

**LOWER ALLEN
ZONING HEARING BOARD**

IN THE MATTER OF: 702 Lisburn Road
 Zone: Multifamily Residential District (R-3)
 Applicant: William F. Hubler
 Application No. 2024-09

REQUEST FOR: **SPECIAL EXCEPTION FOR A CHANGE OR
CONVERSION FROM NON-CONFORMING USE
(CHURCH/SCHOOL) TO ANOTHER NON-CONFORMING
USE (ART CENTER)**

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

DECISION

Applicant recently purchased the property located at 702 Lisburn Road, Camp Hill, Pennsylvania (property), and filed an application for zoning relief to change the use from a church/school (non-conforming use) to an art center (non-conforming use). A Special Exception is required when changing from one non-conforming use to another non-conforming use of substantially the same character. Lower Allen Township Zoning Ordinance Section 220-222(B)(5) The Zoning Hearing Board (Board) considered and decided Applicant's special exception request at the November 21, 2024 hearing.

EXHIBITS

- B-1 Application for special exception with attached narrative.
- B-2 Chinese Cultural & Arts Institute Building Plot and Plans
- B-3 Certificate of Service of public notice and written notice of hearing on special exception application

FINDINGS OF FACT

1. On or about October 22, 2024, William F. Hubler (Applicant) applied for zoning relief in the form of a special exception to change from one non-conforming use (church/school) to another non-conforming use (art center/school) on the property 702 Lisburn Road, Lower Allen Township/Camp Hill, Pennsylvania (property).

2. A hearing on the application took place on November 21, 2024.

3. Public notice of the hearing on the application was published in the Patriot News on November 5, 2024, and November 12, 2024. Notice of the hearing was posted at the Lower Allen Township Municipal Building and on Township's website on November 1, 2024, and placed on Applicant's property on November 6, 2024.

4. Notice of the hearing was mailed to Applicant and adjoining property owners on November 6, 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 Multifamily Residential (R-3) Zoning District.

8. The Applicant has standing to pursue the zoning relief requested as he has the authorization, and is associated with the owner of the property; Chinese Cultural & Art Institute (CCAI).

9. Testimony at the hearing was taken from William F. Hubler, Applicant on behalf of the CCAI, and Marcus Brandt, Lower Allen Township Zoning Officer.

10. The property is an approximate 1.1 acre lot featuring a two story building that was constructed in 1972 and renovated in 1994.

11. The CCAI recently purchased the property in October 2024.
12. The property was previously used as a Church/School and CCAI plans to use the building in much the same capacity, except for the Sunday services and events with over 240 people in attendance.
13. CCAI plans to teach classes in traditional Chinese classical arts, including traditional Chinese painting, dance, language and music.
14. Classes are scheduled for the afternoon and early evening during weekdays, and may have up to 15-20 students and 3 teachers for all classes on-site at its peak use.
15. Although the structure on the property measures approximately 10,000 square feet, CCAI plans to use only the first floor of the building (5,000 square feet) to operate the arts center/school.
16. The second level of the building will be used mainly for storage.
17. There will be no additions, expansions or construction to the exterior of the building, nor will there be major renovations to interior of the structure.
18. The property has 49 off-street parking spaces that include 4 handicapped parking spaces, but there is space to include another 1-2 off-street parking spaces on the property.
19. There will be approximately 10-15 cars in the parking lot on the property at CCAI's peak use.
20. The proposed use will not increase the need for off-street parking, nor will it produce noise, glare, heat, dust, traffic, or illumination in excess of the prior church/school use on the property.
21. The proposed use will not adversely impact the character of the existing neighborhood nor will it substantially detract from the use of neighboring property.

CONCLUSIONS OF LAW

1. The Lower Allen Township Zoning Hearing Board has jurisdiction to hear the above-captioned application pursuant to Section 220-269(B)(6) of the Lower Allen Township Zoning Ordinance and 53 P.S. Section 10909.1(a)(5) of the Pennsylvania 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-3 were properly admitted into evidence.

4. Applicant has sustained its burden of proof for a special exception to change from one non-conforming use (church/school) to another non-conforming use (art center/school) in the Multifamily Residential District (R-3) in accordance with the attached discussion and decision.

DISCUSSION

The property is located in the Multifamily Residential (R-3) Zoning District which is regulated by Article 7 of Chapter 220 – Lower Allen Township Zoning Ordinance (Ordinance). Applicant is proposing to change the existing church/school on the property into an arts center/school. The existing use and the proposed use are non-conforming uses in the R-3 District. The ordinance states the following when an applicant proposes to change from one non-conforming use to another non-conforming use:

Any lawful nonconforming use of a building, structure or land may be changed to another nonconforming use of substantially the same character upon approval by special exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use 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 nonconforming use. **Section 220-222(B)(5)**

The Ordinance states the following for a Special Exception application and its requirements for approval:

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.

CCAI intends to use the property as an art center/school to teach classes in traditional Chinese painting, dance, language, music and other areas of classical arts. Prior to CCAI's purchase of the property in October 2024, it was used as a place of worship/school. Other than the Sunday events, in which over 240 people would be present, CCAI intends to use the property in a similar manner and capacity as the prior use.

The two story structure on the property is approximately 10,000 square feet, however, CCAI intends to utilize only the first floor of the facility, which is one half the total area, for its classes. The second floor will be used primarily for storage. In addition to the building, there is a 49-50 space parking lot on the property¹.

CCAI intends to use the property in its current condition without any significant interior or exterior renovations. There will be no additions or expansions to the building on the property.

The classes are primarily scheduled for weekday afternoon and early evening hours. At its peak use, CCAI may have up to 15-20 students and 3 teachers on the property, which is similar to the prior use. There may be 10-15 cars in the lot at the peak times of operation.

The peak traffic and parking demands generated by the proposed use will be of a reduced nature as compared to the prior use and shall be accommodated in a safe and efficient manner. The site plan for the proposal is properly designed with regard to internal circulation, parking, and buffering. The proposed operation will 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 property will be adequately safeguarded.

The proposed change in nonconforming use to an art center/school will not increase the need for off-street parking or produce any noise, glare, heat, dust, traffic vibration or illumination in excess of the prior place of worship/school nonconforming use

¹ The parking provided on the property is sufficient to meet the requirements of the ordinance. The proposed use would require one space per 100 square feet of gross floor area for the use; 5,000 square feet requires 50 off street parking spaces. Section 220.-239(A)

Accordingly, we find that the Applicant has sustained its burden of proving entitlement to the special exception requested to change from one nonconforming use on the property to another nonconforming use.

ORDER

Applicant is granted a special exception as authorized by Section 220-222(B)(5) of the Ordinance for changing a lawful nonconforming use (place of worship/school) to another nonconforming use (art center/school) of substantially similar character. The special exception granted applies to the property located at 702 Lisburn Road, Camp Hill, Lower Allen Township, PA.

LOWER ALLEN TOWNSHIP ZONING HEARING BOARD

Date: 12/30/2024 | 4:02 PM By: Ann Moran
Ann Moran, Chair