

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
: THE APPLICATION OF : ZONING HEARING BOARD
: WILLIAM GRACE : CUMBERLAND COUNTY, PENNSYLVANIA
: : DOCKET NO. 2016-05

DECISION GRANTING A VARIANCE

The Applicant requests variance relief for a residential development in an R-1 Zoning District. A hearing was held before the Board on December 15, 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 William R. Grace, whose address is P.O. Box 301, New Cumberland, PA 17070.

3. The Applicant and Elizabeth Grace are the owners of the subject property.

4. The subject property is a tract of land of approximately 6.7 acres located in an R-1 Zoning District, and formerly occupied by Stephenson's Flowers. The structures have been removed and the subject property is now unimproved.

5. The property was previously graded, and there are no natural features remaining.

6. The subject property is bounded on the west by Locust Street and on the north by East Chestnut Street. It is known as 145 S. Locust Street.

7. The neighborhood consists mostly of single family detached dwellings and a public school.

8. The configuration of the property is highly unusual.

9. The Applicant proposes to develop the property for residential use under the Open Space Development (OSD) overlay provisions of the Codified Ordinances.

10. Applicant's plan provides for 18 townhouse units and 8 single family detached dwellings, located along two internal streets, each ending in a cul-de-sac. Vehicular access to the development is from Locust Street.

11. Additional grading of the open space depicted on the plan will be required for storm water management.

12. The Applicant has owned the property for nearly ten years, and has been unsuccessful in efforts to market it for development primarily with single family detached dwellings.

13. Proposed lot nos. 8, 16, 17, and 18 are located less than 50 feet from the lot line of adjacent properties.

14. Several neighboring property owners offered comments and concerns about the project.

CONCLUSIONS OF LAW

1. Under Sections 220-266 and 220-269(B)(5) and (C) of the Codified Ordinances, the Zoning Hearing Board has jurisdiction to hear and decide requests for variances.

2. Section 220-107(B)(1)(b) requires a perimeter setback of fifty feet for townhouse uses which abut existing residential uses.

3. Section 220-115(A) provides that no less than 60% of the dwelling units in an OSD shall be detached single-family dwellings. Applicant's plan does not comply because only 30% of the proposed dwelling units are detached single-family dwellings.

4. Section 220-116(B) provides that a minimum of 50% of the designated common open space shall not be regraded as part of development of the site.

5. The unusual shape of the subject property creates an unnecessary hardship necessitating variance relief.

6. The unnecessary hardship has not been created by the Applicant.

7. The requested variances will not alter the essential character of the district 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 variances will represent the minimum variance to afford relief.

9. The requested variances are dimensional in nature.

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 the Applicant's request for a variance relief be and is hereby approved in its entirety, subject to the condition that the Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD





Solicitor

Date: 12/21/2016