

**LOWER ALLEN  
ZONING HEARING BOARD**

IN THE MATTER OF:      141 Creek Road  
Zone: Single-Family Established Residential District (R-1)  
Applicant: James A. Lamancusa/Play Ball Indoor Turf, LLC  
Property Owner: Auto Body Pros, Inc.  
Application No. 2024-07

REQUEST FOR:            **SPECIAL EXCEPTIONS TO CHANGE A  
NONCONFORMING USE, AND REDUCTION IN  
REQUIRED OFF-STREET PARKING SPACES, AND A  
DIMENSIONAL VARIANCE TO REDUCE THE WIDTH OF  
A CARTWAY**

BEFORE:                 Moran, Chair  
                                Bonneville, Vice-Chair  
                                Migala, Participating Alternate Member

**DECISION**

Applicant seeks to change the nonconforming use on the property from an auto body repair shop to an indoor sports training facility. Applicant filed an application for two special exceptions to (1) change nonconforming uses on the property; and (2) reduce the number of off-street parking spaces required for the indoor training facility. Additionally, applicant filed an application for a dimensional variance for zoning relief from the access drive cartway width requirement of 24 feet for two lanes of travel. The property is located in the Single-Family Established Residential (R-1) Zoning District. The Board considered and decided Applicant's zoning requests at the December 19, 2024 hearing.

**EXHIBITS**

- B-1      Application with attached narrative, Pennsylvania Department of State documents noting registration of applicant to do business in PA, netting layout and plans for proposal, parking addendum, and aerial view of property.
- B-2      Certificate of Service of public notice and written notice of hearing on application with attachments.

B-3 Applicant Business Plan and Parking Policy

B-4 Certificate of Service of public notice and written notice of hearing on application

B-5 Zoning Hearing Board Docket Summary

### **FINDINGS OF FACT**

1. On or about October 3, 2024, James Lamancusa/Play Ball Indoor Turf, LLC (Applicant) applied for zoning relief in the form of two special exceptions and a dimensional variance to establish an indoor sports training facility on the property located at 141 Creek Road, Camp Hill, Pennsylvania (property), which is owned by, Auto Body Pros, Inc.

2. Hearings on the application took place on November 21, 2024 and December 19, 2024.

3. Public notices of the hearings on the application was published in the Patriot News on November 5, 2024, November 12, 2024, December 3, 2024, and December 10, 2024. Notices of the hearings was posted at the Lower Allen Township Municipal Building and on Township's website on November 1, 2024 and December 6, 2024, and placed on the property on November 6, 2024 and December 4, 2024.

4. Notices of the hearings were mailed to Applicant and adjoining property owners on November 6, 2024 and December 9, 2024.

5. No objections as to the method and timing of notice and advertising were raised.

6. No objections as to any of the exhibits submitted into the record at the hearing were raised.

7. The property is located in the Single-Family Established Residential (R-1) Zoning District.

8. The Applicant has standing to pursue the zoning relief requested as he has the authorization of the owner of the property, David Lamancusa, to file the application and pursue the requested zoning relief.

9. Testimony at the hearing was taken from Applicant, James Lamancusa, and Marcus Brandt, Township Zoning and Codes Administrator.

10. The property features an approximate 6,000 square foot structure that was built in the 1940's.

11. The structure is currently vacant but was previously used as an auto body repair facility operated by Auto Body Pros, Inc.

12. The auto body repair shop was a legal non-conforming use on the property.

13. Applicant proposes to operate an indoor sports training facility for rent to local baseball and softball teams on the property.

14. Additionally, the property would be available to rent for individual or small groups for private lessons.

15. The area within the facility that will be used for training, practice, and/or private lessons will measure approximately 4,520 square feet.

16. Play Ball Indoor Turf, LLC does not have any employees, and its organizer and sole member, James Lamancusa, will manage the facility on-site or remotely.

17. The coaches and/or instructors that rent the facility for training, practice, or lessons will manage the activities of their respective teams, players and/or individuals.

