

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP  
THE APPLICATION OF : ZONING HEARING BOARD  
CHRISTIANSON COMPANIES : CUMBERLAND COUNTY, PENNSYLVANIA  
:   
: DOCKET NO. 2022-01

## **DECISION DENYING VARIANCES**

The Applicant seeks variance relief to erect a car wash facility. A hearing was held before the Board on February 17, 2022.

### **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 Christianson Companies, 4609 33<sup>rd</sup> Avenue South, Suite 400, Fargo, ND 58104.

3. The subject property is owned, in part, by Leasing Solutions, LLC, and in part by Michael D. Buchanan and Kathleen L. Buchanan.

4. The subject property is a parcel of approximately 2.91 acres, located in a C-2 zoning district, consisting of three lots known as 2507, 2509 and 2511 Gettysburg Road.

5. The subject property is located at the southwest corner of the intersection of Hartzdale Drive and Gettysburg Road.

6. The Applicant plans to consolidate the three lots into one parcel, and to erect thereon a car wash facility.

7. In its application, the Applicant sought a variance from the access drive intersection setback, parking space setback from building, and minimum curb radii in two locations within the parking area. During the hearing, the Applicant withdrew the request relating to the parking space setback and one of the requests relating to the curb radii.

8. The Applicant proposes a setback of five feet for the access drive intersection, and a radius of 2.5 feet for the curb-line curvature near the location of the dumpster.

9. The Applicant suggests that there is a hardship because of the shape of the property and topography.

10. Three residents testified about concerns relating to traffic and pedestrian safety.

#### **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. Pursuant to Section 220-244(B)(4)(d) of the Codified Ordinances, access drive intersections shall be set back a minimum of ten feet from any side or rear property line.

3. Section 220-242(L)(4) provides that no less than a five foot radius of curvature shall be permitted for all curblines in all parking lots.

4. The shape and topography of the subject property do not cause an unnecessary hardship.

5. The Applicant failed to establish that a variance is necessary to enable the reasonable use of the property.

6. The Applicant failed to establish that the requested variances are the minimum variances to afford relief and represent the least modification possible of the regulations in issue.

### **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 denied.

LOWER ALLEN TOWNSHIP ZONING  
HEARING BOARD

Date: 2.24.2022

Ann Nolan  
LDMM  
Solicitor