

IN THE MATTER OF
THE APPLICATION OF
RS 1962 LLC

: BEFORE THE LOWER ALLEN TOWNSHIP
: ZONING HEARING BOARD
: CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2018-07

DECISION GRANTING A VARIANCE

The Applicant seeks a variance to expand a building into a required front yard. A hearing was held before the Board on October 18, 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 RS 1962 LLC, whose address is 1180 Lowther Road, Camp Hill, PA.

3. The Applicant operates a business in property owned by Jill Robbins and Terry Scott, located at 1180 Lowther Road (the "subject property").

4. The subject property is a parcel of land located in a C-1 Zoning District, improved with a one story commercial building.

5. The subject property is triangular in shape, and bounded on one side by Lowther Road, and on another by Letchworth Road.

6. The Applicant proposes to expand the existing building to provide needed space for the business use.

7. The building is 980 square feet, and after expansion will be 1400 square feet.

8. The proposed building addition will extend to a distance of 14 feet from the right-of-way line of Letchworth Road.

9. Cathy Boyle, who resides at 1184 Letchworth Road, testified that off-street parking for the business is not adequate.

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. For the C-1 district, section 220-53(A)(1) of the Codified Ordinances requires a minimum front yard of not less than 20 feet in depth.

3. For multiple frontage lots, Section 220-212(B)(2) requires a front yard for each side facing a street.

4. The triangular shape of the subject property and the

location of the existing building combine to create an unnecessary hardship.

5. A variance is necessary to enable the reasonable expansion of the building on the subject property.

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

7. 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.

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

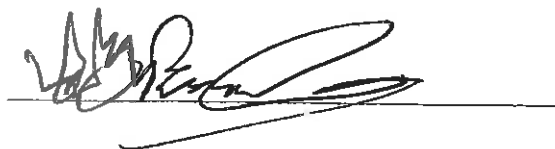
9. The requested variance is dimensional in nature.

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 be and is hereby granted, 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

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Date: 11-5-2018

A handwritten signature in black ink, appearing to be "L. [unclear]", written over a horizontal line.

Solicitor