

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
:
THE APPLICATION OF : ZONING HEARING BOARD
:
MKPH HOLDINGS, LLC : CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2016-01

DECISION GRANTING A SPECIAL EXCEPTION

The Applicant seeks a special exception to construct a dwelling on a nonconforming lot. Hearings were held before the Board on June 16 and July 21, 2016.

FINDINGS OF FACT

1. Notice of the hearing was properly advertised, the subject property was posted, and all property owners required to be notified of the hearing were notified in accordance with the Codified Ordinances.

2. The Applicant is MKPH Holdings, LLC, 121 W. Winding Hill Road, Mechanicsburg, PA 17055.

3. The Applicant is the equitable owner of the subject property, which is located in an R-1 Zoning District within an established residential neighborhood.

4. The subject property is owned by Peter Sanders and Rebekah M. Sanders, who acquired it by deed dated April 28, 2006, recorded in the Office of the Recorder of Deeds of Cumberland County, PA, in Deed Book 274, Page 1913. It is described as Tract No. 1 in said deed.

5. The subject property is an unimproved lot located on the southern side of Massachusetts Avenue, known as lot no. 161 of the Spring Lake Subdivision.

6. The subject property has frontage of 40 feet on Massachusetts Avenue, and is 150 feet in depth.

7. Mr. and Ms. Sanders are also the owners of Lot 162 on the aforesaid subdivision, acquired as Tract No. 2 in the same deed.

8. Lot 162, also unimproved, abuts lot 161 on the west, and is bounded by Santa Maria Alley.

9. The Applicant is the contract purchaser of lot 161, and wishes to construct a single family detached dwelling thereon.

10. Lots 161 and 162 are both nonconforming in lot frontage and area. If combined, the resulting lot would be conforming.

11. Lot 162 is a corner lot, and development of it separate from lot no. 161 will require both a special exception and variance relief because of the yard requirements.

12. The Commissioners suggested that the Board request written documentation from the owners that they understand that it may be difficult for them to obtain relief to develop lot 162. A notarized Acknowledgment was submitted to the Board at its hearing on July 21, 2016.

13. At the hearing of June 16, 2016, two residents who reside nearby expressed concerns about construction vehicles, one relating to parking and the other to possible damage to the street surface.

CONCLUSIONS OF LAW

1. The Board's jurisdictional authority to decide a request for a special exception is provided in Section 220-269(B)(6) and (D) of the Codified Ordinances.
2. The subject property is nonconforming in lot area and lot width.
3. Section 220-225 of the Codified Ordinances authorizes the Board to allow construction of a building on such a nonconforming lot as a special exception.
4. The Applicant has established compliance with all of the standards and criteria for the requested special exception.
5. The special exception will not be detrimental to the public health, safety or welfare.

DECISION

Based upon the foregoing findings and conclusions, and in consideration of the testimony and evidence presented to the Board, it is the decision of the Board that Applicant's request for a special exception be and is approved, subject to the following conditions:

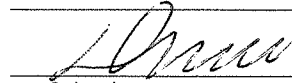
1. the property owners shall disclose and provide a copy of the Acknowledgment referred to in paragraph 12 above and this Decision to any prospective purchaser of lot 162; and
2. Applicant's development of lot 161 shall be undertaken in compliance with all applicable township codes and requirements; and

3. Applicant shall maintain strict conformance with the testimony, evidence and plans submitted to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD



Date: _____



Solicitor