

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
CENTRAL PA EQUITIES 31, LLC : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2019-10

DECISION GRANTING A VARIANCE

The Applicant seeks a variance from the height limitation for a dumpster enclosure. A hearing was held before the Board on September 19, 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 Central PA Equities, LLC, 146 Pine Grove Circle, York, PA 17403.
3. The owner of the subject property is Lower Allen Township Development Authority.
4. The subject property is an unimproved parcel of land located in a C-4 Zoning District, known as 3535 Gettysburg Road.
5. The subject property is bounded on the north by Gettysburg Road, and on the east by proposed Springhill Drive.

6. The Applicant proposes to erect a hotel on the subject property.

7. Applicant requested a special exception and a variance relating to off-street parking spaces, and a variance for the height of the dumpster enclosure, but withdrew the first two requests at the hearing.

8. Applicant wishes to erect, on the west side of the hotel, an enclosure for the refuse dumpster, 9.5 feet in height.

9. An enclosure eight feet in height would not totally screen the dumpster from view.

10. The subject property is surrounded by thoroughfares.

11. Other than Applicant, no one testified in favor of or in opposition 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. Section 220-201(B)(1)(b) of the Codified Ordinances restricts the height of solid screening in a rear or side yard to eight feet.

3. The fact that the subject property is bounded on all sides by thoroughfares creates an unnecessary hardship.

4. A variance is necessary to enable the installation of a functional enclosure to properly screen the dumpster from view.

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 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 following conditions: 1) that the dumpster enclosure shall be consistent with Applicant's presentation to the Board; 2) that the Applicant

shall provide landscaping on the side of the enclosure facing Gettysburg Road; and 3) that the Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Dated: 10-17-2019





Solicitor