

BEFORE THE ZONING HEARING BOARD OF DICKINSON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

In re: Application of : Docket No. 2012-03
John Boone :
1140 Pine Road : Variances from
Carlisle, PA 17015 : Sections 205-10
: Lot Size

PRESIDING: Michael Gennett, Chairman;

PRESENT: Richard Cantor, Vice-Chairman, Gerald Eby, Member

FINDINGS OF FACT

1. The applicant is John Boone, 1140 Pine Road, Carlisle, Pennsylvania, 17015 (hereinafter "Boone").
2. Applicant's lot is improved with a single family dwelling and landscaping, and is approximately 1.31 acres in size. The property is located in the Conservation District.
3. The lot is non-conforming in that when it was subdivided, it met the lot area requirement, however, due to rezoning, the lot no longer meets the minimum lot size requirement for a lot in the Conservation District.
4. Applicant and his neighbor, Keller, recently discovered that the lot line separating their properties is actually located in a different location than previously believed.
5. The landscaping on the respective lots is configured to comply with the assumed lot line instead of the actual lot line, and the Keller residence is in violation of the side yard setback as a result of the lot line misunderstanding.

6. Applicant proposes to relocate his lot line and deed approximately 4,700 square feet of his property to Keller as depicted in the application and sketch plans prepared by Douglas Brehm, professional land surveyor.

7. A hearing was held on October 23, 2012, at 6:00 P.M. at the Dickinson Township Municipal Building, 219 Mountain View Road, Mount Holly Springs, PA 17065, with all notices provided as required by law.

8. No one appeared at the hearing in opposition to the application.

CONCLUSIONS OF LAW

1. The ordinance requires a minimum lot size of 80,000 square feet in the conservation district.

2. The boundary between Boone and Keller was misidentified at some point and the parties have conducted themselves and their lot improvement activities based upon the erroneous lot line.

3 Applicant has not created this hardship.

4. Granting the setback variance will not alter the essential character of the neighborhood.

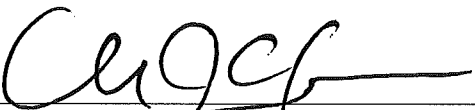
5. The setback variance granted is the minimum variance that will afford applicant the relief it seeks.

DECISION

The Board approves the application on a motion by Gerald Eby and seconded by Richard Cantor. The motion passed with three votes in favor and none against.


DICKINSON TOWNSHIP
ZONING HEARING BOARD

Date:




Michael Gennett, Chairman

Date:



Richard Cantor, Vice-chairmen

Date:



Gerald Eby, Member

APPLICANT SHALL ABIDE BY ALL FEDERAL, STATE AND LOCAL LAWS AND ORDINANCES PERTAINING TO PERMISSIONS GRANTED BY THIS DECISION.

APPLICANT SHALL PROCEED PURSUANT TO THIS DECISION IN ACCORDANCE WITH THE TESTIMONY AND EXHIBITS PRESENTED AT THE HEARING.

ANY PERSON AGGRIEVED BY THE DECISION OF THE DICKINSON TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF CUMBERLAND COUNTY. THE APPEAL MUST BE FILED WITHIN 30 DAYS FROM THE MAILING DATE OF THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW.

NO CONSTRUCTION MAY BEGIN UNTIL A BUILDING PERMIT IS ISSUED.