

**BEFORE THE ZONING HEARING BOARD OF WEST NORRITON TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**IN RE: APPLICATION OF WAL-MART  
REAL ESTATE BUSINESS TRUST**

**SUMMARY DECISION NO. 926**

A public hearing was held on January 15, 2025, with regard to the application of Wal-Mart Real Estate Business Trust. The application requested variances from the Zoning Ordinance to permit new signage to be installed.

The property is located at 650 S. Trooper Road, West Norriton Township, Montgomery County, Pennsylvania, in the LC&I – Limited Commercial and Industrial Zoning District.

Notices of the public hearing were published in accordance with law, advertised in a newspaper of general circulation, and posted on the property. In accordance with such notices, a hearing was conducted at the West Norriton Township Administration Building. Allan Booz, Zoning Officer, participated in the hearings on behalf of the Township.

The record reflects that no one chose to enter appearance as a party in opposition. In fact, no residents attended the meeting. Witnesses were duly sworn or affirmed and notes of testimony for the hearing were taken and are hereby made a part of this record.

The Zoning Hearing Board has jurisdiction over the subject matter of the application. The parcel in question is located in West Norriton Township, Montgomery County, Pennsylvania. The Applicant and the subject matter are properly before the Board and the Applicant has standing to submit the application. The Applicant was represented by David Tshudy, Esquire.

The following Exhibits were marked and duly admitted into evidence:

- A-1 Deed
- A-2 Tax Card
- A-3 Lease
- A-4 ZHB Decision No. 772
- A-5 Aerial
- A-6 Sign Elevations
- A-7 Sign Plans
- A-8 Sign Schedules
- A-9 Photos and Renderings

The Board marked and duly admitted into evidence the following Board Exhibits:

- B-1 Public Notice
- B-2 Certificate of Posting

Final vote with regard to the application was taken at the public meeting on January 15, 2025 after public discussion, and the Board voted unanimously to grant the relief requested.

The relevant provisions of the Zoning Ordinance follow:

**§ 27-1613 Signs in Commercial Districts.**

[Ord. No. 2021-752, 11/9/2021]

**1.**

Except as noted below, the following numbers/types of signs may be erected in any industrial district or as the C - Commercial, L-C - Limited Commercial, LC&I - Limited Commercial and Industrial, B-P Business and Professional and I - Industrial Districts, subject to the conditions specified here and in §§ 27-1607 through 27-1611.

\*\*\*\*\*

**D.**

Wall signs for nonresidential uses shall be permitted, subject to the following regulations.

**(1)**

Number. One sign per tenant per street frontage, up to a maximum of two signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.

**(2)**

Area. Each sign shall have a maximum area of 32 feet per sign face.

**§ 27-1604 Prohibited Signs.**

[Ord. No. 2021-752, 11/9/2021]

**1.**

The following signs are unlawful and prohibited:

**A.**

Banners and Pennants. Banners, pennant strings, streamers, balloon signs, and other inflatable devices, with the exception of balloons used in temporary, noncommercial situations.

The Applicant provided sufficient testimony and evidence for the Board to conclude that the success of the Applicant's business depends upon the sign package submitted. The scale and scope of the store in question, as well as its location set back substantially off of the road, and sharing the shopping center with other tenants, require the signage as proposed. The proposed signage is significantly less in square

footage than the existing signage associated with the use, as permitted by ZHB Decision No. 772. The proposed signage is an upgrade to the existing signage, quite attractive, and not obtrusive. The Applicant sustained its burden of proof, (production of evidence and the burden of persuasion), to demonstrate that the Applicant will suffer unnecessary hardship if the relief were not granted, and the criteria which the Board must consider to grant the requested variances have been met. In addition, the Board was persuaded by the arguments of counsel for the Applicant that, as a result of the reduction of the overall square footage of the signage, and the relatively insignificant size of the proposed banner sign, certain elements of the Applicant's request would be de minimis in nature. As a matter of law, the strict adherence to the Ordinance provisions is not required to achieve the public policy goals of the Ordinance, and therefore, de minimis variance relief should be granted.

**BEFORE THE ZONING HEARING BOARD OF WEST NORRITON TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**IN RE: APPLICATION OF WAL-MART  
REAL ESTATE BUSINESS TRUST**

**ORDER NO. 926**

AND NOW, this 21<sup>ST</sup> day of JANUARY, 2025, the Board hereby orders that:

The following relief is **GRANTED**:

Variations from Section 27-1613.1.D.(1) and (2), to permit seven (7) wall signs, rather than the one (1) sign permitted, and for multiple signs to exceed the 32 square foot size limitation, substantially as shown on the plans.

A variance from Section 27-1604.1.A, to permit one (1) banner sign, substantially as shown on the plans.

Subject to the following conditions:

- (1) The approvals granted herein apply only to the proposed signs for Wal-Mart and shall not apply to any other uses or structures.
- (2) All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.
- (3) The Applicant shall comply with all other requirements of West Norriton Township, including all other sign requirements, building codes, fire codes, and all other Zoning Ordinance provisions.
- (4) The relief granted herein shall expire within one (1) year of the date of this Order. The Applicant shall submit all plans and obtain all permits as required within one (1) year of the date of this Order.

WEST NORRITON TOWNSHIP ZONING HEARING BOARD



ALBERT ZONE



CRYSTAL Y. MILLER



JOAN P. GRAY

HAROLD HALBERT

A copy of this Decision was mailed<sup>e-</sup>  
to the parties this date:

1/21/25



MICHAEL E. FUREY, ESQUIRE  
SOLICITOR FOR THE WEST NORRITON  
TOWNSHIP ZONING HEARING BOARD

THIS DECISION AND ORDER OF THE BOARD IS FINAL AND ANY APPEAL OF IT MUST BE FILED WITH THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY WITHIN THIRTY (30) DAYS FOLLOWING THE COPY MAILING DATE.

THE BOARD RESERVES THE RIGHT TO ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE EVENT OF AN APPEAL.