

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP  
:   
THE APPLICATION OF : ZONING HEARING BOARD  
:   
LAMAR ADVERTISING : CUMBERLAND COUNTY, PENNSYLVANIA  
:   
: DOCKET NO. 2017-02

**DECISION DENYING A VARIANCE**

The Applicant requests a variance to erect a billboard in the setback. A hearing was held before the Board on April 20, 2017.

**FINDINGS OF FACT**

1. Notice of the hearing was properly advertised, the subject property was posted, and all property owners required to be notified of the hearing were notified in accordance with the Codified Ordinances.

2. The Applicant is Lamar Advertising, whose address is 308 S. 10<sup>th</sup> Street, Lemoyne, PA 17043.

3. The owner of the subject property is HET Enterprises, LLC.

4. The subject property is a tract of land located in a General Commercial Zoning District, at the northwest corner of the intersection between Wesley Drive and Gettysburg Road, and improved with structures used in the operation of a gasoline service station.

5. The Applicant is the lessee of a portion of the subject property proposed for erection and operation of a billboard.

6. The Applicant proposes to erect a two-sided billboard, 22 feet in width and 11 feet in height, on a single pole, approximately 70 feet from the cartway of Gettysburg Road, close to the intersection of the right-of-way lines of Wesley Drive and Gettysurg Road.

7. The billboard is proposed to have a catwalk on both sides, extending from the sign a distance of approximately 9 feet.

8. The billboard will encroach slightly into the required 10 feet wide setback and the catwalk on its west side will encroach into the setback by more than 9 feet.

9. There is no evidence that the subject property is burdened by any unique physical conditions or circumstances giving rise to an unnecessary hardship, that the property cannot be developed in conformity with the zoning regulations, or that the requested variance will represent the minimum variance to afford relief.

10. While Gettysburg Road and Wesley Drive have relatively wide rights-of-way, those conditions existed at the time Applicant entered into its lease.

11. Other than the Applicant, noone offered comments about the proposed billboard.

### CONCLUSIONS OF LAW

1. Under Sections 220-266 and 220-269(B)(5) and (C) of the Codified Ordinances, the Zoning Hearing Board has jurisdiction to hear and decide requests for variances.

2. Section 220-252(H)(1) requires that a billboard be located at least 10 feet from any property or street right-of-way line.

3. There is no unnecessary hardship necessitating variance relief.

4. The subject property has already been developed in conformity with the zoning regulations.

5. The requested variances will not represent the minimum variance to afford relief.

### DECISION

Based upon the foregoing findings and conclusions, and in consideration of the testimony and evidence presented to the Board,

it is the decision of the Board that the Applicant's request for a variance be and is hereby denied.

LOWER ALLEN TOWNSHIP ZONING  
HEARING BOARD

Ann Everts

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Date: 5-2-2017

[Signature]  
Solicitor