18. The facility will be separated into sections for the respective on-site activities, including two 14 ft. X 85 ft. cages, and one 20 ft. X 36 ft. cage.

19. The sections will be separated by netting to prevent any disturbance from one area to another area within the facility.

20. There are approximately 14 off-street parking spaces on-site; four spaces along the front of the property and ten (10) spaces along the right side of the property. See Ex. B-3

21. The ordinance requires applicant to provide 46 off-street parking spaces for the proposed use.

22. A motor vehicle must travel along a driveway that narrows to a twelve (12) foot width in order to access the ten (10) off-street parking spaces located on the right side of the property.

23. There is a wider area, approximately 30 feet wide, immediately prior to the twelve (12) foot wide access drive, that vehicles may stop to allow vehicles to exit the off-street parking spaces located along the right side of the property. See Ex. B-3

24. The four (4) parking spaces in the front of the property will be used to drop off players/participants in facility activities.

25. The first six (6) parking spaces along the right side of the property will be used to drop off players/participants in facility activities.

26. The last four (4) parking spaces along the right side of the property will be used by coaches that will conduct the training, practices, and/or lessons on the property.

27. In order to avoid traffic congestion on the property during drop off and pick up times, applicant plans to schedule a ½ hour time period between the end of a practice/training session and the start of the next practice/training session.

28. Applicant proposes that coaches would arrive approximately 15 minutes before the start of the practice/training session, and parents would drop off their child for practice and/or training approximately 5-10 before the start of the activity.

29. The proposed hours for use of the facility are Monday through Friday 5:00 p.m. - 9:00 p.m., and Saturday-Sunday 9:00 a.m. – 8:00 p.m.

30. A typical youth team that may use the facility has approximately 8-13 players; which would utilize 8-13 parking spaces on-site for drop off.

31. Applicant will have a policy that will require parents to drop off their children at practice/training session and not stay on-site to watch the practice/training session.

32. If a practice/training session went long, or players or coaches stayed on-site past the time period of the practice/training session, they may be prevented from using the facility in the future.

33. Coaches will have access to the facility by an access code.

34. Applicant will not be at the property during all uses and operation of the sports training facility, but may be there some of the time to monitor and manage the activities on-site.

### **CONCLUSIONS OF LAW**

1. The Lower Allen Township Zoning Hearing Board has jurisdiction to hear the above-captioned application pursuant to 53 P.S. Section 10909.1(a)(5)&(6). (The Municipalities Planning Code).

2. Proper notice of the hearing was given to the public and to all interested parties.

3. Exhibits B-1 through B-5 were properly admitted into evidence.

4. Applicant failed to meet its burden of proof for the Special Exceptions requested in accordance with the attached discussion and decision.

5. Applicant failed to sustain its burden of proof for a Variance in accordance with the attached discussion and decision.

### **DISCUSSION**

The property is located in the Single-Family Established Residential (R-1) Zoning District which is regulated by Article 4 of Chapter 220 – Lower Allen Township Zoning Ordinance (Ordinance). Applicant seeks two (2) Special Exceptions and one (1) Variance from the Township Zoning ordinance in order to establish an indoor sports training facility on the property that was previously utilized by a auto body repair shop, a legally non-conforming use.

### **SPECIAL EXCEPTION**

The Township Zoning Ordinance (Ordinance) requires a Special Exception to change one lawful non-conforming use to another non-conforming use of substantially the same character. The applicant must prove that the proposed change will not increase the need for off-street parking, or produce any noise, glare, heat, dust, traffic vibration, or illumination in excess of the existing non-conforming use. Section 220-222.B(5). The Ordinance requires a Special Exception to authorize the reduction in off-street parking spaces required of a particular use. Section 220-241 The indoor sports training facility is classified as a swimming pool, roller/ice rinks, and other similar uses type use under the ordinance. This type of use requires one (1) off-street parking space per 100 square feet of gross floor area (GFA). The proposed use will comprise approximately 4,520 square feet of the facility; thereby requiring 46 off-street parking spaces to comply with the ordinance. The property has 14 off-street parking spaces on-site and applicant seeks a special exception for zoning relief from the remaining 32 off-street parking spaces required by the ordinance.

