

**LOWER ALLEN  
ZONING HEARING BOARD**

IN THE MATTER OF: 4195 Gettysburg Road  
Zone: Neighborhood Commercial Zoning District (C-1)  
Applicant/Owner: DF 4195, LP  
Application No. 2025-05

REQUEST FOR: **SPECIAL EXCEPTION FOR RELIEF FROM OFF-STREET  
PARKING REQUIREMENTS AND VARIANCES FROM  
MAXIMUM IMPERVIOUS COVERAGE AND REAR YARD  
SETBACK REQUIREMENTS IN THE C-1 DISTRICT**

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

**DECISION**

Applicant filed an application for a special exception for zoning relief from the Off-Street Parking Requirements for a convenience store use (Sections 220-239 and 220-241), and variances for zoning relief from the maximum impervious coverage (Section 220-50) and the front yard setback (Section 220-53A(1)) in the Neighborhood Commercial (C-1) Zoning District. The application pertained to the property located at 4195 Gettysburg Road, Camp Hill (property). The Lower Allen Township Zoning Hearing Board (Board) considered and decided Applicant's zoning relief requests at a hearing held on November 20, 2025.

**EXHIBITS**

- B-1 Application packet with attached narrative and sections of the zoning ordinance
- B-2 Plan for the project
- B-3 Certificate of Service of Public Notice and Written Notice of Hearing

**FINDINGS OF FACT**

1. On or about October 29, 2025, DF 4195, LP (Applicant) filed an application for a special exception and multiple dimensional variances for zoning relief to establish a convenience store use on the property located at 4195 Gettysburg Road, Camp Hill (property) in the C-1 Zoning District.
2. Public notice of the hearing on the application was published in the Patriot News on November 6, 2025, and November 13, 2025. Notice of the hearing was placed on Applicant's property on November 5, 2025 and posted at the Lower Allen Township Municipal Building and on the Township's website on November 5, 2025.
3. Notice of the hearing was mailed to Applicant and adjoining property owners on November 7, 2025.
4. No objections as to the method and timing of notice and advertising were raised.
5. No objections as to any of the exhibits submitted into the record at the hearing were raised.
6. The Applicant has standing to pursue the zoning relief requested as it is the owner of the property.
7. The hearing on the application occurred on November 20, 2025 hearing.
8. Testimony at the hearing was taken from Benjamin Kirk a land surveyor with Burget and Associates, David Peffley with DF 4195 LP (applicant) and Marcus Brandt, the Lower Allen Township Zoning Administrator.
9. The property is a 0.285 acre lot located at the corner of Old Slate Hill Road and Gettysburg Road, and features a service station, a two-bay storage garage and fuel pumping stations.

10. Applicant proposes to modify the existing service station on-site into a convenience store, and maintain the fueling stations on the property.
11. A convenience store use with fueling stations is a permitted use in the C-1 Zoning District.
12. Applicant intends to demolish the two-bay storage garage that is located in the eastern corner of the property.
13. There is access to the property from Old Slate Hill Road and Gettysburg Road.
14. The eastern side of the property borders St. Mary's Lane, and applicant plans to remove the pavement along this portion of land and replace it with grass and a curb that will reduce the existing impervious coverage of 100% to 94.7% of the property.
15. The maximum impervious lot coverage in the C-1 Zoning District is 70%.
16. The existing primary structure, road access to the site, and the fuel islands will continue to be used on the property.
17. Applicant proposes to install 20 ft. by 20 ft. canopies over the two fuel islands located in the front of the property along Gettysburg Road.
18. A portion of the canopy closest to the intersection of Old Slate Hill Road and Gettysburg Road will encroach up to 13.5 ft. into the 20 ft front yard setback. (See Ex. B-2)
19. The project will involve reconfiguring the parking on-site consistent with applicant's plan for the proposal. (Ex. B-2)
20. Applicant's proposed use of the property as a convenience store with fueling stations will require sixteen (16) off-street parking spaces<sup>1</sup>. Section 220-239(a)

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<sup>1</sup> A convenience store use requires one (1) off-street parking space per 150 sq. ft. of gross floor area. The convenience store is 2,020 sq. ft which equates to fourteen (14) spaces (2020/150). The fueling stations require one (1) space per 3 pumps. There will be 5-6 fuel pumps which equate to two (2) spaces. All fractions are counted as one. Section 220-242(g)

21. Applicant plans to provide nine (9) off-street parking spaces on the property.
22. Applicant's proposal would meet the off-street parking needs for the patrons of the store and provide safe vehicular and pedestrian travel on the property.
23. The proposal will not adversely impact the character of the existing neighborhood nor will it substantially detract from the use of neighboring property.
24. No one appeared at the hearing in opposition to the application.

