

**LOWER ALLEN
ZONING HEARING BOARD**

IN THE MATTER OF: 1993 Hummel Avenue
 Zone: Industrial/Commercial District (I-3)
 Applicant: RPM Signs and Lighting
 Owner: Flinchbough Bolinger, LLC
 Application No. 2026-04

REQUEST FOR: **DIMENSIONAL VARIANCE FROM THE MINIMUM
DISTANCE BETWEEN BILLBOARD SIGNS**

BEFORE: Moran, Chair
 Bonneville, Vice-Chair
 Migala, Participating Member

DECISION

Applicant filed an application for a dimensional variance to install a billboard sign on the property that is located within the 1,000 ft. minimum distance requirement of another billboard sign (Section 22-252(H)(1)) located in Lower Allen Township (Township). The Board considered and decided Applicant's zoning request at the April 16, 2026 hearing.

EXHIBITS

- B-1 Certificate of Service of Public Notice and Written Notice of Hearing
- B-2 Application with attached plans for proposal (sign installation)

FINDINGS OF FACT

1. On or about March 3, 2026, RPM Signs and Lighting (Applicant) applied for a dimensional variance from Section 220-252(H)((1)) for zoning relief from the 1,000 ft. minimum distance requirement between billboard signs located in the Township.
2. A hearing on the application took place on April 16, 2026.
3. Public notice of the hearing on the application was published in the Patriot News on April 2, 2026 and April 9, 2026. Notice of the hearing was posted at the Lower Allen Township

Municipal Building and on the Township's website on March 30, 2026 and placed on the property on March 31, 2026.

4. Notice of the hearing was mailed to the Applicant and adjoining property owners on April 1, 2026.

5. No objections as to the method and timing of notice and advertising were raised.

6. No objections to any of the exhibits submitted into the record at the hearing were raised.

7. The property is located in the Industrial/Commercial District (I-3).

8. The Applicant has standing to pursue the zoning relief requested as it has the authorization of the property owner, Flinchbough Bolinger, LLC, to pursue the requested zoning relief for installation of the billboard sign.

9. Testimony at the hearing was taken from Matthew Farner from RPM Signs and Lighting (applicant) and Marcus Brandt, Lower Allen Township Zoning and Codes Administrator.

10. Applicant is proposing to install an electronic messaging billboard sign on the property located at 1993 Hummel Ave., Camp Hill, Lower Allen Township (property), to primarily be used for advertising for tenant businesses on the property, but to also be used for advertising for off-site businesses and organizations.

11. The Township Zoning Ordinance classifies a sign that advertises for businesses, organizations, events, . . . , not principally located or sold on the premises upon which sign is located as a billboard. Section 220-6 Definitions

12. The two-sided billboard sign will measure 59.52 sq. ft. per side, and be installed on the two-story building located on the property.

13. Mr. Farner testified in support of the application and stated that the proposed sign could be used by on-site tenants for advertising their respective business.

14. Mr. Farner testified that the property owner would like the opportunity to utilize the proposed sign to advertise for his off-premises businesses.

15. Advertising via the electronic messaging billboard sign would be available for sale to other businesses and organizations for their services and/or products.

16. An existing billboard sign is located approximately 400 ft. from the location of the proposed billboard sign, and is directed towards traffic along State Route 581.

17. The proposed sign on the property would be placed twenty (20) ft. below the height of Rt. 581 and be minimally visible from traffic on the highway.

18. The proposed billboard sign is intended to focus advertising on the traveling public along Hummel Ave.

19. Applicant did not present any evidence establishing an undue hardship that necessitates the dimensional variance from the minimum distance requirement between billboard signs located within the Township.

20. No evidence was submitted establishing a need for the applicant or the property owner to have a billboard sign (ie. advertising for off-premises businesses) on the property.

21. Permissible building signs are currently located and/or installed on the structure on the property.

CONCLUSIONS OF LAW

1. The Lower Allen Township Zoning Hearing Board has jurisdiction to hear the above-captioned application pursuant to 53 P.S. Section 10909.1(a)(5). (The Municipalities Planning Code).

2. Proper notice of the hearing was given to the public and to all interested parties.
3. Exhibits B-1 and B-2 were properly admitted into evidence.
4. Applicant failed to sustain its burden of proof for the Variance requested for zoning relief from 1,000 ft. minimum distance requirement between billboard signs located within the Township in accordance with the attached discussion and decision.

DISCUSSION

The property is located in the Industrial/Commercial District (I-3) which is regulated by Article 14 of Chapter 220 – Lower Allen Township Zoning Ordinance (Ordinance). Applicant seeks a Dimensional Variance for zoning relief to install a billboard sign on the property that is located within the 1,000 ft. minimum distance requirement between billboard signs located in the Township. Section 220-.252(H)(1).

VARIANCE

In reviewing the variance application, the Zoning Hearing Board must take into account the criteria as set forth in Section 220-269 of the Township Zoning Ordinance which states the following;

C. Variiances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application and may require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the district in which the property is located.

- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That the variance, if authorized, will not alter the essential character of the district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

Lower Allen Township Zoning Ordinance, Section 220-269.

Common law distinguishes between a dimensional variance and a use variance. A use variance applicant requests to use the property in a manner prohibited by the zoning regulation. *Hertzberg v. Zoning Bd. of Adjustment*, 721 A.2d at 47. A dimensional variance allows for the reasonable adjustment of the zoning regulation in order to utilize the property as desired. *Dunn v. Middletown Twp. Zoning Hearing Bd.*, 143 A.3d 494, 501 (Pa. Commw. 2016).

A billboard sign is permitted in the I-3 District. Section 220-252(H) Applicant's variance request for zoning relief from the 1,000 minimum distance requirement from another billboard sign is categorized as a dimensional variance. When considering a dimensional variance for purposes of determining unnecessary hardship, a Zoning Hearing Board is able to consider multiple factors not applicable to the use variance test, such as the financial hardship created by any work necessary to bring the property into strict compliance with the ordinance and the

characteristics of the surrounding neighborhood. *Soc'y Created to Reduce Urban Blight v. Zoning Bd. of Adjustment*, 771 A.2d 874, 877 (Pa. Commw. 2001). A dimensional variance therefore compels a slightly lowered standard from a use variance, but must still address the aforementioned factors, including the showing of an unnecessary hardship. *Tri-Cnty. Landfill, Inc. v. Pine Twp. Zoning Hearing Bd.*, 83 A.3d 488, 520 (Pa. Commw. 2014).

Applicant's representative, Matthew Farner, testified that the electronic messaging building sign on the property will and/or may be utilized for advertising for tenant's within the building as well as advertising for off-site businesses and organizations. (Notes of Testimony, April 16, 2026, pgs. 10,11,16, & 17). The use of the sign for advertising for off-site businesses classifies the sign as a billboard sign that has a 1,000 ft. minimum distance requirement from other billboards signs in the Township. Section 220-252(H)(1).

Applicant did not present any evidence at the hearing to prove there is an unnecessary hardship with the physical circumstances or conditions of the property, including the building on the property. The building sign will comply with the Township zoning ordinance in size (59.62 sq. ft.) and would be permissible if it only provided advertising for on-site businesses or entities. Applicant did not establish a financial hardship that would justify the need to include advertising via the on-site electronic messaging sign for off-site businesses or entities.

Clearly the use(s) on the property could continue to operate in conformity with the Zoning Ordinance; including the proposed sign if it was solely utilized for advertising for on-site business.

In the case of *Society Created to Reduce Urban Blight v. Zoning Board of Adjustment*, an applicant sought multiple dimensional variances to erect an outdoor advertising sign on property owned by the City of Philadelphia. 771 A.2d 874 (Pa. Commw. 2001) The sign required zoning relief from minimum distance requirements between outdoor advertising signs as well as other

distance regulations. Applicant presented evidence that the location of the sign on the property was necessary as it was the only place to erect the sign due to various conditions of the property. The Court stated that “while *Hertzberg* eased the requirements for granting a variance for dimensional requirements, it did not make dimensional requirements, as Keystone's (applicant) position suggests, "free-fire zones" for which variances could be granted when the party seeking the variance merely articulated a reason that it would be financially "hurt" if it could not do what it wanted to do with the property, even if the property was already being occupied by another use¹. *Id.* at 877 The Court further stated “just because a person wants to do more with his or her land, in addition to the use that it is presently being used for, is not a sufficient unnecessary hardship unique to that piece of land” *Id.* at 878

In the present case, no evidence was submitted establishing an unnecessary hardship unique to the piece of land located at 1993 Hummel Ave. The property can continue to be used in conformity with the Township Zoning Ordinance.

Applicant has failed to meet its burden of proof for a dimensional variance from the . minimum distance requirement between billboard signs located in the Township.

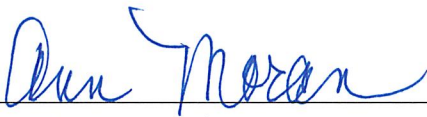
¹ Although this reason is insufficient to support a finding of unnecessary hardship, applicant did not present any evidence that it was financially hurt if it could install the billboard sign on the property.

ORDER

After consideration of the evidence presented at the April 16, 2026 hearing, applicant's request for a Dimensional Variance for zoning relief from the 1,000 ft. minimum distance requirement between billboards located within Lower Allen Township is denied. (See Section 220-252(H)(1))

The application and this decision pertain to the property located at 1993 Hummel Avenue, Camp Hill, PA in the I-3 Zoning District.

LOWER ALLEN TOWNSHIP ZONING HEARING BOARD

Date: 5/21/2020 By: 
Ann Moran, Chair

Any parties that are aggrieved by this Decision may appeal same within thirty (30) days to the Court of Common Pleas of Cumberland County, PA