## **Section 220-269 Zoning Hearing Board**

### **D. Special exceptions.**

In this chapter, special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained in this chapter. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and prescribe the application form to be used. The Board may grant approval of a special exception, provided that the applicant complies with the following standards and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant.

(1) The applicant shall establish, by credible evidence, compliance with all conditions on the special exception contained within this chapter which give the applicant the right to seek the special exception.

(2) The applicant shall establish, by credible evidence, that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic and parking demands generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements shall be made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including, but not limited to police protection, fire protection, utilities, and parks and recreational facilities.

(3) The applicant shall establish, by credible evidence, that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.

(4) The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

(5) For uses, structures or any development within the overlay Floodway (FW) and Flood Fringe (FF) Districts, the applicant shall present evidence of the effect of the use, structure or development on flood levels, flood frequencies and velocities; the susceptibility of the use, structure or development to flood damage; the availability of emergency access to the use, structure or development in times of flood; the necessity of the use, structure or development to be located near the floodplain; and the compliance with the requirement that the use, structure or development will not be located in the floodplain if the use, structure or development increases the base flood elevation.

(6) The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places or any other registry of historic structures.

(7) The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.

(8) The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Pennsylvania Municipalities Planning Code, as amended, and this chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.

(9) Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within 12 months from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal or fails to



complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within one year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one year.

(10) Any site plan or plot plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception shall also bind the use in accordance with the submitted site plan or plot plan. Should a change in the site plan or plot plan be required as a part of the approval of the use, the applicant shall revise the site plan or plot plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved site plan or the amended site plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the granting of another special exception to authorize such change.

Applicant failed to prove that the prior non-conforming use; an auto body repair shop, is of substantially the same character as an indoor sports training facility. The uses are distinct in all aspects of their respective setup and operation. The auto body repair shop would have bays with hydraulic lifts for repairing motor vehicles, and other areas to conduct maintenance or repairs of vehicles. The training facility is used for sports practices and lessons. The uses would have different off-street parking requirements. As previously noted, the sports training facility requires one (1) space per 100 GFA. The auto body repair shop requires three (3) spaces per bay, plus one (1) space for every 200 square feet of retail parts. Applicant failed to offer any evidence of the

nature of operations of the auto body repair shop, or the off-street parking requirements of the shop.

The proposed sports training facility has multiple drop offs and pick ups of players/participants throughout an weekday evening, or weekend day/evening. This would not be similar to the operation of an auto body shop that would not experience this type of vehicle congestion on site at any time. The auto body repair shop is not of substantially the same character as the proposed indoor sports training facility.

Applicant also failed to meet the special exception requirements that the parking demands generated by the proposed sports training facility, and the design of the parking and vehicular circulation, will be safely and efficiently accommodated on the property.

Although applicant has a plan for parking on-site, it leaves no room for error to be potentially functional. Furthermore, it is based on policies, that if followed by all parents and coaches all the time, will result in inefficient and/or unsafe conditions during drop off and/or pick up times at the facility.

Applicant's schedule for practice times is as follows:

Monday-Friday 5:00 p.m. – 6:30 p.m.

7:00 p.m. – 8:30 p.m.

Saturday-Sunday 9:00 a.m. – 10:30 a.m.,

11:00 a.m. – 12:30 p.m.

1:00 p.m. – 2:30 p.m.

3:00 p.m. – 4:30 p.m.

5:00 p.m. – 6:30 p.m.

7:00 p.m. – 8:30 p.m.

