

IN RE: : BEFORE THE ZONING HEARING
APPLICATION OF RAYMOND AND : BOARD OF DICKINSON TOWNSHIP
ELIZABETH BANKERT : CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2022-0006

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

The Applicants seek a variance from Section 205-104.B(1) (Group 1) Noncommercial keeping of livestock, which sets the animal density for group 1 animals at three per ½ acre, with the maximum number of animals being four within the LDR zone. The Applicants are seeking a variance to allow more than four chickens on their property. Specifically, the Applicants desire to have eight chickens on their property. A hearing on the Application was held by the Dickinson Township Zoning Hearing Board on Wednesday, October 26, 2022 at 7:00 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, and located in the Low Density Residential (LDR) zone.

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

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

6. The Applicants currently have four Group 1 animals (chickens, none of which are roosters) on their property.

7. Currently, the four chickens on the Subject Property are kept in a coop, and the chickens are not allowed to roam free.

8. Group 1 animals are permitted at a density of three animals per ½ acre, with the maximum number of four within the Low Density Residential (LDR) zone.

9. The neighborhood surrounding the Subject Property is low density residential in nature, with single family detached dwellings on lots of approximately one acre each.

10. Notice of the hearing was duly advertised in The Sentinel, a newspaper of general circulation, on October 14, 2022 and October 19, 2022.

11. The Subject Property was posted on October 19, 2022.

12. Notification of the hearing was mailed by certified mail to surrounding property owners within 200 feet of the Subject Property on October 13, 2022.

13. The owners of the properties surrounding the Subject Property opposed Applicants request for a variance.

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 (LDR) zone.

4. Section 205-104.B(1) of the Zoning Ordinance regulates the number of Group 1 animals that can occupy a property.

5. In order for the Applicants to have more than four Group 1 animals on the Subject Property, a variance from Section 205-104.B(1) is required.

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

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 variance was 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 variance requested by the Applicants would not represent the minimum variance necessary 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 allow eight chickens on the Subject Property is denied.

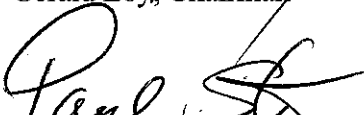
VOTE

✓



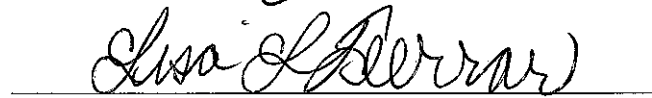
Gerald Eby, Chairman

Yes



Paul Strizzi, Member

✓



Lisa Feerrar, 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: