

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
MATTHEW FARRELL : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2023-01

DECISION GRANTING VARIANCE RELIEF

The Applicant seeks variance relief to erect a commercial building in the rear and side yards. A hearing was held before the Board on March 16, 2023.

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 Matthew Farrell, whose address is 1130 St. Johns Road, Camp Hill, PA 17011.

3. The Applicant is the owner of the subject property.

4. The Applicant operates a towing and repair business at 1120 St. Johns Road (the "subject property").

5. The subject property is a parcel of land in an I-3 zoning district, improved with a commercial building.

6. The subject property is slightly pie-shaped, bounded on the north by U. S. Route 15 and on the south, in part, by St. Johns Road.

7. After an acquisition of 25 feet by PennDOT, the subject property is only about 80 feet wide at the rear boundary.

8. To accommodate his expanding business, Applicant proposes to erect a new commercial building, 80 feet wide and 70 feet deep, at the rear of the subject property. The Applicant needs a 4 bay building, which results a building width of 80 feet.

9. The existing building will remain, for use as offices and storage.

10. The Applicant would be unable to operate if he demolished the existing building before constructing the new one, and there is insufficient area to construct the new building anywhere else on the subject property.

11. The new building will be located 5 feet from the rear boundary, and at closest, approximately 1 foot from the side boundaries.

12. The Applicant was granted relief for a nearly identical project at Docket No. 2019-05

13. There was no objection to the requested relief.

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. Section 220-102(A) of the Codified Ordinances requires a minimum rear yard of 35 feet, and minimum side yards of 10 feet.

3. The unusual shape of the subject property, the reduction in width resulting from the PennDOT acquisition, and the location of the existing building combine to create an unnecessary hardship.

4. A variance is necessary to enable the erection of a functional building to accommodate Applicant's expanding business.

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

6. The requested relief 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.

7. The requested variance represents the minimum variance to afford relief.

8. The requested variance is dimensional in nature.

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 granted, subject to the condition that Applicant maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Ann Moran

L. Moran

Solicitor

Date: _____

4.6.2023