### **CONCLUSIONS OF LAW**

1. The Lower Allen Township Zoning Hearing Board has jurisdiction to hear the above-captioned application for a special exception and two (2) dimensional variances pursuant to Section 220-269(B)(5) & (6) of the Lower Allen Township Zoning Ordinance and 53 P.S. and 10909.1(a)(5) & (6) of the Pennsylvania Municipalities Planning Code.
2. Proper notice of the hearing was given to the applicant, 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 the requested special exception for relief from the off-street parking requirements in accordance with the attached discussion and decision
5. Applicant has sustained its burden of proof for the requested variances to the maximum impervious coverage and the front yard setback applicable to the property located in the C-1 Zoning District in accordance with the attached discussion and decision.

## DISCUSSION

The property is located in the Neighborhood Commercial (C-1) Zoning District which is regulated by Article 8 of Chapter 220 – Lower Allen Township Zoning Ordinance (Zoning Ordinance). Applicant is proposing to modify the service station on the property into a convenience store, and maintain the fuel pumps on the property. A convenience store use with fueling stations is a permitted use in the C-1 Zoning District.

A convenience store use requires one (1) off-street parking space per 150 sq. ft. of gross floor area. The structure on the property is approximately 2,020 sq. ft., which equates to fourteen (14) spaces. Section 220-239(a) Fueling stations require one (1) off-street parking space per 3 fuel pumps. Section 220-239(a) There are 5-6 fuel pumps on the property which equates to two (2) parking spaces. The proposed convenience store with fueling stations will require sixteen (16) off-street parking spaces, and applicant proposes to establish nine (9) parking spaces on-site. Applicant filed a request for a special exception for zoning relief from the remaining seven (7) required off-street parking spaces. Section 220-241.

The Zoning Ordinance states the following for a request for relief from required off-street parking spaces:

**§ 220-241. Reduction in parking spaces and stacking distance requirements.**

The Zoning Hearing Board may authorize, by special exception, a reduction in the number and size of required off-street parking spaces and/or stacking distance requirements in cases where the applicant can justify the reduction and still provide adequate parking facilities and stacking distances to serve the proposed uses of the structure or land.

Lower Allen Township Zoning Ordinance, Section 220-241.

The Zoning Ordinance provides the following requirements for a special exception:

**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.

Lower Allen Township Zoning Ordinance, Section 220-269.

The size of the lot is 0.235 acres and features a 2,020 sq. ft. structure in the western portion of the property, a two-bay storage garage in the eastern corner of the property, and two fuel islands in the front yard of the property bordering Gettysburg Road. Applicant is removing the two bay storage garage and improving the eastern side yard by removing pavement along St. Mary Lane, and planting grass and installing curbing in its place. The removal of the garage will allow applicant to restructure the parking on-site along the eastern side of the property to accommodate seven (7) off-street parking spaces. Applicant will establish two (2) parking spaces on the western side of the property, including the one (1) required handicapped parking space<sup>2</sup>. Applicant will maintain the existing two-way access driveways to the property along Gettysburg Road and Old Slate Hill Road. There is no room for off-street parking in the rear of the property due to the rear property line which separates the structure on the property from the semi-detached structure located on a bordering lot<sup>3</sup>.

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<sup>2</sup> One handicap parking space is required for a commercial use that requires between 1 and 25 off-street parking spaces. Section 220-238(A)

<sup>3</sup> The rear of the store/structure is attached to a structure on the lot to the rear, but is separated by a wall; ie. semi-detached.

