

BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF: : NO. 2023 - 11
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Strickler Signs :
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 : PREMISES LOCATION:
 : 1035 Middletown Road
 : Hummelstown, Derry Township, PA

MEMORANDUM, FINDINGS, OPINION AND ORDER

This is the application of Strickler Signs with regard to the property located at 1035 Middletown Road, Hummelstown, Derry Township, which is owned by Double E LLC and used by The Goddard School. A hearing in this matter was held on August 16, 2023, after proper advertising. At that time, Ray Wenger, on behalf of the applicant, appeared, was sworn, and testified at the hearing. Prior to the applicant's testimony, Board Member, Lindsay Drew, disclosed that her child had attended The Goddard School previously, but she could be impartial so no conflict exists. No members from the public testified at the hearing.

The application indicates that the subject property is located in the Planned Campus West and General Sign Overlay zoning districts. The property is improved with The Goddard School, and the applicant proposes to continue that use. The application seeks a special exception to install a sign that has an area that is greater than is permitted under the Ordinance.

While the property fronts Middletown Road, a main entrance to The Goddard School utilizes a private road, Joann Avenue, off Kaylor Road. The road frontage is 81 feet. The Goddard School constructed a new addition. It is approximately 300 feet from Kaylor Road. As a result, the applicant wishes to install a sign on the new addition with the School's logo and the

words, “THE GODDARD SCHOOL” The proposed sign measures 32 feet long and 3 feet high, or 96 square feet. Mr. Wenger argued that the size of the sign is necessary to be visible from Kaylor Road. He testified that the proposed sign would not be visible from Middletown Road. According to Mr. Wenger, the proposed sign would not detract from the neighborhood. A convenience store is behind the property. In addition, there are other commercial businesses in the neighborhood.

The Ordinance limits the allowable sign area to one square foot for each linear foot of building front. *See* Ordinance, §225-401.4.F.B.2.a. However, the Ordinance permits the Board to allow larger signs than otherwise permitted in a given district when the applicant can demonstrate compliance with the specific criteria applicable to the special exception. *See* Ordinance, §225-502-10. Those criteria include:

1. Demonstrating that unique conditions exist on the property or in the immediate area of the property which would cause signs of the normally prescribed areas, size, or location to be of lower communication value than that which would exist on another property in the same Sign District.
2. The modification of the sign regulations must be the least necessary to afford the relief.
3. The proposed signage must not be of a type of a sign that would otherwise be permitted in non-street fronting conditions.

See Ordinance, §225-502-10.

In this matter, the Board finds that the applicant is entitled to the relief requested. Initially, this Board has often held that special exceptions are neither special, nor exceptions, but are instead permitted uses so long as the applicant can demonstrate compliance with the specific criteria associated with the special exception request. Here, the Board finds that the applicant is entitled to the special exception. The property is unique because while the property fronts a public road, an entry road to the property is a private road, which is the target audience for the proposed sign on the new addition. Consequently, the Board finds that the applicant has demonstrated the unique character of the property and that character reduces the communicative value of signage that might be sufficient on another property lacking these characteristics. In addition, the Board finds that proposed modification is the minimum relief necessary to afford relief. The proposed sign would be permitted on a street front. Further, the sign on the addition is approximately 300 feet from Kaylor Road.

In granting any relief, 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 20th day of September, 2023:

1. The applicant's request for a special exception pursuant to §225-502.10 regarding the sign area of the proposed sign is GRANTED. The applicant may install the proposed sign that is 96 square feet in area.

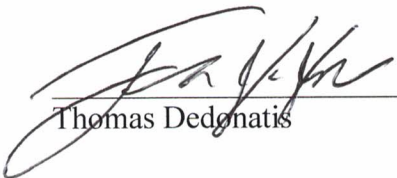
2. The applicant shall construct the proposed signage in strict compliance with the plans and specifications submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted 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



Thomas Dedonatis

Lindsay Drew