

IN RE: : BEFORE THE ZONING HEARING  
APPLICATION OF SCOTT BENFIELD : BOARD OF DICKINSON TOWNSHIP  
AND JEAN BENFIELD : CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET NO. 2020-04

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

The Applicant seeks a dimensional variance from side yard setback requirement of 25 feet 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 Wednesday, September 23, 2020 at 5:00 p.m. at the Dickinson Township Municipal Building, 219 Mountain View Road, Mount Holly Springs, PA 17065.

**FINDINGS OF FACT**

1. The Applicants are Scott Benfield and Jean Benfield (the "Applicants"), who reside at 7 Rapuano Way, Carlisle, Pennsylvania 17015.
2. The Applicants are the owners of property located at 7 Rapuano Way, Carlisle Pennsylvania 17015, (the "Subject Property"). The Parcel Identification Number is 08-11-0292-042.
3. The Subject Property is currently improved with a single family home, and a swimming pool and is located in the Low Density Residential (LDR) District.
4. The Subject Property is approximately 1.08 acres in area and is trapezoidal in shape.
5. The Applicant is proposing to construct a two-car detached garage to the side of

the existing single family dwelling and at the end of an existing paved driveway on the Subject Property.

6. The proposed garage would be twenty-seven (27) feet wide and thirty-four (34) feet in depth, twenty-eight (28) feet in depth at the second bay. The proposed garage would exceed 400 square feet in area.

7. The garage would be constructed to match the architecture of the single family dwelling.

8. The garage would have two (2) single overhead garage doors two (2) man doors and five (5) windows.

9. The proposed garage would be approximately ten (10) feet from the side lot line at its closest point.

10. The proposed garage would be used for storage of a vehicle and a large boat.

11. Due to the odd shape of the Subject Property, the location of the existing single family dwelling and the existing driveway it would not be practical to locate the proposed garage in an area of the Subject Property that would comply with the twenty-five (25) foot side yard setback requirement.

12. The neighborhood surrounding the Subject Property is residential in nature, with many of the properties having attached or detached garages.

13. There was no opposition to the request for variance

14. The construction of the proposed garage ten (10) feet from the side property line would not alter the essential character of the neighborhood.

15. Notice of the hearing was duly advertised in The Sentinel, a newspaper of general circulation, on September 9, 2020 and September 16, 2020.

16. The Subject Property was posted on September 16, 2020

17. Notification of the hearing was mailed by certified mail to surrounding property owners within 200 feet of the Subject Property on September 10, 2020.

### **CONCLUSIONS OF LAW**

1. Section 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 205-202.J of the Zoning Ordinance provides that lots in the Low Density Residential (LDR) District shall have minimum side yard setbacks of not less than twenty-five (25) feet for structures exceeding 400 square feet.

4. The Applicant has not created a hardship.

5. The requested variance would enable the Applicants to make a reasonable use of the Subject Property by constructing a two-car detached garage.

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

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

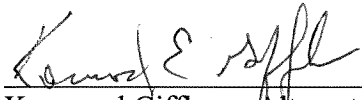
**DECISION**

In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Board, the request for a variance to the minimum side yard setback requirement in the Low Density Residential (LDR) District is granted in strict accordance with the testimony and exhibits

VOTE

✓  
\_\_\_\_\_  
  
Gerald Eby, Chairman

Yes  
\_\_\_\_\_  
  
Dennis Calaman, Member

✓  
\_\_\_\_\_  
  
Kenwood Giffhorn, Alternate 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:**