

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

In re: Application of Charles Graver : Docket No. 2012-04
: Application for Use Variance

PRESIDING: Michael Gennett

PRESENT: Gerald Eby, Member; Richard Cantor, Member

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

1. The Applicant is Charles Graver (hereinafter "Graver"), an adult individual who owns and resides at 4622 Carlisle Road, Gardners, Pennsylvania (hereinafter "property").

2. Applicant's property is located in the Medium Density Residential District (MDR-O).

3. Applicant and his father previously operated an automobile repair and service operation from a garage (hereinafter "old garage") located at 4614 Carlisle Road, Gardners, Pennsylvania, which parcel is adjacent to the property which is the subject of this application. The old garage had been in operation since the mid 1960's.

4. The automobile repair and service operation at the old garage was essentially limited to inspections, emissions and light mechanical work. The business operated Monday through Friday from 7:30 a.m until 4:00 p.m. and there were typically five or six automobiles on

site either waiting to be serviced or waiting to be picked up by the owner. Between one and three deliveries were made daily by a small truck delivering auto parts.

5. The old garage was a preexisting non-conforming use in the MDR-O District.

6. Applicant's father died in 2012 and the old garage was sold in order to settle applicant's father's estate.

7. Applicant has constructed two bay garage (hereinafter "new garage") on the property which is the subject of this application and he desires to run essentially the same automobile repair and service facility at the new garage which had previously been conducted at the old garage.

8. Applicant's testimony at the hearing is that he would propose to operate his facility at the new garage in essentially the same manner as at the old garage, as set forth in paragraph 4. above.

9. Two neighbors appeared at the hearing and testified in support of the application. Jim Overstreet testified that applicant's garage is a great asset to the community and Ronald Wolfe testified that the business should be allowed to continue to operate as it had in the past.

10. Two letters were received by Dickinson Township from neighbors who support the application. Specifically, Brian Pieton, who has lived directly across the street from the garage for twenty years, supports the application. In addition, Thomas and Lisa Mickey, who indicate that they are the "closest" neighbor to the property, indicate they have no objection to the application.

11. No one appeared at the hearing and expressed opposition to the application.

12. A hearing was held on December 20, 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.

CONCLUSIONS OF LAW

The old garage was a preexisting nonconforming use in the Medium Density Residential District. The old garage had operated since the mid 1960's. Neighbors and local residents were very pleased with the manner in which the old garage operated and the nature of the services provided by applicant.

The new garage is located on an adjacent parcel and will be operated by the same individual (applicant) who operated the old garage, and the operation of the new garage is intended to be nearly identical to the old garage.

The Board views the operation of this automobile repair and service facility as a business which is desired by the local residents and is simply the same preexisting nonconforming business as had previously existed, but in a new location directly adjacent to the old location. Under these unique circumstances, the Board believes the use variance is appropriate.

DECISION

A motion was made by Gerald Eby to approve the application and the motion was seconded by Michael Gennett. The conditions attached to the motion are that the business maintain the hours of 7:30 a.m. to 4:00 p.m. Monday through Friday; that any lighting installed by applicant be limited to illuminating his property only; and that applicant must abide by the provisions of the ordinance located at section 205-69.2. A vote was taken and the motion passed with three votes in favor of the application and none against. The applicant was notified that any

interested party may appeal the decision of the Zoning Hearing Board within thirty days of the decision.

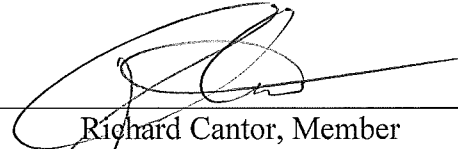
DICKINSON TOWNSHIP
ZONING HEARING BOARD

Date: 2 JAN 2013



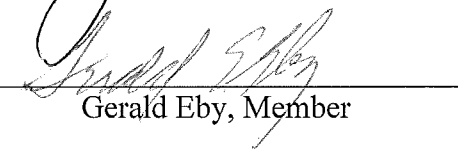
Michael Gennett, Chairman

Date: 1/2/13



Richard Cantor, Member

Date: 1/3/13



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.

MAIL DATE: