

# *Susquehanna* TOWNSHIP

1900 LINGLESTOWN ROAD | HARRISBURG PA 17110

## Agenda

### Zoning Hearing Board

### Thomas W. Holtzman Elementary School

May 4, 2022

6:30 PM

#### Call to Order

**1. Z-2022-06: Walnut Enterprise, LP at 3801 Walnut St.**

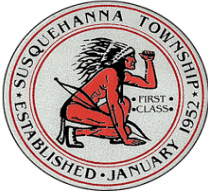
Applicant is appealing the Zoning Officer's determination that the P-9 Sign Category set forth in Table 2401 of the Susquehanna Township Zoning Ordinance does not apply to its property in the MU-1 District and is requesting a dimensional variance from the minimum sign setback requirement of Category P-9B. In the alternative, Applicant requests dimensional variances from Category P-8A related to the maximum permitted sign area and minimum sign setback.

**2. **TABLED** - Z-2022-03: Sughair, Inc. at 3465 N. 6th. St.**

Applicant is requesting a special exception to Sections 27-1303.2 of the Susquehanna Township Zoning Ordinance to allow a junkyard. Applicant is requesting variances to Sections 27-2031.1 and 27-2030.4 to allow a junkyard on less than five acres; and a reduced setback.

#### Adjournment

*As a courtesy to others in attendance, please turn off cellular phones during the meeting.*



**ZONING HEARING BOARD  
SUSQUEHANNA TOWNSHIP**

**APPEAL APPLICATION OR FOR OTHER RELIEF**

I (We) Walnut Enterprise, LP of 103 Nevermore Cirle, North Wales, PA 19454  
(NAME) (MAILING ADDRESS & ZIP CODE)

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 \_\_\_\_\_

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

§ Table 2401, Sign Category P-9B; in the alternative, Sign Category P-8A

If this Application is a variance request, state if the request relates to  area  frontage  
 height  use or  other (specify) Sign setback and area

Description or location of Property: 3801 Walnut Street and 3808 Locust Lane

Lot Size: 0.58 acres

Present use and improvement on subject property: Food and beverage store and single-family dwelling

Zone District: MU-1 and R-3

Proposed use: Food and beverage store and restaurant/cafe (as approved by ZHB Decision dated 5/6/21)

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

No previous Application has been filed by me (us) in connection with subject property,  
except: February 9, 2021 Zoning Hearing Board application

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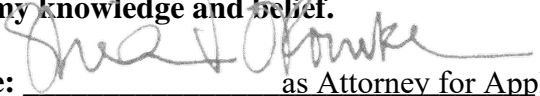
State your interest in subject real estate:

Owner

(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:** April 12, 2022

**Signature:**  as Attorney for Applicant

Note:

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.

SUSQUEHANNA TOWNSHIP ZONING HEARING BOARD

In re: Appeal and Application of  
Walnut Enterprise LP

:  
:  
:  
:

No \_\_\_\_\_

**SUPPLEMENT TO ZONING APPEAL AND APPLICATION FOR VARIANCES**

Applicant Walnut Enterprise LP appeals the Zoning Officer’s determination that the P-9 Sign Category set forth in Table 2401 of the Susquehanna Township Zoning Ordinance (“Ordinance”) does not apply to its property in the MU-1 District and, in addition, requests a dimensional variance from the minimum sign setback requirement of Category P-9B. In the alternative, Applicant requests dimensional variances from Sign Category P-8A related to the maximum permitted sign area and minimum sign setback.

In support therefor, Applicant provides:

**I. BACKGROUND**

1. Walnut Enterprise LP owns adjacent properties at 3801 Walnut Street, Susquehanna Township, and 3808 Locust Lane, Susquehanna Township, that it intends to consolidate and use as a single tract (the “Property”). An aerial image of the Property is attached as Exhibit “A.”

2. The Property contains approximately 0.58 acres (25,264.4 square feet).

3. The Property has street frontage on three sides of the property, along Walnut Street, Locust Lane, and Wood Alley.

4. The Property is a split-zoned lot. The majority of the Property is located in the MU-1 District, and a small portion of the Property is located in the R-3 District.<sup>1</sup>

5. Existing improvements on the Property include a food and beverage store with fuel pumps, large nonconforming parking area, and single-family dwelling structure that was approved for a commercial/office use.

6. Pursuant to a Zoning Decision dated May 6, 2021, the Zoning Hearing Board for Susquehanna Township (“Board”) granted zoning relief that would facilitate the removal of the single-family dwelling; the expansion of the food and beverage store building in order to add a restaurant/café use; and the construction of a drive-through service lane to serve the restaurant and food and beverage store. A copy of the Zoning Decision is attached as Exhibit “B.”

7. No changes were proposed to the existing parking area in front of the building.

8. A Pizza Hut restaurant and Einstein Bros. Bagel café are proposed for the Property in addition to the food and beverage store and fueling station.

**A. Existing and Proposed Signage**

9. There is an existing freestanding sign on the Property at the corner of Walnut and Locust Street that advertises the Sunoco fueling station. The sign contains more than 20 square feet. An image of the existing sign is attached as Exhibit “C.”

