

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
JOHNNIE COMPTON, III : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2019-03

DECISION DENYING A SPECIAL EXCEPTION

The Applicant seeks a special exception to provide off street parking for a restaurant on adjacent property owned by another. A hearing was held before the Board on April 18, 2019.

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 Johnnie Compton, III, 2238 Gettysburg Road, Camp Hill, PA 17011.

3. The subject property is a parcel of land in an I-3 district, improved with commercial buildings known as Lower Allen Shopping Center, and located at 2202 Gettysburg Road.

4. The subject property is owned by Angela Loxas, Thomas S. Ntzanis and George S. Ntzanis.

5. Applicant operates a beer brewery on the property at 2238 Gettysburg Road. He wants to open a restaurant which will

require off street parking which cannot be provided on his property.

6. The Applicant proposes to provide the additional required off street parking on the subject property, which is adjacent to his property.

7. The off street parking required on the subject property for the combined uses is 287 spaces. Only 171 spaces are currently provided.

8. The Applicant provided data purporting to show that the existing number of off street parking spaces on the subject property is adequate for both the shopping center use and his proposed restaurant.

9. The Applicant was unable to provide a maintenance agreement, signed by the owners of the subject property, for his use of the required off street parking.

CONCLUSIONS OF LAW

1. The Board's jurisdictional authority to decide a request for a special exception is provided in Sections 220-269(B)(6) and (D) of the Codified Ordinances.

2. Under Sections 241 and 242(F), the Board may authorize, by special exception, a reduction in the number of required off street parking spaces if the applicant can adequately provide parking for all uses.

3. Section 242(F) of the Codified Ordinances allows two or more uses to provide off street parking in a common lot under specified circumstances, if a maintenance agreement between the affected parties, binding upon future owners, is entered into.

4. To establish entitlement to a special exception, the Applicant must satisfy the requirements of sections 220-241 and 242(F), and demonstrate compliance with all applicable provisions of section 220-269(D) of the Codified Ordinances.

5. The Applicant failed to provide the required maintenance agreement, and did not satisfy all of the standards and criteria for a special exception.

6. Granting a special exception would 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 the Applicant's request for a special exception be and is hereby denied.

LOWER ALLEN TOWNSHIP ZONING HEARING BOARD





Solicitor

Date: 5-27-2019