

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
RUELL RENTALS, LLC : CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2021-08

DECISION GRANTING A SPECIAL EXCEPTION

The Applicant seeks a special exception to change a lawful nonconforming use to another lawful nonconforming use of substantially the same character. A hearing was held before the Board on October 14, 2021.

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 Ruell Rentals, LLC, 2139 Orchard Road, Camp Hill, PA 17011.

3. The subject property is owned by Carol Brosius, 2137 Orchard Road, Camp Hill, PA 17011. The Applicant has an equitable interest through an executory agreement of sale.

4. The subject property is approximately 5.9 acres in area, and improved with two commercial buildings used for storage of construction equipment and materials.

5. The subject property is located in an R-3 zoning district and is known as 2139 Orchard Road.

6. The use of the subject property has been legally nonconforming since 1956.

7. The Applicant proposes to use the subject property for storage of landscape and playground equipment and materials used in his business.

8. Applicant's proposed use is very similar to the existing use of the subject property.

9. Applicant intends to retain substantially all existing natural vegetative buffering, will not store loose materials outside and will not conduct retail sales.

10. Applicant will have six to eight vehicles which are regularly used in his business operation parked on the subject property on an overnight basis.

11. There was no objection to the proposed relief.

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. Section 220-222(B)(5) of the Codified Ordinances provides that a lawful nonconforming use of a structure or land may be changed to another nonconforming use of substantially the same character upon approval by special exception.

3. The Applicant has established to the Board's satisfaction that his proposed use will not increase the need for off-street parking or produce any noise, glare, heat, dust, traffic vibration or illumination in excess of the existing use.

4. Applicant 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 following conditions:

1. All unapproved recreational vehicles and vehicle stations shall be removed;

2. The Applicant shall apply for a zoning permit for a change of use within 12 months of the date of this decision;

3. The salt pile shall be removed or relocated within a building;

4. All vehicles parked outside shall be compliant with PennDOT requirements, including, without limitation, current registration and inspection;

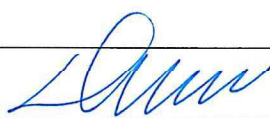
5. The electrical service located on a fence adjacent to an existing recreational vehicle shall be removed; and

6. The Applicant shall maintain strict conformance with the testimony, evidence and plans presented to the Board.

Dated: 11.3.2021

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD





Solicitor