

**LOWER ALLEN
ZONING HEARING BOARD**

IN THE MATTER OF: 3617 Simpson Ferry Road
 Zone: Regional Commercial District (C-4)
 Applicant: Gilreath Custom Cabinetry, LLC
 Property Owner: Athens Property Management, LLC
 Application No. 2026-01

REQUEST FOR: **SPECIAL EXCEPTION TO CHANGE A
NONCONFORMING USE TO ANOTHER
NONCONFORMING USE**

BEFORE: Moran, Chair
 Bonneville, Vice-Chair
 Massott, Member

DECISION

Applicant filed an application for a special exception to change a nonconforming use in a portion of a building on the property located at 3617 Simpson Ferry Road, Camp Hill, Pennsylvania, from custom countertop fabrication/installation to another nonconforming use; custom cabinetry production/installation pursuant to Section 220-222 of the Lower Allen Township Zoning Ordinance (Zoning Ordinance) The property is located in the Regional Commercial District (C-4). The Board considered and decided Applicant's zoning request at the January 15, 2026 hearing.

EXHIBITS

- B-1 Application with aerial images of the property and a sketch plan of the parking area.
- B-2 Floor plan for the proposal
- B-3 Certificate of Service of public notice and written notice of hearing on the application with attachments.

FINDINGS OF FACT

1. On or about December 16, 2025, Gilreath Custom Cabinetry, LLC (Applicant) applied for zoning relief in the form of two special exceptions to (1) change one nonconforming use (custom countertop fabrication/installation) to another nonconforming use (custom cabinetry production/installation) in a portion of a building on the property located at 3617 Simpson Ferry Road, Camp Hill, Pennsylvania (property), and (2) for a reduction in the number of required off-street parking spaces for the proposed nonconforming use¹.

2. A hearing on the application took place on January 15, 2026.

3. Public notice of the hearing on the application was published in the Patriot News on December 30, 2025 and January 6, 2026. Notice of the hearing was posted at the Lower Allen Township Municipal Building and on the Township's website on January 5, 2026 and placed on the property on January 6, 2026.

4. Notice of the hearing was mailed to the Applicant and adjoining property owners on January 6, 2026.

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

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

7. The property is located in the Regional Commercial District (C-4).

8. The Applicant has standing to pursue the zoning relief requested as it is a tenant/lessee of the property that is owned by Athens Property Management, LLC.

¹ Applicant withdrew its request for a special exception for zoning relief from the required off-street parking spaces for the proposed custom cabinetry business as applicant stated it had sufficient parking on-site to meet the number of off-street parking spaces required by the Township Zoning Ordinance.

9. Testimony at the hearing was taken from Keith Gilreath, on behalf of Gilreath Custom Cabinetry, LLC (applicant) and Marcus Brandt, Lower Allen Township Zoning and Codes Administrator. Applicant was represented by Mark Silver, Esq.

10. The property features an approximate 39,000 square foot one-story structure that was built in 1950.

11. The structure currently houses Troy's Granite, a custom countertop fabrication and installation business, which is a legally non-conforming use in the C-4 Zoning District.

12. Applicant leased a portion of the interior of the building (approximately 14,000 sq. ft.) for his custom cabinetry business².

13. The cabinetry business would be a non-conforming use in the C-4 Zoning District as it is not a permitted use, but is a conversion from another non-conforming use (custom countertops business) on the property.

14. Applicant intends to move to the property as it needs space to continue operating his business since PennDOT acquired the building in Harrisburg, Pa. that housed Gilreath Custom Cabinetry, in addition to other businesses located therein, for the Interstate 83 expansion project.

15. Applicant proposes to create three separate sections in the leased area for (1) a spray-painting booth with internal circulating exhaust fan(s), (2) a drying room, and (3) a finishing and preparation room; which areas will occupy approximately 9,000 sq. ft. in the western portion of the building on the property.

16. Applicant will also have an office within the structure that will measure approximately 400 sq. ft.

17. There will be no changes, alterations or modifications to the exterior of the building.

² Although applicant leased 14,000 sq. ft. from Troy Granite, he needs and will use approximately 9,400 sq. ft. to operate his business; a 9,000 sq. ft manufacturing area, and a 400 sq. ft. office area.

18. Applicant will have 4-7 employees on-site to perform and complete the manufacturing activities to create and produce the custom cabinets that will be sold to custom home builders for installation in homes.

19. The ordinance requires applicant to provide 14 off-street parking spaces for the proposed use³, and applicant will accommodate the required parking spaces on-site for his custom cabinetry business.

20. Applicant will not have a showroom and expects minimal customer traffic at the site.

21. Applicant plans one delivery of raw materials, mostly lumber, per week by a tractor trailer type vehicle (flatbed) that will be on-site approximately 30 minutes to unload and leave the property.

22. All lumber and other raw materials will be stored indoors within the building.

23. The custom cabinetry operation will generate saw dust indoors, but each machine is hooked to a sawdust hopper which will collect the sawdust in bags that will be removed from the facility and delivered to horse farms for bedding.

