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November 13, 2018

BY HAND DELIVERY

Susquehanna Township Zoning Hearing Board
1900 Linglestown Road
Harrisburg, PA 17110

Re: City of Harrisburg
1901 Wayne Avenue
Application to Zoning Hearing Board

Dear Board Members:

Enclosed please find the following as an application to the Zoning Hearing Board:

1. A completed Application form with Narrative Attachment (6 copies);
2. A site plan showing the proposed improvements (2 sheets, 6 copies); and
3. A check in the amount of \$650 as the filing fee for the Application.

I request that this Application be placed on the agenda for the next hearing for the Board, which I understand is on December 5, 2018. If you require any additional information, please contact me.

Very truly yours,

STEVENS & LEE


Charles M. Suhr

Enclosures

cc: Hon. Eric R. Papenfuse, Mayor
Neil Grover, Esq.
Robert Hasemeier, PE



ZONING HEARING BOARD
SUSQUEHANNA TOWNSHIP

APPEAL APPLICATION OR FOR OTHER RELIEF

I (We) City of Harrisburg of c/o Eric Papenfuse, Mayor
(NAME) (MAILING ADDRESS & ZIP CODE)

10 N. Second St., Harrisburg, PA 17101

make this Application requesting relief under:

- Section 2611 of the Zoning Ordinance pertaining to an appeal from a determination
 Section 2612 of the Zoning Ordinance pertaining to variance(s)
 Other Subsection of Section 2611 Specific Subsection is 27-2204(2)

State the relevant substantive section(s) of the Zoning Ordinance involved:

§ 27-2204(2)(A) - (D) (extension of non-conforming use)

If this Application is a variance request, state if the request relates to area frontage
 height use or other (specify) N/A

Description or location of Property: 1901 Wayne Avenue

Lot Size: ± 42 acres

Present use and improvement on subject property: Composting / school bus parking and
related school uses / vacant

Zone District: C - Conservation

Proposed use: Composting / school bus parking and related school uses / vacant

The Board is requested to approve this Application because: (state in detail legal and/or factual grounds and basis to support your Application). See attached narrative

(USE SUPPLEMENTAL SHEETS IF NECESSARY)

No previous Application has been filed by me (us) in connection with subject property,
except: N/A

State your interest in subject real estate:

Lessee

(OWNER, AGENT, LESSEE, ETC.)

I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Dated: 11/13/18 Signature: Christell Sulu

Note:

Atty For Applicant

- A. This application must be filled out in duplicate. The original shall be filed with the Zoning Officer and a copy with the Building Inspector.
- B. Required Attachment to Application:
 - 1) Every application coming before the Zoning Hearing Board shall be accompanied by 4 copies of a survey, plot plan or other drawing which shall show thereon, among any other relevant matters:
 - a. the physical boundaries of the subject real estate together with their dimensions;
 - b. the identification of any streets or other roadways abutting subject real estate;
 - c. the location of any existing improvements on subject real estate, and if relevant to the relief requested, the dimensions of those parts of the improvement(s) relevant to the determination;
 - d. the location and dimensions of proposed additions, changes and/or other affected improvements, including proposed removed existing improvements;
 - e. a directional indication such as an arrow pointing to the north;
 - f. such other features of subject real estate (e.g., elevational, topographical, etc. irregularities) as would be peculiarly relevant to the determination of the case.
 - 2) Failure to provide the required survey, plot plan or other drawing sufficient to accomplish the aforementioned requirements shall be grounds for the dismissal of the application, but without prejudice to the applicant to refile.
 - 3) This rule is promulgated and enacted by the authority set forth in 53 P.S. 10906(c), being the Act of December 21, 1988, P.L. 1329.

Narrative Attachment

City of Harrisburg
1901 Wayne Ave

The City of Harrisburg (the “City”) is the equitable owner via an authorization to occupy a certain 13.1 acre portion of the property located at 1901 Wayne Ave in Susquehanna Township (the “Property”). The Property is owned by the Harrisburg School District (the “School District”) and is located in the C-Conservation Zoning District as set forth in the current Susquehanna Township Zoning Ordinance (the “Current Zoning Ordinance”).

While much of the Property is vacant or used for other school district purposes (including bus parking), since before 2003, portions of the Property (under 1 acre) have been used by the School District for composting organic materials (the “Composting Use”). Prior to the adoption of Ordinance 03-12 on September 24, 2003 (the “2003 Zoning Ordinance”), the zoning ordinance then in effect, Ordinance 86-12 (the “1986 Zoning Ordinance”) allowed the Composting Use as permitted “Municipal Facilities” within the C-Conservation District. See §402(7) of the 1986 Zoning Ordinance. “Municipal Facilities” was not a defined term in the 1986 Zoning Ordinance.

With the adoption of the 2003 Zoning Ordinance, Susquehanna Township added in a definition of “Municipal Facilities” as follows:

MUNICIPAL, COUNTY, STATE AND FEDERAL BUILDINGS AND FACILITIES – a building or facility owned and/or operated by Susquehanna Township, Dauphin County, the Commonwealth of Pennsylvania or United States government for the purpose of governmental business or services.

2003 Zoning Ordinance, §204 (definitions).

The effect of the addition of this definition was that the Composting Use by the School District on the Property became a valid non-conforming use. This definition has carried through to the Current Zoning Ordinance.

The City proposes to extend the Composting Use to approximately 5 acres over the 13.1 acres lease site (the “Extension”). No trash, garbage or consumer waste will be deposited within the Extension. Such extension of an existing nonconforming use is allowed pursuant to Current Zoning Ordinance §27-2207(2) by special exception approval by the Zoning Hearing Board.

This Application requests special exception approval of the Extension as an expansion of a non-conforming use.

The special exception standards set forth in Current Zoning Ordinance §27-2207(2) will be demonstrated at the hearing on this application, and are met as follows:

- A. Extensions shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became nonconforming.

Response: The Extension will not exceed the boundaries of the Property;

- B. The extension of the nonconforming use shall not replace a conforming use.

Response: The extension will be the same composting use that was and is currently on the Property. No replacement of a conforming use will occur.

- C. The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to: lot, building, setback, coverage, buffering, height, parking and sign requirements.

Response: The dimensional requirements set forth for the C-Conservation District will be met by the Expansion, as will be demonstrated at the hearing.

- D. The extension of uses within structures shall not exceed an increase of 25% of the gross floor area occupied by the nonconforming use at the time of the enactment of this Chapter.

Response: The Expansion is not occurring within a structure.