

IN RE: : BEFORE THE ZONING HEARING
APPLICATION OF PETER MELEASON : BOARD OF DICKINSON TOWNSHIP
: CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2016-02

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION GRANTING
APPLICANTS' REQUEST FOR ZONING VARIANCE**

The Applicant seeks a variance from the minimum lot width requirement in the Low Density Residential (LDR) District as set forth in the Dickinson Township Zoning Ordinance. A hearing on the application was held by the Dickinson Township Zoning Hearing Board on July 28, 2016 at 4:00 p.m. at the Dickinson Township Municipal Building, 219 Mountain View Road, Mount Holly Springs, PA 17065.

FINDINGS OF FACT

1. The Applicant is Peter Meleason (the "Applicant"), 733 Mount Rock Road, Carlisle, Pennsylvania, 17015 (the "Subject Property").
2. The Christopher Meleason is the owner of the Subject Property (the "Owner"). The Parcel Identification Number is 08-09-0521-010.
3. The Subject Property is zoned Low Density Residential (LDR) District.
4. The Subject Property is a panhandle shaped lot.
5. The Subject Property is currently improved by a single-family dwelling and other accessory structures.

6. The Applicant and Owner desire to subdivide approximately 11.28 acres from the Subject Property and add it to an adjoining property owned by Peter Meleason, with a Parcel Identification Number of 08-09-0521-002.

7. Both the Subject Property and the adjoining property are devoted to an agricultural use.

8. The proposed width of the Subject Property at the Township boundary line after the subdivision would be seventy-five (75) feet and the narrowest width would be fifty-one (51) feet.

9. The Applicant is requesting a variance of ninety-nine (99) feet from the minimum lot width requirement.

10. The Applicant is not able to widen the Subject Property because the property would not meet the requirements for a Clean and Green designation.

11. No one appeared at the hearing to oppose the application.

12. Notice of the hearing was duly advertised in a newspaper of general circulation, and posted on the property in accordance with the Zoning Ordinance.

CONCLUSIONS OF LAW

1. Sections 10910.2 of the Municipalities Planning Code (the "MPC"), 53 P.S. §10910.2, requires the Zoning Hearing Board to hear requests for variances. Section 910.2 further provides that in granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and zoning ordinance.

2. Section 910.2 of the MPC further sets for the five (5) criteria, which must be satisfied in order to obtain a variance.

3. Section 205-12(E)(1)(b) of the Dickinson Township Zoning Ordinance sets forth the minimum lot width requirement of 150 feet for lots in the Low Density Residential (LDR) District.

4. The Applicant cannot comply with the minimum lot width requirement due to the requirements of the Clean and Green designation of the property.

5. The Zoning Hearing Board finds that given the Low Density Residential (LDR) District zoning of the Subject Property, the property is burdened by a hardship and a variance from the minimum lot width requirement is necessary to enable the reasonable use of the Subject Property.

6. The Applicant has not created a hardship.

7. The variance would not alter the essential character of the neighborhood.

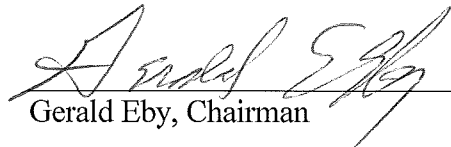
8. The variance would represent the minimum variance to afford relief.

DECISION

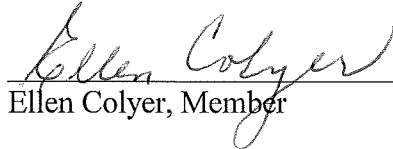
In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Board, the request for a variance of ninety-nine (99) feet from the minimum lot width requirement of the Dickinson Township Zoning Ordinance is granted in strict accordance with the testimony and exhibits.

VOTE

Yes


Gerald Eby, Chairman

Yes


Ellen Colyer, Member

ANY PERSON AGGRIEVED BY THIS 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 OF THE MAILING DATE OF THIS DECISION.

MAILING DATE: August 16, 2016