

BEFORE THE DERRY TOWNSHIP ZONING HEARING BOARD

IN THE MATTER OF:	: NO. 2024 - 15
	:
Ken Bolinger	:
	:
	: PREMISES LOCATION:
	: 84 Sipe Avenue
	: Hummelstown, Derry Township, PA

MEMORANDUM, FINDINGS, OPINION AND ORDER

This is the application of Ken Bolinger, with regard to the property owned by SSN Hershey, LLC, located at 84 Sipe Avenue, Hummelstown, Derry Township. A hearing on this matter was held on June 18, 2024, after proper advertising. At that time, the applicant appeared, 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 General Commercial zoning district. The property is improved with a hotel, and the applicant proposes to continue that use. The application seeks a variance to install the applicant's sign above the lower sill of the upper story window.

Ken Bolinger of Bolinger Group, on behalf of the property owner, SSN Hershey, LLC, testified that the existing hotel is re-branding as a spark hotel, a new version of a Hilton Hotel. The applicant proposes to install a wall sign on the top right of the building wall facing Chocolate Avenue. The proposed location is above the lower sill of the upper story window. A wall sign had previously been installed in this same location, but it was taken down as part of the re-branding. Mr. Bolinger testified that the sign cannot be installed in compliance with the Ordinance because of an existing light in the middle of the wall. The proposed sign is roughly the same size

as the previous size, although a different style. No dimensional relief pertaining to the sign size is required. According to Mr. Bolinger, other pylon signs and directional signs have already been re-branded because no relief was necessary.

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* Derry Township Zoning Ordinance, §225-401.4.F.B.1 – Table 36, Special Note #2. 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;
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 the existing building has a light at the location of a compliant sign. There is no evidence on the record that the applicant created the hardship. 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 higher location of the sign on the building will increase visibility. 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, before the re-branding of the hotel, a sign was installed in the same location. No neighbors testified in opposition to the application. Finally, the Board finds that this represents the 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 17th day of July, 2024:

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 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.

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 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.

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



Michael Angello



Thomas DeDonatis



William Tafuto