

IN THE MATTER OF
THE APPLICATION OF
LOWER ALLEN COMMONS, II LLC

: BEFORE THE LOWER ALLEN TOWNSHIP
: ZONING HEARING BOARD
: CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2022-03

**DECISION GRANTING A SPECIAL EXCEPTION
AND VARIANCE RELIEF**

The Applicant requests a special exception and variance relief for a Chick-fil-A restaurant. A hearing was held before the Board on March 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 Lower Allen Commons, II LLC, 100 Front Street, Suite 560, West Conshohocken, PA 19428.
3. The subject property is owned by Lower Allen Township Development Authority.

4. The subject property consists of a parcel of land in a C-4 zoning district, known as Condo Unit 2, bounded on the southeast by Route 15, and improved with a commercial building.

5. Applicant proposes to replace the existing building with a Chick-fil-A quick service restaurant.

6. Applicant proposes to provide 58 off-street parking spaces on the subject property.

7. Based upon its operational experience over many years and in many locations, Applicant is confident that 58 spaces will be sufficient to accommodate parking demand.

8. Not more than eight off-street parking spaces will be located less than 10 but not less than 7 feet from the building.

9. Because deliveries to the business will take place when the restaurant is closed, Applicant proposes not to provide a loading zone.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to decide a request for a special exception under Sections 220-269 (B)(6) and 220-269 (D), and a request for a variance under Sections 220-269 (B)(5) and 220-269 (C) of the Codified Ordinances.

2. Section 220-239(A) of the Codified Ordinances, as applied to Applicant's project, requires 172 off-street parking spaces.

3. Section 220-241 allows the Board to authorize, by special exception, a reduction in the number of off-street parking spaces where the Applicant can justify the reduction and still provide adequate parking facilities to serve the use of the land.

4. The Applicant has justified the reduction to the satisfaction of the Board.

5. The Applicant has satisfied all of the standards and criteria for the granting of a special exception.

6. Section 220-242(L)(2)(a) of the Codified Ordinances requires that off-street parking spaces shall be located at least 10 feet from a nonresidential building.

7. Section 220-243(A)(1) requires one off-street loading and unloading space.

8. Compliance with the parking space setback requirement and provision of a loading zone would adversely impact the operation of the business and cause unnecessary hardship.

9. The unnecessary hardship has not been created by the Applicant.

10. The requested variances 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.

11. The requested variances will represent the minimum variance to afford relief.

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 and variance relief be and is hereby approved, subject to the following conditions: 1) Applicant shall install bollards at all off-street parking spaces along the front of the

building; and 2) Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

DATED: 4.20.2022

Am Moran

[Signature]

Solicitor