

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP  
THE APPLICATION OF : ZONING HEARING BOARD  
MATTHEW FARRELL : CUMBERLAND COUNTY, PENNSYLVANIA  
: :  
: DOCKET NO. 2019-05

## **DECISION GRANTING VARIANCES**

The Applicant seeks variance relief to erect a building in the required side and rear yards. A hearing was held before the Board on June 20, 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 Matthew Farrell, whose address is 1130 St. Johns Road, Camp Hill, PA.

3. The Applicant operates a towing and repair business in property he owns at 1120 St. Johns Road (the "subject property").

4. The subject property is a parcel of land located in a C-2 Zoning District, improved with a commercial building.

5. The subject property is slightly pie-shaped, bounded on the north by U.S. Route 15 and on the south, in part, by St. John's Road.

6. The subject property is only 80 feet wide in the rear after acquisition of 25 feet by PennDOT.

7. To accommodate his expanding business, Applicant proposes to erect a new building, 80 feet wide and 70 feet deep, at the rear of the subject property, adjacent to a PennDOT stormwater basin.

8. The existing building will be demolished, in part, after the new building is erected.

9. The Applicant would be unable to operate if he demolished the existing building before constructing the new one, and there is insufficient area to construct the new building anywhere else on the subject property.

10. Upon completion, the new building will be 5 feet from the rear property boundary, and at closest, 1 foot from the side property boundaries.

11. There was no objection to the requested 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. For the C-2 district, section 220-61(A) of the Codified Ordinances requires minimum side yards of not less than 10 feet in width, and a minimum rear yard of 35 feet in depth.

3. The unusual shape of the subject property, the reduction in width resulting from the PennDOT acquisition, and the location of the existing building combine to create an unnecessary hardship.

4. A variance is necessary to enable the erection of a functional building to accommodate Applicant's expanding business use.

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 variances represents the minimum variances to afford relief.

8. 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 variance relief be and is hereby granted, subject to the following conditions: 1) that Applicant comply with the Uniform Construction Code; and 2) that Applicant maintain strict conformance with the testimony, plans and evidence presented to the Board.


LOWER ALLEN TOWNSHIP ZONING  
HEARING BOARD



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Date: 7-2-2019



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Solicitor