

IN THE MATTER OF : BEFORE THE LOWER ALLEN
THE APPLICATION OF : TOWNSHIP ZONING HEARING BOARD
KEN BOLINGER : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2023-02

DECISION GRANTING A VARIANCE

The Applicant requests a variance to replace a nonconforming sign with a smaller one. A hearing was held before the Board on March 16, 2023.

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 Ken Bolinger, whose address is 586 Old York Road, Eppers, PA 17319.

3. The owner of the subject property is Ryan Hannold.

4. The subject property is a tract of land located in a C-4 Zoning District, known as 3540 Gettysburg Road, and improved with a strip mall.

5. There is an existing sign on the subject property which is legally nonconforming in height and area. The existing sign is 27 feet high, and 120 square feet in area.

6. The Applicant proposes to replace the existing sign with a new one, 20 feet in height and 96 square feet in area, to identify tenants of the strip mall.

7. The new sign will be in the same location as the existing one, utilize the same support poles, and be internally backlit. It will be conforming in height, but not in area.

8. There was no objection to the requested relief.

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(J)(5) restricts the area of the sign to 40 square feet.

3. The existing sign is legally nonconforming under sections 220-226 and 220-249.

4. The replacement sign will be conforming in height, and smaller, but still nonconforming, in area.

5. The unusual circumstances and existing nonconformity create an unnecessary hardship.

6. A variance is necessary to enable the erection of a functional sign to identify the businesses in the strip mall.

7. The unnecessary hardship has not been created by the Applicant.

8. The requested relief will not alter the essential character of the district in which the subject property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

9. The requested variance represents the minimum variance to afford relief.

10. The requested variance is dimensional in nature.

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 granted, subject to the condition that

Applicant maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Ann Moran

Date: 4.6.2023

[Signature]

Solicitor