

**BEFORE THE ZONING HEARING BOARD OF
MILLERSVILLE BOROUGH, LANCASTER COUNTY, PENNSYLVANIA**

IN RE: :
APPLICATION OF : Case No. 23-02
FASTSIGNS OF MECHANICSBURG :
:

**DECISION OF THE
MILLERSVILLE BOROUGH ZONING HEARING BOARD**

A. FINDINGS OF FACT

1. Applicant is FastSigns of Mechanicsburg, 4713 Carlisle Pike, Mechanicsburg, Pennsylvania 17050.
2. The property which is the subject of this application is located at 15 Shenks Lane, in the Borough of Millersville, Lancaster County, Pennsylvania.
3. The owner of the property is Student Lodging, Inc., 21 South George Street, Millersville, Pennsylvania 17551.
4. This application is presented with the permission of the property owner.
5. On August 28, 2023, Applicant filed a request to erect two illuminated signs, one of which would be larger than allowed.
6. The application was advertised, the property was posted, and adjoining property owners were notified.
7. A hearing was held September 28, 2023.

8. The Board consisted of Lynn Miller, chair; James Sanchez, vice-chair; Vickie Usciak; and W. David Sykes.

9. Rob Moyer, the zoning and code enforcement officer, was sworn and testified that the application had been properly advertised and the property posted. He further testified that a copy of the agenda had been posted on the Borough website and at the Borough municipal building, which was the place of the meeting, at least 24 hours in advance of the hearing and that copies of the agenda were available for the public.

10. Presenting testimony at the hearing were Brad Bruner on behalf of FastSigns and Kevin Kuffa, the project manager for Penn State Health, the prospective tenant.

11. Penn State Health desires to enter into a 15-year lease, with an option to renew, to operate a health center on the subject property.

12. The subject property is 18.05 acres in size and has frontage on Shenks Lane on the Millersville University campus.

13. The building on the site, which would be the subject of the lease, is set back approximately 300 feet from Shenks Lane by a parking lot.

14. Applicant proposes to erect a building sign 144" by 40" on the building.

15. Mr. Brunner testified that, due to the setback from Shenks Lane, the writing on the sign would not be legible from the street. However, a sign this size would be sufficient to alert persons that a healthcare facility is present.

16. The message on the sign would consist of the Penn State Nittany Lion logo, plus the words "Penn State Health Medical Group."

17. The letters would be 8" high.

18. The sign would be internally illuminated by LED lighting. The sign would not constitute an electronic message board and would not flash or change display.

19. Applicant also proposes to erect a second sign at the entrance to the parking lot off Shenks Lane 72" by 36", on a 36" high pedestal.

20. That sign would contain substantially the same message as the building sign and would be internally illuminated in the same fashion as the building sign.

21. The intention is that persons seeking the medical center would be alerted where to turn by the road sign, and, once they enter the parking lot, would be able to see the wall sign as they approach closer to the building.

22. At the time of the hearing, in addition to the exhibits submitted with the application, Applicant introduced Applicant's Exhibit #1, an elevation plan showing the size of the sign relative to the size of the building.

23. Mr. Bruner also displayed a scaled-down version of the proposed building sign so that the Board could familiarize itself with the sign's general appearance and construction.

24. Although there are residential uses in the area, neither the building sign nor the pedestal-mounted road sign would face toward those uses.

25. Mr. Bruner stated that the proposed signage system is identical to a Penn State medical facility in Upper Allen Township in Mechanicsburg and is also similar in size to an installation for Blue Ridge Cable in Linglestown.

26. No one testified in opposition to the application.

27. Following the conclusion of testimony, the Board conducted an executive session with the solicitor.

28. When the Board resumed public session, the Board voted to grant the requested variance for illumination of the signs, and also for the building sign to exceed the allowed size, subject to the condition that both signs not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

B. CONCLUSIONS OF LAW

1. The property is located in the R1A Residential University zone.
2. Illuminated signs are not allowed, absent variance relief, in the R1A district.
3. The building sign exceeds the maximum permitted area.

C. DISCUSSION

This Board takes the sign ordinance very seriously and ordinarily does not grant requests for sign variances. Pennsylvania law is clear. A variance from the sign requirements is subject to the same rules as any other application for a variance. In order to be entitled to a variance, the applicant must show that existing physical conditions on the property constitute a hardship which makes use of the property unreasonable without variance relief. Variances are not to be granted for merely economic considerations. A variance must relate to the ability of the applicant to use the property for its intended purpose. Further, the Board shall grant the minimum relief necessary to afford the reasonable use. Lastly, a variance is not to be granted if the community health, safety, and welfare, would be adversely affected.

In this case the Board finds that the existing building on the site, located more than 300 feet off the roadway, constitutes a unique physical hardship on the particular facts of this case. A building sign of the allowed dimensions under the ordinance would be completely indistinguishable by motorists seeking the health center. The point of a sign is to direct motorists to their intended destination. A sign of the allowable size would be useless. Further, persons needing to find the site need to be able to readily locate it because of the nature of the use. The use will attract persons who are sick, or persons who are driving people with medical emergencies. It is important that these people be able to find their destination without becoming lost or confused. This area of the Borough is known to be a traffic hazard. The last thing the Borough needs is drivers who are distracted because of medical circumstances being unable to find the health center.

For these reasons, we feel that a variance to render a medical facility more visible is an appropriate use of the zoning power.

We wish to underline the narrow nature of this ruling. This Board reaffirms its lack of interest in granting sign variances for mere commercial convenience. This particular use involves public health, not commercial opportunities. Further, this is not a case where one commercial property owner wishes to out-signage an adjoiner in competing for space along the roadway. This building is set back so far that the sign is not even going to be legible from the public road. The combination of circumstances creates a hardship justifying relief.

Lastly, the Board finds that, although illumination is appropriate, illumination during the hours when the center would be closed serves no purpose. Therefore, we are imposing a condition regarding the hours during which the sign may be illuminated.

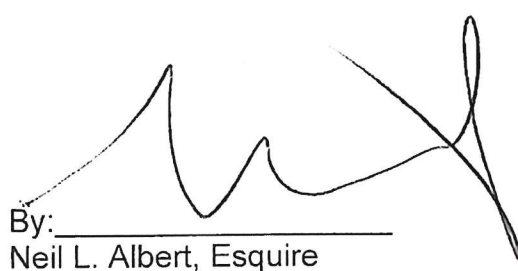
D. DECISION

AND NOW, this 28th day of September 2023, the decision of the Millersville Zoning Hearing Board is as follows:

1. Applicant is granted variances to illuminate both signs.
2. Applicant is granted a variance to erect the proposed sign on the building.
3. These variances are subject to the condition that Applicant shall ensure that the illumination of the signs is turned off no later than 11:00 p.m. each night and is turned on no earlier than 6:00 a.m. the following morning.
4. Applicant shall erect and operate the signs in accordance with the testimony offered and exhibits presented at the hearing.

MILLERSVILLE BOROUGH
ZONING HEARING BOARD

Date: October 16, 2023

By: 
Neil L. Albert, Esquire