

BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF:	: NO. 2022 - 10
	:
McQuaide Blasko, Inc.	:
	:
	: PREMISES LOCATION:
	: 1223 Research Boulevard
	: Hummelstown, PA 17036

MEMORANDUM, FINDINGS, OPINION AND ORDER

This is the application of McQuaide Blasko, Inc. with regard to the property located at 1223 Research Boulevard, Hummelstown, Pennsylvania, which is owned by the Hershey Trust Company. A hearing in this matter was initially scheduled for August 17, 2022, but was continued, at the request of the applicant, and held on September 20, 2022, after proper advertising. At that time, Phillip Cahill, the property manager of the applicant, and Carolyn M. Smith, Esquire, appeared, and Mr. Cahill was sworn, and testified at the hearing. No other members of the public testified.

The application indicates that the subject property is located in the Planned Campus West and General Sign overlay zoning districts. The property is used for a UGro early childcare and learning centre and a law office. The application seeks a variance to install the applicant's sign above the lower sill of the upper story window. UGro previously obtained relief from the Zoning Hearing Board in July 2018 (No. 2018 – 05) to install two signs above the lower sill of the upper story window.

Mr. Cahill testified that the applicant moved its law offices from Cocoa Avenue to the subject property earlier this year. As part of the applicant's lease, the applicant is permitted to remove one of the UGro signs facing Route 322, the location of which was approved previously by the Board, and to replace it with one sign identifying the applicant's law practice. The new

sign will contain the words “McQuaide Blasko” with the words “ATTORNEYS AT LAW” below.¹

The proposed sign will be installed at the same location of the UGro sign on the exterior insulation and finishing system (EIFS) of the expanded area above the upper story window rather than the brick below. Mr. Cahill argued that this would enhance the contrast and visibility of the sign. According to the Mr. Cahill, the third story windows are architectural only so the sign will appear to have met the Ordinance requirements because there will be windows above the sign. The Township has a required 100 foot buffer requirement along Route 322 to require a greater building setback. As a result, Mr. Cahill testified that the greater distance from the road necessitated the location of the sign so it will be visible.

The applicant submitted a sketch of the proposed sign with its application. In addition, the applicant submitted the West End Design Review Team’s approval of the proposed sign, which indicated the sign would not have a detrimental impact on the surrounding properties or alter the essential character of the neighborhood. The applicant’s exhibits were admitted into the record.

The Ordinance requires that “signs shall not exceed the height of the upper building face, extend above the roof eave, or extend above the lower sill of any upper story window, whichever is lowest.” *See* Ordinance, §225-401.4.F.B.1 – Table 36, Special Note #2. The criteria for issuing zoning variances are set forth in §225-1007.9.A of the Derry Township Zoning Ordinance. The Zoning Board may grant a variance provided that all of the following findings are made where relevant:

¹ The dimensions submitted for the proposed sign exceed the sign area permitted by the Ordinance, but Mr. Cahill confirmed that the applicant is not seeking any dimensional variance. Instead, the applicant will comply with all other requirements of the Ordinance, including dimensional requirements, except location, which is the subject of this application.

1. There are unique physical circumstances or conditions of the lot in question, and due to these conditions, an unnecessary hardship results to the property owner;
2. That because of the physical circumstances, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance, and that the authorization of the variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the applicant;
4. The variance will not alter the essential character of the neighborhood or otherwise impair the appropriate use or development of adjacent property or be detrimental to the public welfare; and
5. That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

In this matter, the Board finds that the applicant is entitled to the requested relief. Initially, the Board finds that the property is unique because of the one hundred feet buffer yard requirement. The applicant did not create the hardship because the buffer was required by the Township. Most significantly, the Board finds that the proposed relief will not have a detrimental impact on any other property in the area or the public welfare. The Board finds that the proposed relief will not alter the essential character of the neighborhood. There is no testimony in the record to indicate that the requested variance would negatively impact surrounding properties. Indeed, a sign has existed in the same location since 2018. No neighbors testified in opposition to the application. Finally, the Board finds that this represents minimum relief necessary.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, and the Ordinance. *Ordinance*, §225-208.B. Based on the Board's findings and conclusions, the Board adopts the following:

ORDER

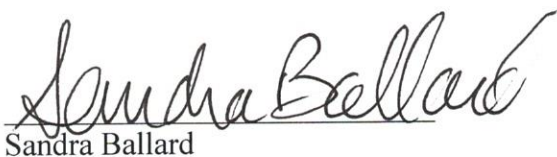
AND NOW, this 19th day of October, 2022:

1. The applicant's request for a variance from §225-401.4.F.B.1 – Table 36, Special Note #2 regarding the location of a wall sign is **GRANTED**.
2. The applicant shall meet all other sign requirements, including dimensional requirements, imposed by the Ordinance.
3. The applicant shall construct the improvements in strict compliance with the location submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted by the Board herein, no additional relief from this Board shall be required.
4. Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicants have not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary, or constructed the improvements not requiring permits, the relief granted herein shall be deemed to have expired, and the applicants shall be required to comply with the then existing terms of the Zoning Ordinance.
5. Any violation of any condition imposed herein shall be a violation of the

Township Zoning Ordinance and shall be enforced as provided in the Ordinance.



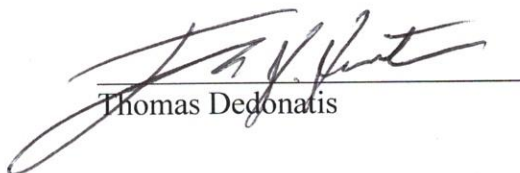
Steven Seidl



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