24. The exhaust from the paint booth will not be discharged outside the facility, but is recirculated through the heating within the building, which captures the solids in the exhaust through its filtration system.

25. The cabinetry business will operate indoors and will not generate exterior noise that will impact any adjoining landowners or the public.

26. No one appeared in opposition to the application at the January 15, 2026 hearing.

³ The 9,000 sq. ft manufacturing area requires 12 spaces (1 space per 800 sq. ft. of Gross Floor Area (GFA)), and the 400 sq. ft. office area requires 2 spaces (50,000 sq. ft. GFA or less requires 1 space per 200 sq. ft. of GFA) Section 220-239(a). Where the computation of required parking spaces results in a fractional number, any fraction shall be counted as one. Section 220-242(g)

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)(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-3 were properly admitted into evidence.
4. Applicant sustained its burden of proof for the Special Exception requested to convert one non-conforming use to another non-conforming use in the C-4 Zoning District in accordance with the attached discussion and decision.

DISCUSSION

The property is located in the Regional Commercial (C-4) Zoning District which is regulated by Article 11 of Chapter 220 – Lower Allen Township Zoning Ordinance (Ordinance). Applicant seeks a Special Exception to convert a portion of the building on the property from one non-conforming use (custom countertop business) to another non-conforming use (custom cabinetry business). Section 220-222(b)(5)

SPECIAL EXCEPTION

The Township Zoning Ordinance (Ordinance) requires the following:

§ 220-222. Extensions or enlargements.

- A. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings or structures existing on the effective date of this chapter:
 - (3) The extension or enlargement of a nonconforming building or structure occupied by a nonconforming use.

B. The foregoing extensions or enlargements of such nonconforming buildings, structures or uses shall be subject to the following conditions:

- (5) 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.

Lower Allen Township Zoning Ordinance, Section 220-222.

The applicant must prove that the proposed non-conforming use is of substantially the same character as the existing non-conforming use, and that the 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.

Both uses involve manufacturing and/or producing custom made in-home products; countertops and cabinetry; and we find are properly classified as being of substantially the same character. As both are industrial type uses, they require the same off-street parking; one (1) space per 800 sq. ft. of Gross Floor Area (GFA). Section 220-239(a) Also, as the custom cabinetry business will operate indoors, it will not create any noise, glare, vibration or illumination in excess of the custom countertop business. It is unclear whether the creation of dust is similar for both uses (cutting granite compared to cutting wood), but applicant has the necessary machinery to capture and dispose of any dust generated from its custom cabinetry business. Finally, applicant's business will generate less traffic to the site than the existing custom countertop business since it will not have a showroom which is present in the building for Troy's Granite.

In addition to satisfying the above requirements, applicant needs to prove compliance with the Special Exception requirements of the Ordinance which state the following:

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.

Lower Allen Township Zoning Ordinance, Section 220-269.

In the case of a use permitted by Special Exception, there is a “presumption” that the use is a “conditionally permitted use, legislatively allowed if the standards are met.” *Bray v. Zoning Board of Adjustment of Philadelphia*, 48 Pa. Cmmw. 523, 410 A.2d 909, 911 (Pa. Cmwlt. 1980). Unlike a “Use Not Provided For,” a Special Exception use has already been designated to be “appropriate” for the zoning district. That is, it is presumptively consistent with the public health, safety and welfare. *Bray*, 410 A.2d at 911.

The proposed custom cabinetry business will be serviced by all existing utilities that currently serve the property and business (Troy’s Granite) on-site. The traffic will be essentially the same as Gilreath Custom Cabinetry will not have any customers coming to the site to view and/or select the type, size, and color of cabinetry. The proposed cabinetry business does not have a showroom which exists on-site for Troy’s Granite. The cabinetry business expects one delivery of lumber and other raw materials a week from a tractor trailer type vehicle (flatbed) which will be completed in 20-30 minutes. The manufactured cabinetry products will be sent from the property to the custom home location for installation.

The custom cabinetry business will not substantially detract from the use of neighboring property or negatively impact the character of the neighborhood as it is very similar to the existing use on-site; custom countertop business. Also, the property is surrounded by other commercial uses, including (1) the Foot Locker corporate service center, which is a large one

story structure, across the street, and (2) a high school and athletic stadium to the rear of the property.

Applicant has met its burden of proof for a special exception for the proposed custom cabinetry business on the property in accordance with the above discussion.

ORDER

In accordance with the above discussion, applicant's request for a Special Exception to establish a custom cabinetry business (conversion from one non-conforming use (custom countertop business) to another non-conforming use; (custom cabinetry) for the property located at 3617 Simpson Ferry Road, Camp Hill, PA, in the C-4 Zoning District, is granted. (See Section 220-222(b)(5))

LOWER ALLEN TOWNSHIP ZONING HEARING BOARD

Date: 2/20/26

By: 
Ann Moran, Chair

Any parties that are aggrieved by this Decision may appeal same within thirty (30) days to the Court of Common Pleas of Cumberland County, PA