

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
TONIA ULSH : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2022-05

**DECISION GRANTING SPECIAL EXCEPTION
AND VARIANCE RELIEF**

The Applicant requests a special exception and variance relief for a jewelry store. A hearing was held before the Board on June 16, 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 Tonia Ulsh, 3780 Trindle Road, Camp Hill, PA 17011.

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 1, bounded on the north by Gettysburg Road, and containing approximately one acre of land.

5. Applicant proposes to erect a two-story building to be occupied by a retail jewelry store.

6. The first floor of the building will be 7,980 square feet, and the second floor will be 3,000 square feet, and used for storage.

7. Applicant proposes to provide 47 off-street parking spaces on the subject property.

8. Based upon the operational experience of other jewelry stores over many years and in other locations, Applicant is confident that 47 spaces will be adequate to accommodate anticipated parking demand.

9. Because deliveries to the business will be made in vehicles of a size which can use a standard sized parking space, Applicant proposes not to provide loading zones.

10. A nearby property owner appeared to support the application. There was no opposition.

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 55 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 in the number of spaces 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 220-243(A)(1) requires two off-street loading and unloading spaces.

8. Because of the limited size of the subject property and the ability to accommodate delivery vehicles in standard

off-street parking spaces, strict compliance with the requirement to provide two loading spaces would cause unnecessary hardship.

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

10. The requested variance 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 variance 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 be and is hereby approved, subject to the condition that Applicant shall maintain strict conformance

with the testimony, plans and evidence presented to the Board.

DATED: 7.5.2022

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Ann Moran
LDM

Solicitor