

IN RE: : BEFORE THE CONEWAGO TOWNSHIP  
APPLICATION OF : ZONING HEARING BOARD  
LOWER DAUPHIN SCHOOL DISTRICT : DAUPHIN COUNTY, PENNSYLVANIA  
: ZHB CASE NO. 2022058

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION APPROVING  
APPLICANT'S REQUEST FOR A VARIANCE**

The Applicant seeks a variance from Section 1201.B(2) of the Conewago Township Zoning Ordinance (the “Zoning Ordinance”) regarding the maximum allowable height of a freestanding sign. A hearing on the application was held by the Conewago Township Zoning Hearing Board (the “Zoning Hearing Board”) on Thursday July 8, 2022 at 6:00 p.m. at the Conewago Township Building, located at 3279 Old Hershey Road, Elizabethtown, Pennsylvania 17022.

**FINDINGS OF FACT**

1. The Applicant is Lower Dauphin School District, with an address of 291 East Main Street, Hummelstown, PA 17036
2. The Applicant owns property located at 2901 Hershey Road, Elizabethtown, Pennsylvania 17022, with a Tax Parcel 31-42-001 (the “Subject Property”).
3. The Subject Property is the location of the Conewago Elementary School.
4. The Subject Property also contains a pre-existing message-board sign along SR-743 in close proximity to the intersection with Schoolhouse Road (the “Existing Sign”).
5. The Subject Property is located in the Residential Suburban (R-S) Zoning District.
6. It is cumbersome to update the messaging on the Existing Sign by removing and inserting plastic letters.

7. The Applicant proposes to replace the Existing Sign with a new Electronic/Digital sign of approximately the same size as the Existing Sign. The proposed sign will be internally illuminated using LEDs.

8. The proposed sign will have a default daytime brightness of 12000 NITS and a default nighttime brightness of 750 NITS.

9. There will be no other permanent free standing signs on the Subject Property.

10. The proposed sign will be operated by the Applicant.

11. In order to replace the Existing Sign with the proposed sign, the Applicant has requested a variance from Section 1201.B(2) of the Zoning Ordinance to allow height of the proposed sign to be 103 inches in height.

12. The proposed sign would require a base that would make the overall height greater than the maximum allowed height for a freestanding sign as permitted by the Zoning Ordinance.

13. Reducing the height of the proposed sign to comply with the maximum height requirement of the Zoning Ordinance would pose an undue hardship on the Applicant in terms of both lawn maintenance and connection to the electrical service.

14. The proposed sign will comply with all other applicable requirements.

15. The proposed sign will be located farther away from the intersection of SR 743 and Schoolhouse Road than the Existing Sign to improve sight distance.

16. The general character of the surrounding neighborhood is generally residential in nature.

17. The installation of the proposed sign would not alter the essential character of the neighborhood.

18. Notice of the hearing was advertised two times in the Hummelstown Sun, a newspaper of general circulation on July 14, 2022 and July 21, 2022.

19. The Subject Property was posted in accordance with the requirements of the Zoning Ordinance.

20. Notice of the hearing was made to the Applicant and surrounding properties within 300 feet of the Subject Property by first class mail, postage prepaid.

21. There was no opposition from the public to the Applicant's request for a variance.

22. The Township did not oppose the request for a variance.

### **CONCLUSIONS OF LAW**

1. Section 910.2 of the Municipalities Planning Code (the "MPC"), 53 P.S. §10910.2, requires the Zoning Hearing Board to hear requests for variances. Section 910.2 further provides that in granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and Zoning Ordinance.

2. The Zoning Ordinance requires the Board to hear requests for variances and empowers the Board to grant, in specific cases, variances from the terms of the Zoning Ordinance, where a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship. The Zoning Ordinance provides further that in granting any variance, the Board may attach reasonable conditions and safeguards deemed necessary to implement the purposes of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

3. Section 910.2 of the MPC further sets forth the five (5) criteria, which must be satisfied in order to obtain a variance.

4. Section 1201.B(2) of the Zoning Ordinance provides that the maximum height of a freestanding sign shall not exceed six (6) feet in height.

5. The Applicant has the burden of proof to show that it has met the required criteria.

6. The Applicant has presented sufficient evidence to meet its required burden of proof to obtain the requested variance.


7. The requested variance will not alter the essential character of the neighborhood in which the Subject Property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

8. The requested variance will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

### **DECISION**

In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Zoning Hearing Board, the request for a variance to permit the proposed sign to be a maximum of 103 inches in height is granted.

This decision is executed and issued this 23<sup>RD</sup> day of AUGUST, 2022 by the Conewago Township Zoning Hearing Board.

By:   
David Taylor, Chairman