

: BEFORE THE LOWER ALLEN TOWNSHIP
: ZONING HEARING BOARD
: CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2019-11

shopping center containing various businesses, including restaurants.

5. The Applicant currently provides 105 off-street parking spaces, 104 of which are required by the Codified Ordinances.

6. The Applicant proposes to remove four spaces for safety reasons, and to add additional seating for the restaurant uses, a significant portion of which will be outside of the building, and which would require an additional 23 off-street parking spaces.

7. Applicant has experienced that approximately 40 to 60 spaces are not utilized.

8. Applicant proposes not to provide any additional spaces for the new seating.

9. Applicant expects that 101 spaces will be adequate to serve the uses on the subject property, as modified by the additional seating.

10. No one else offered testimony in favor of or against the application.

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. The Codified Ordinances require 127 off-street parking spaces for the uses on the subject property, including the additional seating for the restaurant uses.

3. Section 220-241 of the Codified Ordinances authorizes the Board to reduce, by special exception, the number and size of off-street parking space requirements where the Applicant can justify the reduction and still provide adequate off-street parking facilities.

4. The Applicant has established to the Board's satisfaction that 101 off-street parking spaces will be adequate, and has demonstrated compliance with all of the standards and criteria for the requested special exception.

5. The proposed special exception will not 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 approved, subject to the

condition that the Applicant shall maintain strict conformance with the testimony, evidence and plans submitted to the Board.

Dated: 12-23-2019

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD





Solicitor