10. Applicant is proposing two (2) additional freestanding signs.

11. Each sign would be 15 feet in height with a sign face of 20 square feet.

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<sup>1</sup> Although the Property is a split-zoned lot, § 27-304 of the Ordinance permits the regulations of the MU-1 District to be extended by 50 feet, and with the extension, the improvements on the Property and proposed signs are subject to the regulations of the MU-1 District. *See* Site Plan, attached as Exhibit “E.”

12. Each sign would advertise both the Pizza Hut restaurant and Einstein Bros. Bagel café.

13. One of the proposed signs would be located at the corner of Walnut Street and Wood Alley, and the other proposed sign would be located along Locust Lane.

14. There is very limited space to locate a sign along Walnut Street. The distance between the Walnut Street right-of-way and the drive through service lane on the Property is approximately 12 feet. The proposed sign would be oriented perpendicular to the right-of-way, and the signpost nearest to the right-of-way would be approximately 2.9 feet from Walnut Street.

15. Likewise, there is limited space to locate a sign along Locust Lane, as the distance between the right-of-way and drive aisle on the Property is approximately 18 feet. The proposed sign would be oriented perpendicular to the right-of way, and the signpost nearest to the right-of-way would be approximately 7.7 feet from Locust Lane.

16. An exhibit showing the proposed signs is attached as Exhibit “D.”

17. A site plan showing the proposed locations of the signs is attached as Exhibit “E.”

#### **B. Zoning Requirements for Signs**

18. The Susquehanna Township Zoning Ordinance sets forth requirements for permanent signs at Table 2401.

19. “Sign Category P-9” is for “Business signs for businesses located in complexes as shopping centers, multi-use buildings, parks, and neighborhood centers.”

20. Section P-9B applies to “business sign[s] for the complex” in the MU-1 District and states that “no individual business shall have a freestanding sign when located in a complex.”

21. Section P-9B sets forth the following requirements:

- a. one sign per lot frontage;

- b. a maximum permitted sign area of 1 square foot per 2.5 linear feet of lot frontage, not to exceed 150 square feet;
- c. a minimum setback from right-of-way of 15 feet; and
- d. a maximum height equal to the height of the building.

22. Sign Category P-8 applies to “business signs for properties not located in complexes, such as shopping centers, multi-use buildings, industrial parks, and business parks.”

23. Section P-8A applies to an “[i]ndividual business sign” in the MU-1 District and sets forth the following requirements:

- a. one sign per lot frontage;
- b. a maximum permitted sign area of an aggregate of 20 square feet for all freestanding and attached signs;
- c. a minimum setback from right-of-way of 10 feet; and
- d. a maximum height of 15 feet.

### **C. Zoning Officer Determination**

24. On April 8, 2022, Applicant’s counsel contacted the Zoning Officer related to Applicant’s position that Sign Category P-9 applies to the Property based on the multi-use building on the Property that will be used for a food and beverage store, Pizza Hut restaurant, and Einstein Bros. Bagels café. *See* Ordinance Table 2401.

25. In an email dated April 8, 2022, the Zoning Officer disagreed that Category P-9 would apply to the Property. *See* Email from Zoning Officer, attached as Exhibit “F.”

## II. PROPOSED RELIEF

26. Applicant hereby appeals the determination of the Zoning Officer that the P-9 Sign Category does not apply to the Property and, in addition, applies for dimensional variance relief for the proposed signs.

### A. Appeal from Zoning Officer Determination & Application for Dimensional Variance under the P-9 Sign Category

27. Applicant appeals the Zoning Officer determination of April 8, 2022, that the P-9 Sign Category does not apply to the Property.

28. “Sign Category P-9” is for “Business signs for businesses located in . . . multi-use buildings.”

29. The Ordinance does not contain a definition for “multi-use building.”

30. It is Applicant’s position that the building on the Property qualifies as a “multi-use building” because it will contain multiple uses, including a food and beverage store, Pizza Hut restaurant, and Einstein Bros. Bagels café.

31. The Zoning Ordinances defines and lists a “food and beverage store,” § 27-1402.16, and a “restaurant,” § 27-1402.27, as separate/distinct uses, further supporting that the use of a building for a food and beverage store and restaurant/café would be a “multi-use building.”

32. To the extent the term “multi-use building” is ambiguous, it is well established that any ambiguity in the Zoning Ordinance should be construed in favor of the landowner and the least restrictive use of the property.

33. In the event the appeal is granted and the Board applies the P-9 Sign Category to the Property, Applicant meets the requirements of Section P-9B as follows.

- a. Since the Property has frontage on three rights-of-way (Walnut Street, Locust Lane, and Wood Alley), three signs would be permitted.



