

**LOWER ALLEN
ZONING HEARING BOARD**

IN THE MATTER OF: 2507 & 2509 Gettysburg Road
 Zone: General Commercial Zoning District (C-2)
 Applicant/Owner: Keshav Krupa, LLC
 Application No. 2026-06

REQUEST FOR: **SPECIAL EXCEPTION FOR RELIEF FROM THE OFF-STREET PARKING AND STACKING DISTANCE REQUIREMENTS AND A VARIANCE FROM THE MINIMUM BUFFER YARD BETWEEN RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES IN THE C-2 DISTRICT**

BEFORE: Moran, Chair
 Massott, Member
 Migala, Member

DECISION

Applicant proposes to construct a Dunkin Donuts franchise on the property with a drive-through and filed an application for special exception for zoning relief from the Off-Street Parking and Stacking Distance Requirements for a fast-food restaurant use (Sections 220-239 through 220-241) and a variance from the minimum buffer yard distance between a non-residential use and a residential use (Section 220-202) in the General Commercial (C-2) Zoning District. The application pertained to the properties located at 2507 & 2509 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 June 18, 2026.

EXHIBITS

- B-1 Certificate of Service of Public Notice and Written Notice of Hearing
- B-2 Application packet with attached narrative and concept plans
- B-3 Township Docket Summary

FINDINGS OF FACT

1. On or about May 18, 2026 Keshav Krupa, LLC (Applicant) filed an application for multiple special exceptions and a dimensional variance for zoning relief to establish a fast-food restaurant use on the property located at 2507 & 2509 Gettysburg Road, Camp Hill (property) in the C-2 Zoning District.

2. Public notice of the hearing on the application was timely published in the Patriot News on June 2, 2026, and June 9, 2026. Notice of the hearing was placed on Applicant's property on June 1, 2026, and posted at the Lower Allen Township Municipal Building and on the Township's website on June 2, 2026.

3. Notice of the hearing was mailed to Applicant and adjoining property owners on June 3, 2026.

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

5. No objections 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 June 18, 2026.

8. Testimony at the hearing was taken from B.J. Patel, owner of Keshav Krupa, LLC (applicant), Tavian Sumlin on behalf of BL Companies (Engineering Firm), and Marcus Brandt, the Lower Allen Township Zoning Administrator. Applicant was represented at the hearing by Jeffrey Clark, Esq., with Wix, Wenger and Weidner.

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 is proposing to construct a Dunkin Donuts fast-food restaurant with a drive-through lane on the properties.

11. Applicant has over 27 years of experience operating Dunkin Donuts restaurants and currently owns and manages 15 locations.

12. Most of the business for the Dunkin Donuts establishments (69% to 90%) is through the drive-through lane(s) of the restaurants owned and operated by applicant.

13. Approximately 30% of the drive-through business is through a mobile app, including the Dunkin app, which allows customers to complete and pay for their order prior to arriving at the restaurant to pick up their order.

14. Applicant's business would not be sustainable without a drive-through lane.

15. The hours of operation will be 5:00 a.m. to 9:00 p.m., but the busiest time will be between 7:00 a.m. and 11:00 a.m.

16. In order to install a drive-through, applicant needs to encroach 15 ft into the 25 ft. minimum buffer yard with residential use on the west side of the property.

17. Applicant intends to install a six-foot vinyl fence and evergreen trees and bushes along the west side of the property to provide a visual obstruction/buffer between the restaurant and the residential property at 2511 Gettysburg Road, Camp Hill, Pennsylvania.

18. Access to the Dunkin Donuts restaurant will be along Hartzdale Drive and will consist of a right turn ingress and egress into and exiting the property as there is a median in the center of Hartzdale Drive that prevents a left turn ingress and egress into and exiting the property.

19. There will be no access to the property along Gettysburg Road.
20. There is a second point access to the property through the parking lot from the strip mall to the south.
21. There will be a stop sign at the access point from the parking lot to the south.
22. The proposal will not adversely impact on the character of the existing neighborhood, nor will it substantially detract from the use of neighboring property.
23. 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 a dimensional variance 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 exceptions for relief from the off-street parking and stacking requirements in accordance with the attached discussion and decision
5. Applicant has sustained its burden of proof for the requested variance from the buffer yard requirement in the C-2 Zoning District in accordance with the attached discussion and decision.

DISCUSSION

The properties are located in the General Commercial (C-2) Zoning District which is regulated by Article 8 of Chapter 220 – Lower Allen Township Zoning Ordinance (Zoning Ordinance). Applicant is proposing to construct a Dunkin Donuts restaurant with a drive-through on the vacant property. Buildings that had existed on the property were demolished in 2025.

A fast-food restaurant requires one (1) off-street parking space for every 30 ft of gross-floor area (GFA). **Section 220-239A** The proposed GFA will be 2,201 sq. ft. which equates to 74 required off-street parking spaces. Applicant is proposing 22 spaces.

A fast-food restaurant requires the following stacking in the drive-through lane(s) – six (6) vehicle lengths behind the menu board; and four (4) vehicle lengths behind the first window. **Section 220-240** Applicant is proposing a reduction to five (5) vehicle lengths behind the menu board and two (2) vehicle lengths behind the first window.

SPECIAL EXCEPTION

Applicant has requested a special exception pursuant to **Section 220-241** for zoning relief from fifty-two (52) of the seventy-four (74) required off-street parking spaces, and a reduction in the stacking distance requirements.

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

§ 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.

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 affect 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.

The owner of the Dunkin restaurant has 27 years of experience operating up to fifteen (15) Dunkin Donuts restaurants and credibly testified that most of the business for the restaurant comes through the drive-through. (Notes of Testimony, June 18, 2026, p.23) In the several Dunkin Restaurants that applicant operates, 69%-90% is drive-through business. (N.T. p. 24) If the restaurant did not have a drive-through, the business would not be viable. The hours of operation are 5:00 a.m. to 9:00 p.m., but the busiest hours are 7:00 a.m. to 11:00 a.m. Approximately 30% of the drive-through businesses come through mobile apps or the Dunkin app. (N.T. p. 27) People typically order ahead of time, which equates to the order being ready for pick up through the drive-through or inside the restaurant. Many customers that come into Dunkin Donuts usually only picking up their order and then leave the restaurant. The customers do not stay and eat in. Based on his experience, the applicant believes the twenty-two (22) parking spaces on-site will be sufficient to meet the demand of the restaurant.

Applicant credibly testified that visits through the drive-through are typically short in duration due to the simplicity of the orders. The standard is that the total visit through the drive-through is 150 seconds (2 and ½ minutes). (N.T. p.26) Based on applicant's lengthy experience in operating several Dunkin Donuts restaurants, he believes that five (5) vehicle lengths behind the menu board, and two (2) vehicle lengths behind the first window is sufficient to operate the restaurant on the property.

We find that the applicant sustained its burden of proof for a special exception for zoning relief from fifty-two (52) of the required seventy-four (74) off-street parking spaces for the proposed Dunkin Donuts fast-food restaurant use in the C-2 Zoning District.

We also find that the applicant sustained its burden of proof for a special exception for zoning relief from six (6) vehicle lengths behind the menu board to five (5) vehicle lengths behind the menu board; and from four (4) vehicle lengths behind the first window to two (2) vehicle lengths behind the first window.

VARIANCE

Applicant seeks a variance of fifteen (15) ft. from the twenty-five (25) ft. minimum buffer yard requirement between the residential property located at 2511 Gettysburg Road and his proposed Dunkin Donuts fast-food restaurant (non-residential property) that will be located at 2507 & 2509 Gettysburg Road. Section 220-202(A)(1) All of the properties are located in the C-2 Zoning District.

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;

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*, 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 Dunkin fast-food restaurant is a permitted use in the C-2 Zoning District. Applicant's variance request for zoning relief is categorized as a dimensional variance. 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 unnecessary hardship. *Tri-Cnty. Landfill, Inc. v. Pine Twp. Zoning Hearing Bd.*, 83 A.3d 488, 520 (Pa. Commw. 2014).

The narrowness of the property, and applicant's need for a drive-through that must be located along the west side of the property, establishes the necessary undue hardship for a dimensional variance. The proposed design and location of the Dunkin Donuts on the property is necessary to operate a viable fast-food restaurant on-site. Applicant did not create the hardship as the property existed in its current condition at the time of purchase.

The variance will not alter the character of the C-2 Zoning District as commercial uses are located on the surrounding properties. The proposed fast-food restaurant will not substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

The variance will be the minimum variance necessary to afford applicant relief as it is the minimum amount of encroachment into the buffer yard between the proposed commercial use and the residential property to the west to accommodate one (1) drive-through lane that is necessary for the viability of the proposed Dunkin Donuts. Also, applicant will provide a vinyl fence, and evergreen trees and bushes as a buffer between the properties that will be sufficient for a visual obstruction between the properties.

We find that applicant has sustained its burden of proof for the requested dimensional variance for zoning relief from the 25 ft. minimum buffer yard requirement in the C-2 Zoning District

ORDER

Applicant is granted special exceptions as authorized by Section 220-241 of the Zoning Ordinance for zoning relief from 52 off-street parking spaces required for the Dunkin Donuts fast-food restaurant (Section 220-239A), and zoning relief for a reduction to five (5) car lengths behind the menu board, and two (2) car lengths behind the first window for the drive-through lane (Section 220-240), on the properties located at 2507 & 2509 Gettysburg Road, Camp Hill, Pennsylvania consistent with the plans submitted with the application (Ex. B-2) and into the record at the June 18, 2026 hearing.

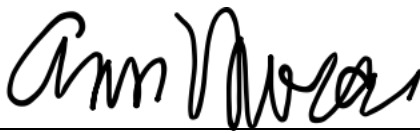
Applicant is granted a dimensional variance for zoning relief from the 25 ft. minimum buffer yard requirement to ten (10) ft., between a non-residential use and a residential use

The above zoning relief is granted subject to the following condition:

That the dumpster location and operation thereof will not be impeding ingress, egress, parking, traffic flow, or stacking at any point during normal business hours,

LOWER ALLEN TOWNSHIP ZONING HEARING BOARD

Date: 08/13/2026

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