

IN RE: : BEFORE THE ZONING HEARING  
APPLICATION OF JAMES A. STRADER : BOARD OF DICKINSON TOWNSHIP  
: CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET NO. 2016-01

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

The Applicant seeks a variance from the side yard setback and rear yard setback requirements for buildings 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 April 7, 2016 at 5:30 p.m. at the Dickinson Township Municipal Building, 219 Mountain View Road, Mount Holly Springs, PA 17065.

**FINDINGS OF FACT**

1. The Applicant is James A. Strader (the "Applicant"), 915 Burnt House Road, Carlisle, Pennsylvania, 17015 (the "Subject Property").
2. The Applicant is the owner of the Subject Property. The Tax parcel number is 08-30-2640-006A.
3. The Subject Property is zoned Low Density Residential (LDR) District.
4. The Subject Property is trapezoidal in shape.
5. The Subject Property is currently improved by a single-family dwelling.
6. The Applicant desires to construct a 24 foot by 28 foot two car detached garage on the Subject Property.

7. The Applicant is requesting a side yard setback variance of ten feet (10') and a rear yard variance of twenty feet (20').

8. The proposed garage will be located within the required side yard and rear yard, but not less than 15 feet from the side and rear property lines.

9. The proposed garage will be a prefabricated building with an upper and lower level placed on a concrete slab.

10. The garage doors will face north and there will be an exterior light mounted on the garage next to the garage doors.

11. The Applicant testified that the exterior garage light will be controlled by a motion detector and will only be lit when someone is at the garage.

12. Due to the location of the septic system on the property and the slope of the property, it would be cost prohibitive to construct the garage in another location on the Subject Property.

13. The side yard, in which the garage will be located is adjacent to a thirty-three foot (33') wide private right-of-way.

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

15. The Applicant presented testimony of two neighbors in support of the application.

16. In addition, the Applicant also presented a letter from Dennis Shugart of 913 Burnt House Road, Carlisle, Pennsylvania, in support of the application.

17. 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)(a) of the Dickinson Township Zoning Ordinance sets forth the setback requirements for buildings in the Low Density Residential (LDR) District.

4. Section 205-12(E)(1)(a) requires that a building be setback a minimum distance of twenty-five feet (25’) from each side property line and thirty-five feet (35’) from the rear property line .

5. The Applicant cannot comply with the minimum side yard setback and rear yard setback distances due to the slope of the Subject Property and location of the septic system.

6. 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 side yard setback and rear yard setback distance for a building 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 side yard setback variance of ten feet (10') and the rear yard setback variance of twenty feet (20') from the Dickinson Township Zoning Ordinance are granted in strict accordance with the testimony and exhibits, subject to the following conditions:

1. The exterior garage light will be controlled by a motion detector and will only be lit when someone is at the garage.
2. The upper level of the garage shall only be used for storage.

This decision is adopted this 7<sup>th</sup> day of April, 2016 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

Yes

  
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Robert Robinson, Member

Yes

  
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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:**