Each team that will use the facility for a practice/training session will have approximately 8-13 players and 3-5 coaches. There will be 14 parking spaces on-site; four (4) spaces in the front

of the property and ten (10) spaces along the right side of the property. The last four spaces along the right side of the property are reserved for the coaches, and the remaining ten (10) spaces will be used by parents to drop off their children for practice. In order to access the ten parking spaces on the right side of the property, one must travel through a 12 foot width area of the driveway; that is also used for vehicles to exit the parking spaces on the right side of the property.

The coaches can arrive 10-15 minutes prior to the start of practice, and the players/participants 5-10 minutes prior to practice. All parents must drop off their child and leave the facility as they will not be permitted to stay and watch a practice/training session.

There is a ½ hour between practice/training sessions to allow the team that concluded practice to leave the facility and the next team to arrive for its practice/training session. The teams that concluded practice have approximately 15 minutes to pack up equipment and get picked up by their parents, and the next team's coaches must not arrive at the facility until 15 minutes prior to the next practice/training session and the players/participants may not arrive until 5-10 minutes prior to the next practice/training session.

The facility can also be used for individual or small group lessons, which may be conducted at the same time as a team is practicing as there are two 14 ft. X 85 ft. cages, and one 20 ft. by 36 ft. cage within the facility that are separated by netting. This would increase the potential number of coaches and players on-site, as well as the number of vehicles visiting the site to drop off or pick up their child.

If a team has more vehicles than parking spaces available, the team will be required to make carpooling arrangements. This will likely occur as there could be 13 vehicles to drop off the players, and only ten (10) spaces available for drop off at the site. Plans can change in minutes that impact drop off and pick up plans, and carpooling arrangements. Even if the times and

schedules are followed for drop off and pick up, there will likely be disruptions when vehicles attempt to access the right side parking spaces through the 12 foot wide driveway area, and another vehicle(s) is attempting to exit the right side parking area. If the times and schedules are not followed exactly, and parents and/or coaches are a few minutes off, there will be significant disruption of vehicle circulation and parking on-site.

Applicant failed to submit sufficient evidence to meet his burden of proof for a special exception to change from one lawful non-conforming use (auto body repair shop) to another non-conforming use (indoor sports training facility) on the property.

Applicant also requested a special exception to reduce the number of required off-street parking spaces for the proposed indoor sports training facility. The ordinance states that a special exception to reduce the number of required spaces would be granted where an applicant can justify the reduction and still provide adequate parking facilities and stacking distances to serve the proposed use on the property.

The proposed use is most similar to a swimming pool, roller/ice rinks, and other similar uses type use which requires one parking space per 100 square feet of gross floor area ((GFA). Applicant intends to use approximately 4,520 square feet of the 6,000 square feet facility to operate the indoor training facility, which results in 46 required off-street parking spaces for the proposed use. Applicant has 14 off-street parking spaces located on the property and seeks a special exception for zoning relief from the remaining 32 spaces.

The Board incorporates its prior discussion pertaining to the inadequate parking design to meet the parking demand and vehicular circulation on the property to address this second special exception request. Even if the proposed plan is followed, there will still not be adequate parking on-site to serve the proposed use. Furthermore, it is unlikely that the plan will be followed exactly

every day that practice/training sessions and lessons are scheduled due to the uncontrollable and unexpected demands and occurrences of every day life. Additionally, Applicant testified that he would not be continually present at the property.

Applicant has failed to meet his burden of proof for a special exception to reduce the number of required off-street parking spaces for the proposed indoor sports training facility from 46 spaces to 14 spaces.

### **VARIANCE**

The Ordinance requires the width of an access drive cartway to be 24 feet. Section 220-244.B.(8) The proposed use has a driveway that narrows to twelve (12) feet to access the parking spaces along the right side of the property. Applicant seeks a dimensional variance for zoning relief from the required width of the access drive cartway. The Ordinance sets forth the following requirements for a variance;

#### **Section 220-269 Zoning Hearing Board**

##### **C. Variances.**

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application and may require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such

conditions and not the circumstances or conditions generally created by the provisions of this chapter in the district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the appellant.

