not meet the test, and the testimony presented by the applicant demonstrated that a six-month history of the sign at the Fairview Village location shows no effect, one way or the other, upon the business of the station, apparently because the allocation for each station is set by a federal agency using year-old sales figures. Since sales are limited by the current allocation, the installation of signs now cannot increase the sales, and therefore cannot affect this as a basis for some future allocation since the maximum sales are already limited by the allocation. On the outside chance that short-termed "gas wars" return, pricing can be handled by a suitably secured movable sign. This does not appear to be an imminent problem.

In short, there is nothing unique or peculiar to either tract of land or situation which would justify the grant of a variance from any term of the Ordinance.

#### IV. CONCLUSIONS OF LAW

1. The Zoning Hearing Board has jurisdiction over the subject matter and the applicant. The applicant is a business corporation which is the owner of two tracts of land, each containing a gasoline service station in a commercially-zoned district.

2. The application and the hearing notice, as published, are in good order.

3. The applicant and the subject matter are properly before the Board, the hearing notice having been published as prescribed by law and the Zoning Ordinance.

4. The applicants have presented an application seeking a variance in order to install additional signs on a pole, already supporting a business sign, located within thirty-five feet of the two highways forming the respective intersection where each of these filling stations are located, a place which may not be used for a business sign in a commercial district.

5. No evidence was produced on behalf of the applicant to show any unnecessary hardship which is unique to the overall circumstances of either of the properties in question.

#### V. OPINION

After consideration of the above Findings of Fact and Conclusions of Law, the Board is of the opinion that the application for a variance must be refused.

LAW OFFICES  
Clemens, Nulty and Gifford

R. WAYNE CLEMENS  
JEROME B. NULTY  
DOUGLAS A. GIFFORD

510 EAST BROAD STREET  
SOUDERTON, PENNSYLVANIA 18964  
(215) 723-5533

March 19, 1980

Mr. Thomas B. Ryan  
Valley Forge Road  
Worcester, PA 19490

Mr. George R. Lewis  
P. O. Box 217  
Fairview Village, PA 19409

Mr. Martin K. Hansell  
2133 Berks Road  
Lansdale, PA 19446

Re: Exxon Co.  
No. 80-2

Gentlemen:

Enclosed is a copy of the proposed decision in the Exxon matter. We didn't get the notes of testimony until Monday and so I won't have the Schafer one out for a day or so.

In Exxon, I avoided the subject of sign area and the question of whether you count one or both printed sides. I suppose a two-sided sign is less desirable than a one-sided sign and Exxon's interpretation may be correct. However, it wasn't necessary to spend time on researching it since the other basis for a variance was enough to defeat the request since there was absolutely no hardship.

If you have any questions or modifications, please let me know by Tuesday noon.

Very truly yours,

  
JEROME B. NULTY

JBN:gms  
Enclosure

cc: Mr. Russell H. Place

*Handwritten notes:*  
Dunfee  
Exxon -  
B. Schafer  
E. J. Mansell  
1980