

BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF: : NO. 2022 – 015
Stephanie Tuccio :
: :
: :
: PREMISES LOCATION:
: 1250 Cocoa Avenue
: Hershey, Derry Township, PA

MEMORANDUM, FINDINGS, OPINION AND ORDER

This is the application of Stephanie Tuccio with regard to the property located at 1250 Cocoa Avenue, Hershey, Derry Township, that is owned by Hershey GF, LP, at which a Giant food store operates. A hearing was initially scheduled for November 16, 2022, and was continued to December 21, 2022, when the applicant did not appear. The hearing was held on December 21, 2022, after proper advertising. At that time, Elizabeth Delozier, a Senior Account Manager for Gable Signs & Graphics, appeared on behalf of the applicant, was sworn, and testified at the hearing. No members from the public testified at the hearing.

The application indicates that the subject property is located in the Hershey Mixed Use and General Sign Overlay zoning districts.¹ The property is improved with a Giant food store, and the applicant proposes to continue that use. The application seeks a variance from the maximum sign area to install a new identifying sign.

Currently, Giant has seven existing signs that total 187.055 square feet. In 2020, Giant rebranded and is updating its store fronts with new wall signs. Giant’s standard sign package is

¹ In March 2000, the Board granted relief to install signs on the property and limited the sign faces to no more than 4 feet in height.

being reduced to five signs. Those five new signs will be a total 146.955 square feet, a reduction of approximately 40 square feet in signage. The proposed sign that is the subject of the application is the “GIANT” sign.² The existing “GIANT” sign is 45 inches tall and 264 inches in length, with a total sign area of 88.00 square feet. The proposed, new “GIANT” sign will be 48 inches tall and 239 inches in length, with a total sign area of 79.66 square feet, thereby reducing the total sign area by 8.34 square feet. According to Ms. Delozier, this proposed sign is smaller than Giant’s standard “GIANT” sign that is 6 feet tall, but the proposed sign will still be visible from the main access road and is in compliance with the relief granted in 2000 in that the height of the sign does not exceed 4 feet.

The Ordinance limits wall signs to a maximum area of 45 square feet where both horizontal and vertical dimensions exceed 3 feet. *See* Ordinance, §225-401.4.F.B., Table 36. 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. 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;

² The other four new signs are compliant with the Ordinance, and the sign permits for those signs have been issued.

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 building's distance from the main access road. There is no evidence on the record that the applicant created this hardship. Most significantly, the Board finds that the proposed relief will not have a detrimental impact on any other property in the area or to the public welfare. The Board finds that the proposed relief will not alter the essential character of the neighborhood because the proposed sign will actually be smaller than the existing sign. There is no testimony in the record to indicate that the requested variance would negatively impact surrounding properties. 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*, §225-1007.9.B. Based on the Board's findings and conclusions, the Board adopts the following:

ORDER

AND NOW, this 18th day of January, 2023:

1. The applicant's request for a variance from §§225-401.4.F.B., Table 36, regarding the maximum sign area of a wall sign is GRANTED. The applicant may install the proposed GIANT wall sign that measures no more than 79.66 square feet.

2. The applicant shall construct the improvements in strict compliance with the plans and specifications 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.

3. 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 applicant has 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 applicant shall be required to comply with the then existing terms of the Zoning Ordinance.

4. Any violation of any condition imposed herein shall be a violation of the

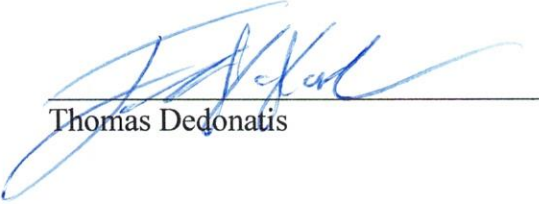
Township Zoning Ordinance and shall be enforced as provided in the Ordinance.



Steven Seidl



Michael Angello



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