(4) That the variance, if authorized, will not alter the essential character of the district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

Common law distinguishes between a dimensional variance and a use variance. A use variance applicant requests to use the property in a manner prohibited by the zoning regulation. *Hertzberg v. Zoning Bd. of Adjustment*, 554 Pa. 249, 264, 721 A.2d 43, 47 (Pa. 1998). A dimensional variance allows for the reasonable adjustment of the zoning regulation in order to utilize the property as desired. *Dunn v. Middletown Twp. Zoning Hearing Bd.*, 143 A.3d 494, 501 (Pa. Commw. 2016).

When considering a dimensional variance for purposes of determining unnecessary hardship, a Zoning Hearing Board is able to consider multiple factors not applicable to the use variance test, such as the financial hardship created by any work necessary to bring the property into strict compliance with the ordinance, the economic detriment to the applicant if the variance

was denied, and the characteristics of the surrounding neighborhood. *Soc'y Created to Reduce Urban Blight v. Zoning Bd. of Adjustment*, 771 A.2d 874, 877 (Pa. Commw. 2001). Unreasonable economic burden may be considered in determining the presence of unnecessary hardship. *Yeager v. Zoning Hearing Bd. Of City of Allentown*, 779 A.2d 595, 598 (Pa. Cmwlt. 2001) In *Marshall v. City of Philadelphia*, 97 A.3d 323 (Pa. 2014), the Pennsylvania Supreme Court stated “This Court has repeatedly made clear that in establishing hardship, an applicant for a variance is not required to show that the property at issue is valueless without the variance or that the property cannot be used for any permitted purpose” *Id.* at 330 A dimensional variance therefore compels a slightly lowered standard from a use variance, but must still address the aforementioned factors, including the showing of an unnecessary hardship. *Tri-Cnty. Landfill, Inc. v. Pine Twp. Zoning Hearing Bd.*, 83 A.3d 488, 520 (Pa. Commw. 2014). The reason for treating a dimensional variance more leniently than a use variance is that the applicant is asking for nothing more than a reasonable adjustment of the zoning regulations for the purpose of utilizing the property in a manner consistent with the zoning regulation. *Hertzburg* at p. 264

Applicant failed to submit sufficient evidence establishing an unnecessary hardship relating to the condition of the property that prevents him from complying with the terms of the ordinance. It is the proposed use and consequent off-street parking requirements that creates the potential hardship experienced by applicant. Also, as this is a dimensional variance request, applicant did not submit any evidence of a financial hardship to justify the reduction of the width of the access cartway from 24 ft. to 12 ft.

Applicant failed to submit sufficient evidence to meet the variance requirements in the ordinance. Accordingly, applicant failed to satisfy his burden of proof for the variance to Section 220-244.B.(8) of the ordinance.

## **ORDER**

By a vote of 2 to 1<sup>1</sup>, the Lower Allen Township Zoning Hearing Board finds as follows:

Applicant is denied a Special Exceptions to Section 220-222.B.(5) of the Zoning Ordinance for changing one lawful non-conforming use (auto body repair shop) to another non-conforming use (an indoor sports training facility).

Applicant is denied a Special Exception to Section 220-241 of the Zoning Ordinance for zoning relief from the off-street parking spaces required for the proposed indoor sports training facility. Applicant requested the required off-street parking spaces be reduced from 46 to 14 spaces.

Applicant is denied a dimensional variance for zoning relief from Zoning Ordinance Section 220-244(B)(8) which requires the width of a cartway of an access drives be 24 ft. Applicant requested a reduction from 24 ft. to 12 ft. in accordance with Ex. B-3.

The zoning relief requests apply to the property located at 141 Creek Road, Camp Hill, PA.

## **LOWER ALLEN TOWNSHIP ZONING HEARING BOARD**

Date: 1/24/2025 | 11:34 AM PST By: *Ann Moran*  
Ann Moran, Chair

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<sup>1</sup> Participating alternate member Migala voted against the motion.