

IN THE MATTER OF :
THE APPLICATION OF :
WILLIAM L. HOLJES :
 :
 :
 :

BEFORE THE LOWER ALLEN TOWNSHIP
ZONING HEARING BOARD
CUMBERLAND COUNTY, PENNSYLVANIA
DOCKET NO. 2017-01

DECISION GRANTING VARIANCE

The Applicant seeks a use variance to establish a landscaping service business in an R-2 district. A hearing was held before the Board on March 16, 2017.

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 J. Holjes, 8 Cypress Place, Camp Hill, PA 17011.

3. The Applicant is the owner of the subject property.

4. The subject property is an unimproved parcel of land containing 4 acres and located in an R-2 Zoning District.

5. The subject property, known as 1785 Sheepford Road, is bounded on the south by the Pennsylvania Turnpike, and on the north by the Yellow Breeches Creek.

6. The Applicant proposes to construct a pole barn, 55 feet by 80 feet, to store vehicles and equipment used in his landscaping service business, and to install bins for storage of materials.

7. Applicant's employees will report to the subject property in the morning, park their vehicles there, leave the property in a work vehicle, return later in day and then leave in their personal vehicles.

8. Landscaping materials will be delivered to the site by large truck approximately seven times per year.

9. There will be no customer traffic to or retail sales on the subject property.

10. Access to the property from Sheepford Drive is provided by a private gravel driveway along the turnpike right-of-way.

11. A significant portion of the property is located in the flood plain.

12. The subject property slopes downward from the turnpike to the creek.

13. The turnpike is at the same elevation as nearly half of the developable area of the property, and the noise from the turnpike traffic substantially impairs the desirability of the property for residential development and other permitted uses.

14. Dan Flint, township engineer, expressed concern about increased truck traffic on Sheepford Road because of its substandard condition.

15. No one objected to the proposed relief.

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 a request for a variance.

2. Applicant's proposed use is not listed in section 220-19 of the Codified Ordinances as a permitted use in the R-2 district.

3. The location of the property along the turnpike, its lack of direct access to a public road, its topography and the existence of the flood plain combine to create an unnecessary hardship.

4. A variance is necessary to enable the reasonable use of the subject property.

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

6. The requested relief 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.

7. The requested variance represents the minimum variance to afford relief.

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 be and is hereby granted, subject to the following conditions:


1. The approved sites for installation of on-site sewage disposal facilities shall be undisturbed and protected;

2. The Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD



Date: 3.30.2017


Solicitor