

IN RE: : BEFORE THE ZONING HEARING
APPLICATION OF LORI NITCHMAN : BOARD OF DICKINSON TOWNSHIP
: CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2015-01

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

The Applicant seeks a variance from the setback requirement from any property line for buildings housing animals 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 16, 2015 at 6:00 p.m. at the Dickinson Township Municipal Building, 219 Mountain View Road, Mount Holly Springs, PA 17065.

FINDINGS OF FACT

1. The Applicant is Lori Nitchman (the "Applicant"), 12 Montsera Road, Carlisle, Pennsylvania, 17015.
2. The Applicant is the owner of the subject property. The Tax parcel number is 08-11-0296-020.
3. The subject property is located at 12 Montsera Road, Carlisle, Pennsylvania, 17015.
4. The subject property is zoned Agricultural (A).
5. The subject property is currently improved by a single-family dwelling and a garage in the central portion of the property.

6. The Applicant desires to construct a 12 foot by 36 foot barn containing two stalls and a run-in to house two horses.

7. The proposed barn will be located 60 feet from the side property line.

8. The neighbors of the Applicant have horses on their respective properties.

9. The Applicant also proposes to erect a fence the Subject Property consisting of posts, a top rail and horse diamond meshing.

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

11. The Applicant presented written statements from six neighbors supporting her application for variance.

12. One of the supporting statements provided by Marc and Brianna Crum was conditioned on the Applicant providing certain safety precautions at such time as a fence is erected.

13. 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 205-34(D) of the Dickinson Township Zoning Ordinance sets forth the setback requirements for, among other things, buildings housing animals.

4. Section 205-34(D)(1) requires that a building housing horses be setback a minimum distance of 100 feet from any property line.

5. The Applicant cannot comply with the minimum setback distance anywhere on the Subject Property. In fact, in all other areas of the Subject Property other than the proposed location of the horse barn, more than one variance would be required to erect the proposed horse barn.

6. The Zoning Hearing Board finds that given the Agricultural (A) zoning of the Subject Property, the property is burdened by a hardship and a variance from the minimum setback distance for a building housing horses is required to enable the reasonable use of the Subject Property.

7. The Applicant has not created a hardship.

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

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

DECISION

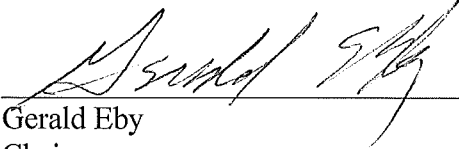
In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Board, the request for a variance the Dickinson Township Zoning Ordinance is granted, subject to the following conditions:

1. The Subject Property can have no more than two horses.
2. The following safety precautions shall be taken:
 - a. If, at any time, an electric fence is installed on the Subject Property, the owner(s) of the Subject Property shall install and maintain an indicator light to alert neighbors when the fence is turned on.
 - b. If a wood rail fence, wood board fence, pipe fence or vinyl/pvc fence is installed, the owner(s) of the Subject Property shall install a solid wood panel fence at least four feet in height along the property line between the Subject Property and 8 Montsera Road, Carlisle, Pennsylvania.
 - c. If a small-mesh wire fence is installed, the owner(s) of the Subject Property may, at her option, plant bushes or small trees along the property line between the Subject Property and 8 Montsera Road, Carlisle, Pennsylvania.

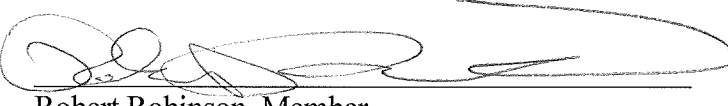
3. The applicant shall comply with all applicable federal, state and local laws and ordinances.
4. The variance is approved in strict accordance with the application, testimony and exhibits.
5. No construction may begin until a building permit is issued.

This decision is adopted this _____ day of _____, 2015 by the Dickinson Township Zoning Hearing Board, upon motion duly made and seconded.

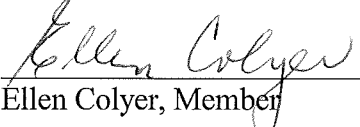
The vote of each member is recorded to the left of said member's signature.

VOTE
YEA


 Gerald Eby
 Chairman

YEA


 Robert Robinson, Member

YEA


 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: