

IN THE MATTER OF
THE APPLICATION OF
DRAIN DOCTORS, INC.

: BEFORE THE LOWER ALLEN TOWNSHIP
: ZONING HEARING BOARD
: CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2021-09

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 21, 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 Drain Doctors, Inc., 8 Cedar Cliff Drive, Camp Hill, PA 17011.

3. The Applicant has an equitable interest in the subject property through an executory agreement of sale.

4. The subject property is improved with an L-shaped commercial building used for many years as office space and for storage of construction equipment and materials.

5. The subject property is located in an R-3 zoning district and is known as 2117 Orchard Road.

6. The use of the subject property has been legally nonconforming for more than 50 years.

7. The Applicant proposes to use the subject property for storage of commercial equipment, offices, and equipment repair.

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

9. Applicant intends to retain substantially all existing natural vegetative buffering.

10. There will be an average of 3 or 4 employees at the site at any given time during normal work hours, which are 8 AM to 5 PM, Monday through Friday.

11. There will be little vehicular traffic to the site.

12. Applicant anticipates no outside storage of vehicles, equipment or materials.

13. Applicant will have at least 11 off-street parking spaces, and anticipates installation of a building sign.

14. There was no opposition 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 produce any noise, glare, heat, dust, traffic vibration or illumination in excess of the existing use, and that he will provide the number of off-street parking spaces required by the Codified Ordinances.

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. Signage and any additional lighting shall comply with all township requirements; and

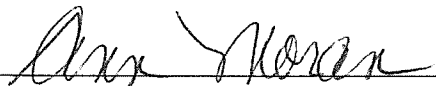
2. Off-street parking spaces shall be identified by painted lines; and


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

4. 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