- b. The Property has more than 375 feet of lot frontage, and therefore, would qualify for 150 square feet of signage.
  - c. The proposed signs will be less than the height of the building.
34. Applicant requests a variance to the 15-foot setback requirement and submits that it has met the requirements for a dimensional variance of § 27-2612 as follows.
35. There are unique physical circumstances and conditions on the Property that create an unnecessary hardship. For example, the Property is a corner lot with road frontage on three sides of the Property; is a split-zoned lot; and is dimensionally nonconforming in a number of respects, including the location of parking. The setbacks between the rights-of-way and existing parking area are very small and narrow. § 27.2612.A.
36. Because of the physical circumstances of the Property, there is no possibility that a sign could meet the 15-foot setback requirement. § 27.2612.B.
- a. For the sign that is proposed at the corner of Walnut Street and Wood Alley, the distance between the right-of-way and drive-through lane on the Property is only approximately 12 feet, and it would be physically impossible to maintain a 15-foot setback.
  - b. For the sign that is proposed along Locust Lane, the distance between the right-of-way and the drive aisle curb is approximately 18 feet. In order to position the proposed sign perpendicular to the street so that it is visible to traffic, this sign likewise will have to encroach in to the 15-foot setback.
37. The variance, if authorized, will not alter the essential character of the neighborhood or 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.

Applicant's proposed signage is consistent with and fits in with the size and location of signage in the surrounding area along the Walnut Street corridor. § 27.2612.D.

38. The variance, if authorized, will represent the minimum variance that will afford relief and will present the least modification possible of the regulation in issue. § 27.2612.E.

39. Accordingly, the Board should grant a dimensional variance from the 15-foot setback requirements of Section P-9B.

**B. In the Alternative, Dimensional Variances from the P-8 Sign Category**

40. The Board denies the appeal and declines to utilize the P-9 Sign Category requirements, Applicant requests dimensional variances from the P-8 Sign Category for the proposed signs.

41. Specifically, Applicant requests a variance from the total permitted sign area of 20 square feet, as well as a dimensional variance from the 10-foot setback from the right-of-way for the proposed sign along Walnut Street.

42. Applicant incorporates the variance analysis set forth above related to the requested setback variance.

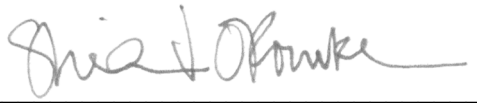
43. With regard to sign area, Applicant notes that the existing sign on the Property advertising the Sunoco fueling station exceeds the 20 square-foot maximum sign area, and that no additional signs would be permitted on the Property without a variance. The proposed signs, each containing 20 square-feet of sign area, are the minimum size possible in order to advertise both the Pizza Hut and Einstein Bros. Bagels. Furthermore, the proposed signs are similar in size to other nearby signs in the Walnut Street corridor.

44. For the above reasons, Applicant has also shown its entitlement to dimensional variances under the P-8 Sign Category.

45. A list of adjoining property owners is attached as Exhibit "G."

WHEREFORE, Applicant respectfully requests that the Susquehanna Township Zoning Hearing Board grant zoning relief to permit the addition of two freestanding signs on the Property as described in this Application.