Applicant presented credible evidence and testimony that there is sufficient space on the property to accommodate nine (9) off-street parking spaces to meet the needs of the patrons of the convenience store while accommodating the safe and efficient vehicular and pedestrian travel through the lot. Applicant's design of the project properly considers the internal circulation, and parking on the property. See Ex. B-2 Applicant's proposed plan for the convenience store, fueling islands, and parking areas will not substantially injure or detract from the use of neighboring property, or from the character of the neighborhood, and will adequately safeguard adjacent properties.

We find that the applicant sustained its burden of proof for a special exceptions for zoning relief from seven (7) of the required sixteen (16) off-street parking spaces for the proposed use(s) in the C-1 Zoning District.

### VARIANCE

Applicant seeks variances from (1) the maximum impervious coverage in the C-1 Zoning District (70%); and (2) the front yard setback in the C-1 District (20 ft.). Applicant proposes to modify the service station on-site into a convenience store, and install two (2) canopies over the fuel islands in the front yard of the property. The existing impervious coverage on-site is 100%; and the project will actually reduce it to 94.7%, which still requires a variance as it will continue to exceed the 70% maximum coverage. Section 220-50 Also, the canopy closest to the intersection of Gettysburg Road and Old Slate Hill Road will exceed the 20 ft. front yard setback by up to 13.5 ft. at its maximum encroachment point. Section 220-53(A)(1)

In reviewing the variance application, the Zoning Hearing Board must take into account the criteria as set forth in Section 220-269 of the Township Zoning Ordinance which states the following:

**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.

Lower Allen Township Zoning Ordinance, Section 220-269.

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*, 721 A.2d at 47. 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).

The proposed convenience store use with fueling pumps is a permitted use in the C-1 Zoning District. Applicant's variance requests for zoning relief are categorized as dimensional variances. 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 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). 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).

Applicant is proposing to decrease the percentage of the impervious coverage on the property from 100% to 94.7% by removing pavement along the eastern side of the lot bordering St. Mary Lane, and replacing it with grass and curbing to improve the safety of access and circulation to and through the property. The lack of any impediment restricting passage to the property from St. Mary Lane constitutes a physical condition peculiar to the property creating the unnecessary hardship for the requested dimensional variance. Applicant did not create the hardship which seems to have been a long standing condition of the property. Applicant's proposal

brings the property into closer compliance with the Zoning Ordinance than previously in its existing condition. The variance requested will not alter the essential character of the C-1 District, nor substantially impair the use or development of adjacent properties, nor be detrimental to the public welfare. The variance will be the minimum necessary to afford applicant relief as it will decrease the percentage of impervious coverage on the lot.

Applicant is also proposing to install canopies over the two fuel islands located in the front yard of the property. A portion of the 20 ft. by 20 ft. canopy that will be installed closest to the intersection of Gettysburg Road and Old Slate Hill Road will encroach up to 13.5 ft. into the 20 ft. front yard setback. The fuel islands are an existing condition of the property. Applicant is proposing to cover the fuel islands with a canopy to protect the patrons from inclement weather while using the fuel pumps; a common feature of modern fueling stations. The canopy will not impact the access to the property or impede vehicular or pedestrian travel on-site. The installation of the canopies over the existing fuel islands will allow applicant the reasonable use of the property with the least modification of the Zoning Ordinance. The variance will not alter the character of the neighborhood nor be detrimental to the public welfare.

We find that applicant has sustained its burden of proof for the requested variances from the maximum impervious coverage and the front yard setback in the C-1 Zoning District

**ORDER**

In accordance with the above discussion, applicant's requests for a Special Exception for relief from seven (7) of the off-street parking spaces required for a convenience store use with fueling pumps is granted. (See Sections 220-239 and 220-241)

Applicant's requests for Variances from the 70% maximum impervious coverage (Section 220-50) and the 20 ft. front yard setback (Section 220-53(A)(1)) in the C-1 Zoning District is granted consistent with the application (Ex. B-1) and plan for the project (Ex. B-2) submitted by applicant.

This order applies to the property located at 4195 Gettysburg Road, Camp Hill, PA.

**LOWER ALLEN TOWNSHIP ZONING HEARING BOARD**

Date: 12/02/2025

By:   
Richard Bonneville, Acting 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*