

IN RE: : BEFORE THE ZONING HEARING  
APPLICATION OF ROBERT L. : BOARD OF DICKINSON TOWNSHIP  
STONEBRAKER : CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET NO. 2015-04

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

The Applicant seeks a variance from the side yard setback requirement for buildings in the Conservation (C) 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 December 10, 2015 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 Robert L. Stonebraker (the "Applicant"), 120 Pine Grove Road, Gardners, Pennsylvania, 17324 (the "Subject Property").
2. The Applicant is the owner of the Subject Property. The Tax parcel number is 08-14-0146-038.
3. The Subject Property is zoned Conservation (C) and is slightly more than one (1) acre in area.
4. The Subject Property is long and narrow, with the property being narrower toward the rear.

5. The Subject Property is currently improved by a single-family dwelling.
6. The Applicant desires to construct a 28 foot by 35 foot two car detached garage.
7. The Applicant is requesting a side yard setback variance of fifteen feet (15’).
8. The proposed garage will be located within the required side yard, but not less than 20 feet from the side property line.
9. The proposed garage will be a pole building with metal siding in a light green color that matches the existing single family dwelling.
10. The garage will have an exterior light at each garage door and a light at a side entrance door.
11. The Applicant testified that the exterior garage lights will not be lit at night except when someone is in or around the garage.
12. Other properties in the surrounding area have detached two car garages.
13. No one appeared at the hearing to oppose the application.
14. The garage will be located in the side yard which is adjacent to land owned by the National Park Service, the Appalachian National Scenic Trail (the “Trail”).
15. The Applicant presented a letter from the Appalachian Trail Conservancy stating that the Conservancy has no concerns that the garage would have any adverse impacts to the Trail.
16. The Applicant also presented a petition from four (4) neighboring property owners 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 205-10(E)(1)(a) of the Dickinson Township Zoning Ordinance sets forth the setback requirements for buildings in the Conservation (C) District.

4. Section 205-10(E)(1)(a) requires that a building be setback a minimum distance of 35 feet from each side property line.

5. The Applicant cannot comply with the minimum side yard setback distance due to the narrowness of the Subject Property.

6. The Zoning Hearing Board finds that given the Conservation (C) zoning of the Subject Property, the property is burdened by a hardship and a variance from the minimum side 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**

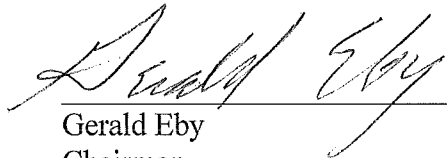
In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Board, the request for a side yard setback variance of fifteen feet (15') from the Dickinson Township Zoning Ordinance is granted in strict accordance with the testimony and exhibits.

This decision is adopted this 10th day of December, 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

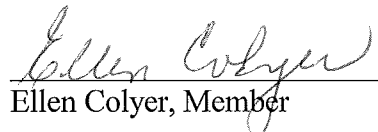
Yes

  
\_\_\_\_\_  
Gerald Eby  
Chairman

Yes

  
\_\_\_\_\_  
Robert Robinson, Member

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:** 12-23-15