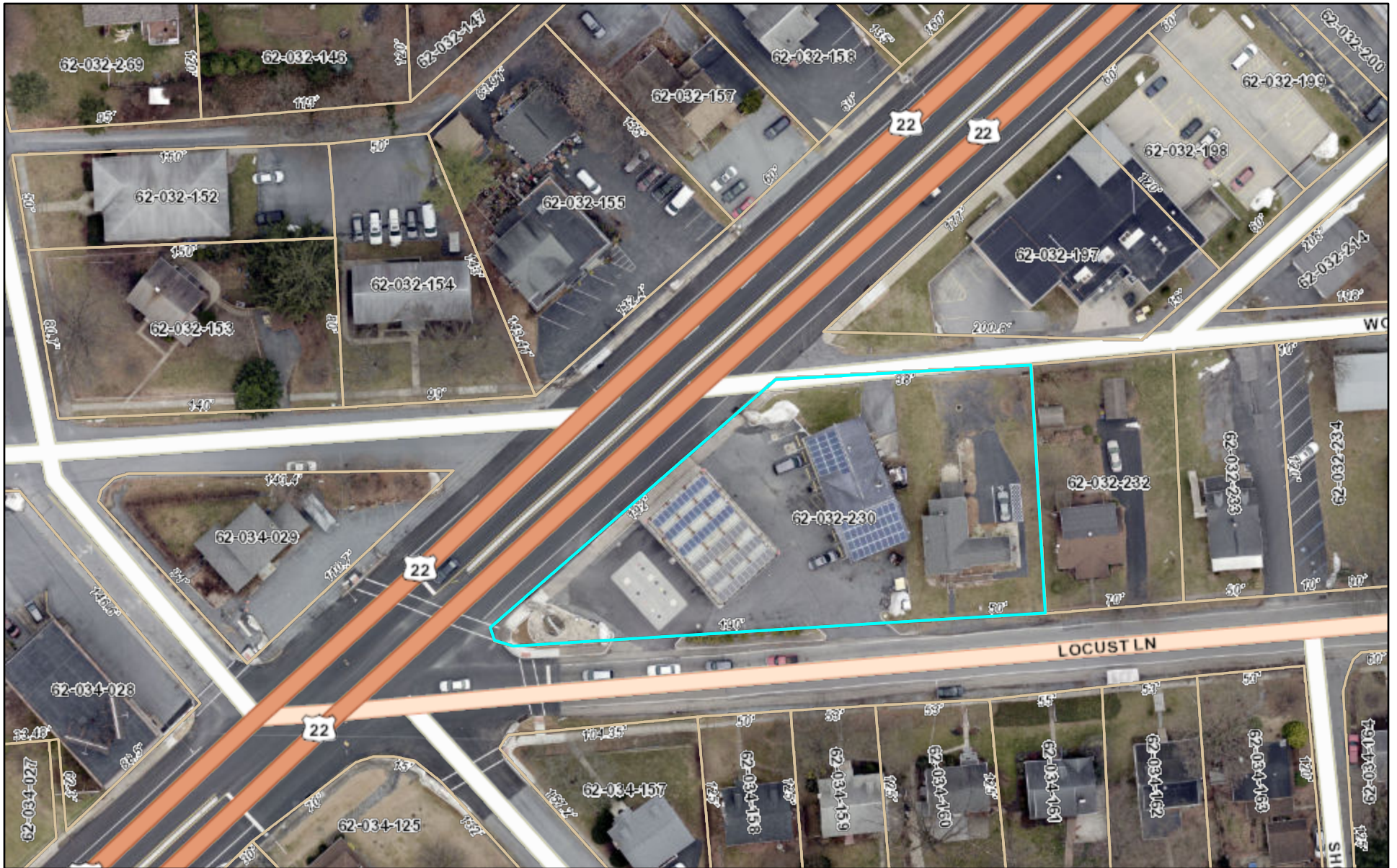
GIBBEL KRAYBILL & HESS LLP

By: 

Sheila V. O'Rourke  
Sup. Ct. Atty. I.D. #313842  
Attorneys for Applicants  
2933 Lititz Pike, P.O. Box 5349  
Lancaster, PA 17606  
(717) 291-1700  
sorourke@gkh.com

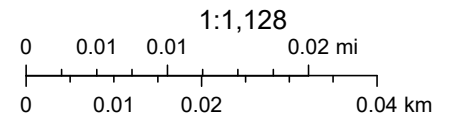
# **EXHIBIT A**

# Tax Parcel Map



4/8/2022, 10:51:18 AM

 Parcels



# **EXHIBIT B**

IN MATTER INVOLVING AN : BEFORE THE ZONING HEARING BOARD  
APPLICATION FOR VARIANCES BY : OF SUSQUEHANNA TOWNSHIP  
ANIL JIVANI AND JYOTSNA JIVANI : DAUPHIN COUNTY, PENNSYLVANIA

## DECISION OF THE BOARD

### PROCEDURAL HISTORY

On or around February 9, 2021, Anil Jivani and Jyotsna Jivani (Applicants) applied for variances from the requirements of §27-1402 and §27-1404.1 of the Code of Ordinances of the Township of Susquehanna, Dauphin County, Pennsylvania. A hearing on the application was held on April 7, 2021.

### FINDINGS OF FACT

1. Applicants own the property commonly known as 3801 Walnut Street, Susquehanna Township. See Exhibit A attached hereto.
2. Applicants propose to purchase the property commonly known as 3808 Locust Lane, Susquehanna Township, which adjoins 3801 Walnut Street, Susquehanna Township.
3. 3801 Walnut Street and 3808 Locust Lane are located primarily in an MU-1 District, although a small part of each property is located in an R-3 district.
4. Applicants propose to merge 3801 Walnut Street and 3808 Locust Lane into a single lot, remove the existing structure on 3808 Locust Lane and build an addition onto the existing building currently located on 3801 Walnut Street.
5. The currently existing building, plus the proposed addition to the building, would continue to be used for a food and beverage store and a restaurant/café would be added as part of the rear addition.
6. Consistent with that illustrated in the sketch plan attached hereto as Exhibit A, a drive-through facility is proposed at the side and rear of the proposed addition.

### DISCUSSION

The de minimis doctrine is a narrow exception to the heavy burden of proof placed on a property owner seeking a variance. It applies where only a minor deviation from the zoning ordinance is sought and rigid compliance is not necessary to protect the public policy concerns inherent in the ordinance. Constantino v. Zoning Hearing Bd. Of Borough of Forest Hills, 152 Pa.Cmwlth. 258, 265; 618 A.2d 1193, 1196 (1992).

The minimum required rear yard setback set forth in §27-1404.1 is 55 feet. In the present case, the rear yard setback area is 55 feet by 120 feet which equals 6,600 square feet. A portion of

the proposed building which is 52.8125<sup>1</sup> feet by 8.1667<sup>2</sup> feet will encroach into the rear yard setback area. The area of the proposed building encroaching into the rear yard setback area will be 431.30 square feet (52.8125 feet multiplied by 8.1667 feet). The percentage of the setback area encroached upon by the 431.30 square feet of the proposed building is 6.53% (431.30 square feet divided by 6,600 square feet). This encroachment into the setback area is de minimis.

Applicants do not need to apply for a variance from the requirements of §27-1404.1 which requires that the maximum lot area for a property used for a commercial purpose in a Mixed Use District be no greater than 16,000 square feet per dwelling. Susquehanna Township's zoning ordinance defines a dwelling as "A single unit providing complete independent living, sleeping, eating, cooking and sanitation." The existing and proposed structures on the property are not dwellings. Therefore, §27-1404.1 does not apply.

Applicants do not need to apply for a variance from the requirements of §27-1402. Pursuant to §27-1402.50.A, a drive-through can be considered a customary accessory structure incidental to the permitted uses of a food and beverage store and a restaurant. Susquehanna Township argues that because a drive-through is not specifically listed as an accessory use in §27-1402.50.A, it is therefore not a permitted accessory use. The Township correctly points out that in other areas of the zoning ordinance drive-throughs are specifically listed as accessory uses. Nevertheless, if the Township wanted accessory uses to be strictly limited to those uses set forth in §27-1402.50, the ordinance could have clearly indicated the same. The ordinance does not clearly restrict accessory uses to those uses set forth in §27-1402.50. Accordingly, that ambiguity will be resolved in favor of the Applicants.

Regardless of the findings that variances to §27-1404.1 (requiring that the maximum lot area for a property used for a commercial purpose in a Mixed Use District be no greater than 16,000 square feet per dwelling) and §27-1402 are not required, it is still prudent to grant variances to those sections. The Township initially took the position that variances were required 1) to have a maximum lot area in excess of 16,000 square feet; and 2) to have an accessory use for a property consisting of a drive-through. Applicants responded by applying for variances. At the hearing the Township backed away from its previous position that the maximum lot area was limited by §27-1404.1 to 16,000 square feet. Still, formal approval of the variances in this written decision, while not technically required, will nevertheless ensure the record in this case is clear and should avoid any potential confusion which might occur in the future. A variance to that portion of §27-1404.1 requiring a 55-foot rear yard setback is required.

#### CONCLUSIONS OF LAW

1. Applicants are properly before the Board which has jurisdiction to adjudicate this matter;  
and
2. Upon satisfying the condition that Applicants purchase 3808 Locust Lane, Applicants have

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<sup>1</sup> According to the sketch plan attached as Exhibit A, the length of the building encroaching into the rear setback area is 52 feet, 9¾ inches.

<sup>2</sup> The aforesaid sketch plan references the following distances marked off between the proposed rear lot line and the edge of the proposed building: 15 feet – 6.5 inches, 10 feet, 10 feet and 11 feet – 3.5 inches. The total of these four distances equals 46.8333 feet. 55 feet less 46.8333 feet equals 8.1667 feet.



met their burden of proof in showing that they are entitled to variances from the requirements of §27-1402 and § 27-1404.1.

ADJUDICATION

After due consideration of the evidence and deliberating thereupon, and the announcing of our decision at the zoning hearing held on April 7, 2021, the Zoning Hearing Board of Susquehanna Township hereby:

- 1) Grants Applicants' request for variances from the requirements of §27-1402 and §27-1404.1 to allow for the construction of the proposed building and drive-through consistent with the sketch plan introduced into evidence by Applicants and attached hereto as Exhibit A, conditioned upon Applicants purchasing 3808 Locust Lane; and
- 2) Directs that the granting of these variances is subject to the condition that the rights granted to Applicants by these variances shall not be transferred to any Party who in the future chooses to use subject property in a manner different from what Applicants have proposed in the present case.

Susquehanna Township Zoning Hearing Board

By Jeffrey N. Yoffe

Yoffe & Yoffe, P.C.

Jeffrey N. Yoffe, Esq.

Attorney For Susquehanna Township Zoning Hearing Board

2 Lemoyne Drive, Suite 100

Lemoyne, PA 17043

(717) 343-1120

Attorney ID No. 52933

jyoffe@yoffelawoffice.com

Official Date Of This Decision: May 6, 2021

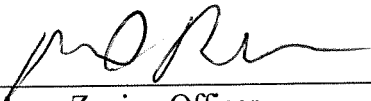
Date Of Filing This Decision: May 6, 2021

Decision mailed on MAY 6, 2021 (date) to the following 1) Applicants (or their Attorney); and 2) any other person who has filed their name and address with the board not later than the last day of the hearing – all of whose names and addresses are set forth below:

Sheila V. O'Rourke, Esq.  
P.O. Box 5349  
Lancaster, PA 17606

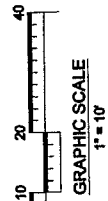
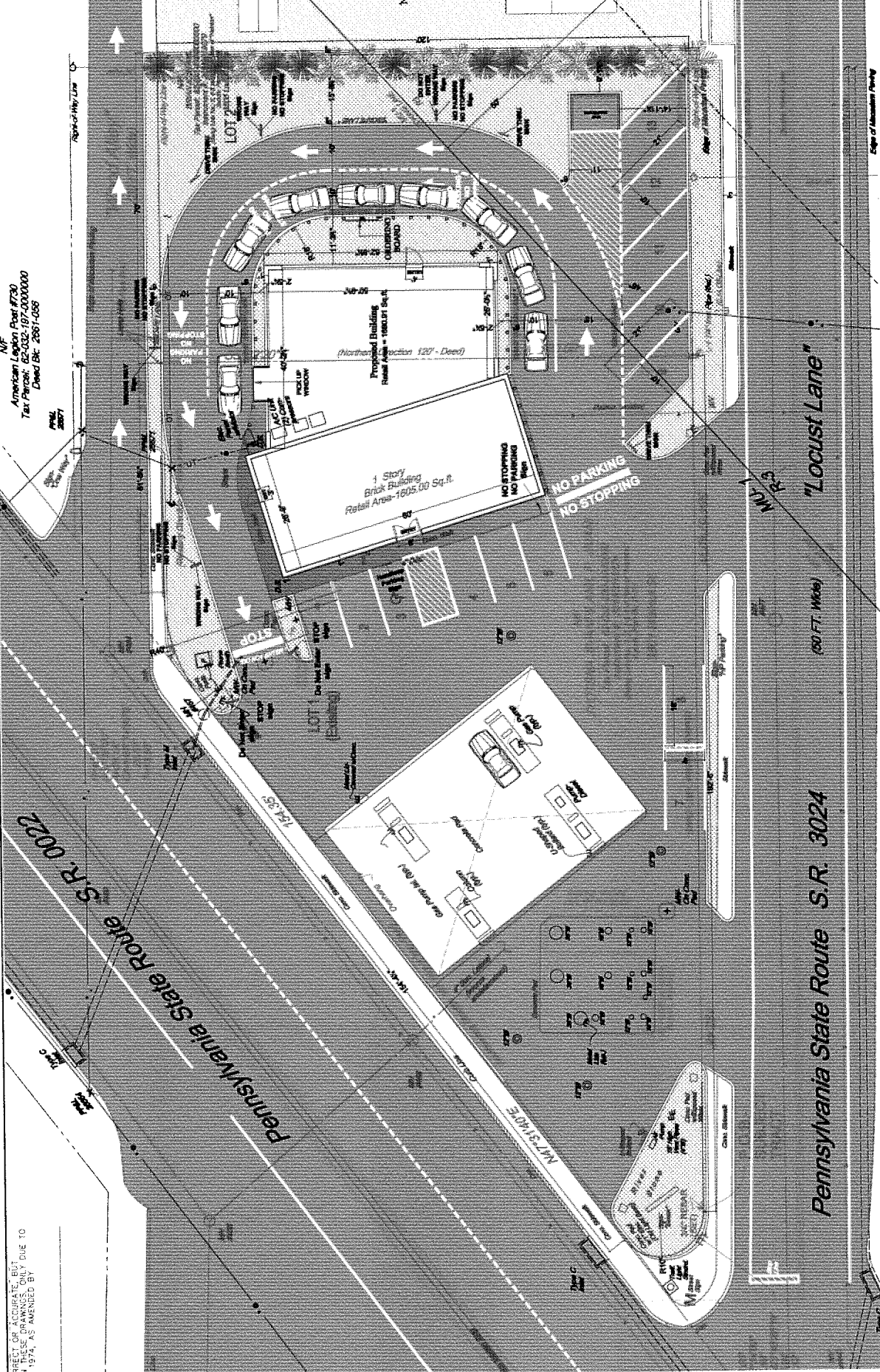
Susquehanna Township Planning and Zoning

Date: *May 6, 2021*

By   
\_\_\_\_\_  
Michael Rohrer, Zoning Officer  
1900 Linglestown Road  
Harrisburg, PA 17110  
(717) 909-9225  
mrohrer@susquehannatwp.com

CORRECT OF ACCURATE, BUT NOT GUARANTEED, DUE TO CHANGES SINCE 1974, AS AMENDED BY

NIF  
American Legion Post #730  
Tax Parcel: 62-032-197-0000000  
Dead DC: 2861-056



# SKETCH PLAN

EXHIBIT "A"

Pennsylvania State Route S.R. 3024

"Locust Lane"

(60 FT. MOE)

3801 WALNUT STREET  
NEW CONSTRUCTION PLAN  
SKETCH PLAN

SHEET  
A2.1  
NO. 3 OF 3

3801 WALNUT STREET  
PA 17108  
CLIENT



Light-Heigel  
Engineers Surveyors  
400 EAST MAIN STREET  
MILLSBORO, DE 19966  
PHONE (302) 484-4444 FAX (302) 484-4444  
COMMUNICATIONS: (302) 484-4444

NO.	DATE	REVISION
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NO.	DATE	REVISION
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# **EXHIBIT C**

