

IN RE: : BEFORE THE ZONING HEARING  
APPLICATION OF RAYMOND AND : BOARD OF DICKINSON TOWNSHIP  
ELIZABETH BANKERT : CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET NO. 2022-03

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

The Applicants seek a variance from Section 205-104.B Noncommercial keeping of livestock minimum lot size requirement of three (3) acres for Group 3 animals in the Low Density Residential District (LDR) as set forth in the Dickinson Township Zoning Ordinance. The Applicants are requesting a variance to allow Group 3 animals on the Subject Property, which is 1.03 acres. In addition, the Applicants seek a variance from Section 205-104.B.3, which sets the animal density for Group 3 animals at 1 per 1 acre of pasture. The Applicants are requesting a variance of .30 acres to allow for a fenced in pasture area of .70 acres. A hearing on the Application was held by the Dickinson Township Zoning Hearing Board on Wednesday, June 22, 2022 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 Raymond Bankert and Elizabeth Bankert (the "Applicants"), who reside at 19 Holly Estates Drive, Gardners, Pennsylvania 17324.

2. The Applicants are the owners of property located at 19 Holly Estates Drive, Gardners, Pennsylvania 17324, (the "Subject Property"). The Parcel Identification Number is 08-16-0210-094.

3. The Subject Property is 1.03 acres in area, approximately .70 acres, of which is a pasture. The Subject Property is located in the Low Density Residential District (LDR).

4. Part of the pasture is the absorption area of the septic system serving the Subject Property, which is not permitted.

5. The Applicant's Property is currently improved with a single-family home and a non-permanent shelter for chickens, ducks and a turkey.

6. The Subject Property is primarily a single-family residential property.

7. The Subject Property currently has a mix of noncommercial Group 1 and 3 animals.

8. The Subject Property currently contains fourteen (14) noncommercial livestock animals, including a miniature donkey, a lamb and 12 chickens, ducks and a turkey.

9. The Applicants currently have 2 Group 3 animals and 12 Group 1 animals.

10. Group 1 animals are permitted at a density of three animals per ½ acre

11. Group 3 animals are permitted at a density of one per acre of pasture.

12. The neighborhood surrounding the Subject Property is low density residential in nature.

13. The Applicants do not have the required minimum lot size required by the Zoning Ordinance, nor do they have the required minimum size for a fenced pasture.

14. Notice of the hearing was duly advertised in The Sentinel, a newspaper of general circulation, on June 8, 2022 and June 15, 2022.

15. The Subject Property was posted on June 10, 2022.
16. Notification of the hearing was mailed by certified mail to surrounding property owners within 200 feet of the Subject Property on June 8, 2022.
17. The owners of the properties surrounding the Subject Property opposed Applicants requests for variances.

### 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 205-104 of the Zoning Ordinance-Noncommercial keeping of livestock, permits the noncommercial keeping of livestock as an accessory use to a principal residence in the Low Density Residential District (LDR).
4. Section 205-104.B of the Zoning Ordinance regulates the number of Group 1, 2 and 3 animals that can occupy a property.
5. In order for the Applicant to have 2 Group 3 animals on the Subject Property, variances from Section 205-104.B and 205-104.B.3 are required.

6. The Applicants have the burden of proof to show that all five (5) criteria to obtain the variances have been met.

7. The Applicants did not present sufficient, credible evidence to show that they have met all (5) five of the criteria for the variances.

8. There are no unique physical circumstances or conditions, or exceptional topographical or other physical peculiar to the Subject Property that would cause an undue hardship on the Subject Property.

9. The Subject Property has been reasonably developed in accordance with the Zoning Ordinance without a variance.

10. There is no hardship on the Subject Property except for any hardship that was created by the Applicants.

11. If the requested variances were to be granted by the Zoning Hearing Board, the essential character of the neighborhood, being low density single-family residential, would be altered.

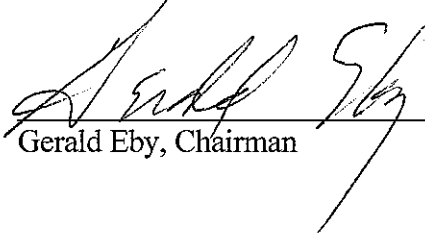
12. The variances requested by the Applicants would not represent the minimum variances necessary to afford relief.

**DECISION**


In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Board, the requests for a variances to the required minimum lot area and minimum pasture on the Subject Property is denied.

VOTE

No

  
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Gerald Eby, Chairman

No

  
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Paul Strizzi, 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: July 14, 2022