

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
RUBY PARTNERS, LP : CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2018-01

DECISION GRANTING A VARIANCE

The Applicant seeks a variance from the building height restriction to erect a motel in a C-2 zoning district. A hearing was held before the Board on March 15, 2018.

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 Ruby Partners, L.P., 10907 Valley Forge Circle, King of Prussia, PA 19406.
3. The Applicant is the owner of the subject property.
4. The subject property is a parcel of land containing 5.46 acres and located in a C-2 Zoning District.

5. The subject property, known as 4937 Gettsburg Road, is bounded on the south by Route 15, and on the north by Gettysburg Road.

6. The subject property was previously used in the banquet and catering business, and some dilapidated structures remain.

7. Applicant proposes to raze the existing structures and erect one or two four-story motels.

8. Under current construction standards, a typical four-story motel building is approximately 46 feet in height.

9. The subject property has a peculiar configuration and is bisected east to west by an existing pipe line.

10. Erin G. Trone appeared for the Lower Allen Township Development Authority and recommended approval. There was no opposition.

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. Section 220-59 establishes a maximum building height restriction of 40 feet in a C-2 district.

3. The peculiar configuration of the subject property and the existing pipe line 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.

8. The requested variance is dimensional.

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 Applicant shall promptly secure the primary building on the subject property and monitor the property to ensure that the building remains secure; and

2. The Applicant shall remove the primary building within 6 months of the date of this decision; and
3. The Applicant shall remove all brush, debris and out-buildings within 30 days of the date of this decision; and
4. The Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Dated: 4.2.2018





Solicitor