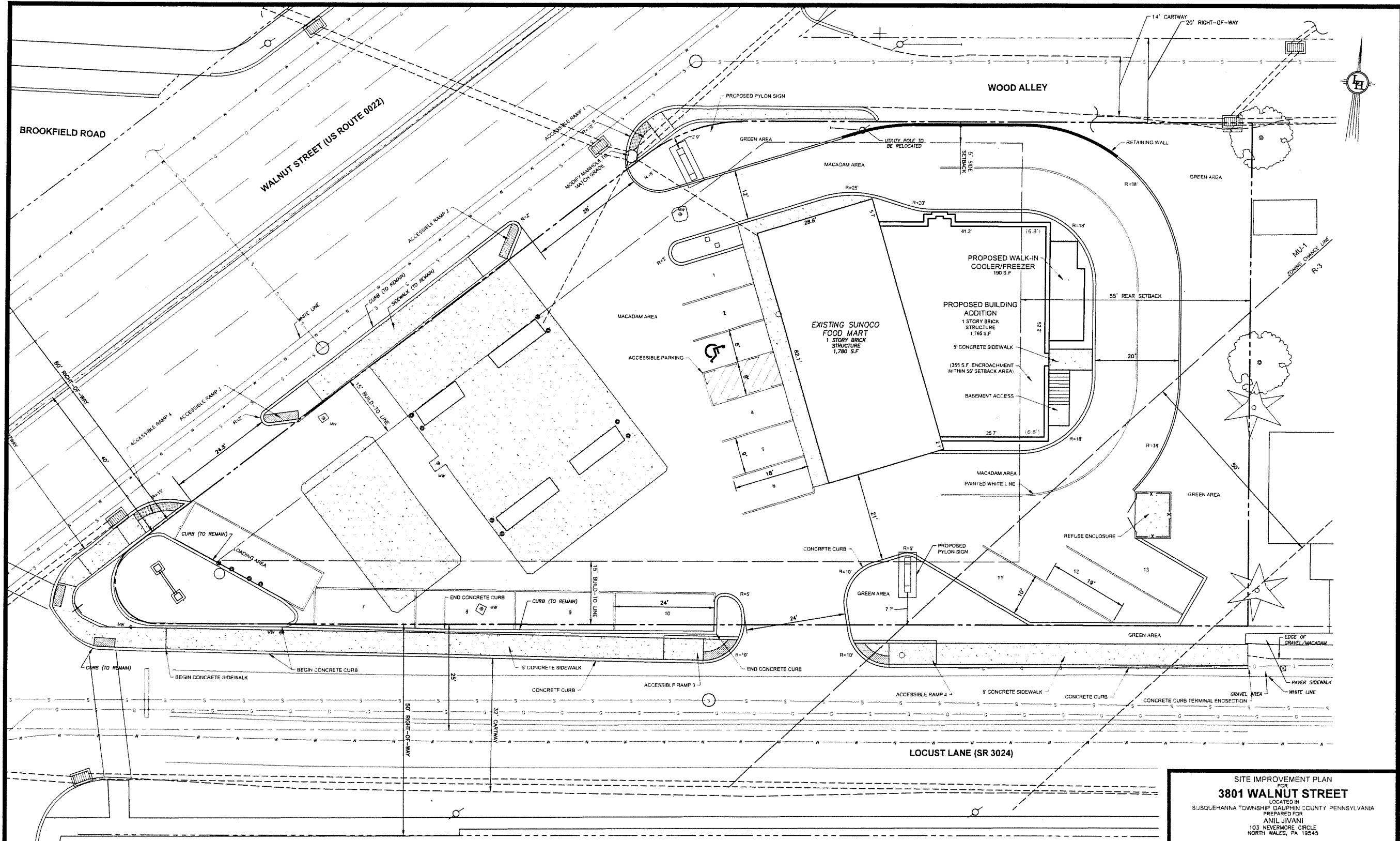


# **EXHIBIT D**

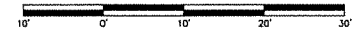


# **EXHIBIT E**





SITE IMPROVEMENT PLAN  
SCALE 1" = 10'



SITE IMPROVEMENT PLAN  
FOR  
**3801 WALNUT STREET**  
LOCATED IN  
SUSQUEHANNA TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA  
PREPARED FOR  
**ANIL JIVANI**  
103 NEVERMORE CIRCLE  
NORTH WALES, PA 19354

**ENGINEERING SERVICES BUILDING CODE INSPECTIONS MUNICIPAL SERVICES**  
**LIGHT-HEIGEL & ASSOCIATES, INC.**  
430 EAST MAIN STREET, PALMYRA, PA 17078  
(717) 838-1351 FAX (717) 838-2822 1-800-257-2190 WWW.LIGHT-HEIGEL.COM  
REGIONAL OFFICES  
LANCASTER, PA SCHUYLKILL HAVEN, PA HALIFAX, PA  
SINKFELS SPRING, PA LEWISBURG, PA

**811**  
Know what's below.  
Call before you dig.

DATE: 04/08/2022 CHECKED BY: SML JOB NO: PA20-0312  
SCALE: 1" = 10' DRAWN BY: TGA MAPCHECK: N/A  
COMPILED BY: TC FIELD: TC/JJC SHEET NO: 5 OF 15

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# **EXHIBIT F**

**From:** [Logan, Elizabeth \(Betsy\)](#)  
**To:** [Sheila O'Rourke](#)  
**Cc:** [Keith Heigel](#)  
**Subject:** RE: 3801 Walnut Street  
**Date:** Friday, April 8, 2022 5:12:26 PM  
**Attachments:** [image001.jpg](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[Self Assessment Employee Evaluation Form.pdf](#)

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Hi Sheila,

The zoning approval from May 6, 2021, does not have any stipulations related to deadlines for the project start. Neither does our ordinance.

Based on my current understanding of the business, I disagree with using the Sign Category P-9. I don't consider the food and beverage store and restaurant/café to be a multi-use building.

Generally, multi-use would be different uses such as residential and commercial retail, or office and residential. To me, the two uses are similar since so many gas stations offer food service.

If you could provide a more detailed description of the differences between the two uses, that would be helpful. Overall, this category is used for shopping centers with different businesses separated into individual units, large office complexes, or office/industrial parks housing various companies.

Let me know if that answers your questions or if you have any other questions based on my response.

Have a lovely weekend!



**Betsy Logan**

(She/her)

**Assistant Township Manager**

1900 Linglestown Rd • Harrisburg, PA 17110

717-901-6050

[blogan@susquehannatwp.com](mailto:blogan@susquehannatwp.com)  [www.susquehannatwp.com](http://www.susquehannatwp.com)

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**From:** Sheila O'Rourke <SORourke@gkh.com>

**Sent:** Friday, April 8, 2022 1:41 PM

**To:** Logan, Elizabeth (Betsy) <[blogan@susquehannatwp.com](mailto:blogan@susquehannatwp.com)>; Logan, Elizabeth (Betsy) <[blogan@susquehannatwp.com](mailto:blogan@susquehannatwp.com)>

**Cc:** Keith Heigel <[kheigel@light-heigel.com](mailto:kheigel@light-heigel.com)>

**Subject:** 3801 Walnut Street

Hi Betsy,

I hope you are doing well.

I just left you a message regarding a zoning application we were planning to submit for the above property related to signage. However, upon further review of the Ordinance and a revision to our sign plan, I think we may not need a zoning application after all.

As you may recall, we received a zoning approval May 6, 2021, to expand the existing food and beverage store on the property and also use the building for a restaurant/café use. The decision also approved a drive-through lane. I am attaching the decision for ease of reference.

I reviewed the Zoning Ordinance and sign table (Table 2401) (attached), and it appears that Sign Category P-9 applies based on the multi-use building on the property that includes a food and

beverage store and restaurant/café. Could you kindly let me know whether you agree? If that is the case, we may not need any zoning relief, although we are still working out whether a dimensional variance from the 15' setback from the ROW may be needed based on the constraints of this site. Finally, and on a related note, we have not yet been able to obtain a building permit for the property because we have been working through land development, HOP approval with PennDOT, etc. I could not find a provision in your ordinance related to whether a zoning approval expires after a period of time. However, in many ordinances, zoning approvals expire after a year. I wanted to check with you whether we need to submit a request for an extension of time to obtain a permit on this property. I appreciate your advice, and look forward to hearing from you.

Thanks, and have a good weekend,

Sheila

Cell – 717-979-1600

**Sheila V. O'Rourke, Attorney | Gibbel Kraybill & Hess LLP**

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# **EXHIBIT G**



Applicant's  
Property

11

12

1

10

2

9

8

7

6

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3

### **Adjoining Property Owners**

1. 62-032-197-000-0000 – 3811 Walnut Street  
American Legion Pennbrook Post #730  
3813 Walnut Street  
Harrisburg, PA 17109
2. 62-032-233-000-0000 – 3810 Locust Lane  
Kathy J. Seig  
3810 Locust Lane  
Harrisburg, PA 17109
3. 62-034-161-000-0000 – 3809 Locust Lane  
Gail M. Gummo  
3809 Locust Lane  
Harrisburg, PA 17109
4. 62-034-160-000-0000 – 3807 Locust Lane  
John J. Pensiero  
3807 Locust Lane  
Harrisburg, PA 17109
5. 62-034-159-000-0000 – 3805 Locust Lane  
Jason Egal  
3805 Locust Lane  
Harrisburg, PA 17109
6. 62-034-158-000-0000 – 3803 Locust Lane  
Jacqueline A. Gill  
3803 Locust Lane  
Harrisburg, PA 17109
7. 62-034-157-000-0000 – 3801 Locust Lane  
Stephen T. Loser  
3801 Locust Lane  
Harrisburg, PA 17109
8. 62-034-125-000-0000 – 3743 Walnut Street  
Youseff Bouchanyata  
3743 Walnut Street  
Harrisburg, PA 1719
9. 62-034-028-000-0000 – 3798 Walnut Street  
James L. & Kathy S. Hartman  
Jay D. & Deborah J. Barnhart  
4092 Wimbledon Street  
Harrisburg, PA 17112

10. 62-034-029-000-0000 – 3800 Walnut Street  
Zsuzsanna Gal  
3800 Walnut Street  
Harrisburg, PA 17109
  
11. 62-032-154-000-0000 – 3802 Brookfield Road  
Rustrum Realty Inc.  
P.O. Box 6244  
Harrisburg, PA 17112
  
12. 62-032-155-000-0000 – 3810 Walnut Street  
Building LLC  
P.O. Box 6862  
Harrisburg, PA 17112