

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP  
THE APPLICATION OF : ZONING HEARING BOARD  
ROSSMOYNE BUSINESS CENTER : CUMBERLAND COUNTY, PENNSYLVANIA  
OWNERS' ASSOCIATION :  
: DOCKET NO. 2023-03

## **DECISION GRANTING A VARIANCE**

The Applicant seeks a variance to replace a nonconforming sign with a sign which exceeds the sign area limitation. A hearing was held before the Board on May 18, 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 owner of the subject property is SPE Assouline 4, LLC.

3. The subject property is part of Rossmoyne Business Center and is located at the northwest corner of the intersection between Rossmoyne Road and Louise Drive.

4. There is an existing legally nonconforming sign measuring 68.8 square feet in area at the southeast corner of the subject property, containing the lettering "Rossmoyne Business Center."

5. The sign is located in an area which is approximately 18 feet lower than the road surface, and has reached the end of its useful life.

6. The Applicant proposes to replace the sign with a new sign measuring 82 square feet in area, with lettering to be internally illuminated between dusk and dawn.

7. To be effective as an identification sign, the sign must be located at the same location as the existing sign.

8. The Lower Allen Township Redevelopment Authority issued a letter supporting the application. There was no objection.

#### **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 a request for a variance.

2. Section 220-252.J(5) of the Codified Ordinances limits the area of a development identification sign to 40 square feet.

3. The topography of the subject property and the required location of the sign combine to create an unnecessary hardship.

4. A variance is necessary to enable the erection of a reasonably functional sign.

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

6. 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.

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

8. 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

Date: 6-7-2023

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*Ann Moran*  
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*L. Dwyer*  
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Solicitor