

IN RE: : BEFORE THE ZONING HEARING  
APPLICATION OF BEN DOLAN : BOARD OF DICKINSON TOWNSHIP  
: CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET NO. 2022-05

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION GRANTING  
APPLICANT’S REQUEST FOR ZONING VARIANCES**

The Applicant seeks a dimensional variance from a rear yard setback requirement of 35 feet and a side yard setback requirement of 25 feet for an accessory structure in excess of 400 feet in the Low Density Residential (LDR) Zoning 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 28, 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 Applicant is Ben Dolan (the “Applicant”), who resides at 10 Rapuano Way, Carlisle, Pennsylvania 17015.
2. The Applicant is the owner of property located at 10 Rapuano Way, Carlisle Pennsylvania 17015, (the “Subject Property”). The Parcel Identification Number is 08-11-0292-040.
3. The Subject Property is trapezoidal in shape and is currently improved with a single-family dwelling and is located in the Low Density Residential (LDR) Zoning District.

4. The Applicant desires to construct a new accessory structure on the Subject Property. The new accessory structure would be 12 feet by 40 feet with a total area of 480 square feet.

5. The proposed accessory structure would be used for storage.

6. The rear edge of the accessory structure would be 18 feet from the rear property line and the side edge would be 14 feet from the side property line.

7. Because the Subject Property is irregular in shape it would be impossible to construct the accessory structure on the Subject Property without a rear yard setback variance and a side yard setback variance, which constitutes a hardship, due to the conditions of the Subject Property.

8. In addition, the Subject Property is adversely impacted by the location of a well and an onlot septic system.

9. The Applicant is seeking a variance from Chapter 205-15.J., which sets the minimum rear yard setback of 35 feet for an accessory building that is over 400 square feet.

10. The Applicant has applied for a variance of 17 feet from required setback, which would allow the accessory structure to be constructed 18 feet from the rear property line

11. In addition, the Applicant is seeking a variance from Chapter 205-15.J., which sets the minimum side yard setback at 25 feet for an accessory building that is over 400 square feet.

12. The Applicant has applied for a variance of 11 feet from the required setback, which would allow the accessory building to be constructed at 14 feet from the side property line.

13. The property to the rear of the Subject Property is farmland.

14. The neighborhood surrounding the Subject Property is residential and agricultural in nature.
15. The general character of the neighborhood would not be altered by the proposed accessory structure being 18 feet from the rear property line and 14 feet from the side property line.
16. There was no opposition to the request for variance.
17. Notice of the hearing was duly advertised in The Sentinel, a newspaper of general circulation, on September 14, 2022 and September 21, 2022.
18. The Subject Property was posted on September 21, 2022.
19. Notification of the hearing was mailed to surrounding property owners within 200 feet of the Subject Property on September 14, 2022.

#### **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 205-15.J. of the Zoning Ordinance provides that the minimum rear yard setback for an accessory structure over 400 square feet is 35 feet.
4. Section 205-15.J. of the Zoning Ordinance provides that the minimum side yard

setback for an accessory structure over 400 square feet is 25 feet.

- 4. The Applicant has not created a hardship.
- 5. The requested variance would enable the Applicant to make a reasonable use of the Subject Property by placing the proposed accessory structure on the Subject Property.
- 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 from the minimum rear yard setback requirement of 35 feet and the side yard setback requirement of 25 feet to allow the rear edge of the accessory structure to be 18 feet from the rear property line and the side edge of the accessory structure to be 14 feet from the side property line of the Subject Property in the Low Density Residential (LDR) Zoning District is granted in strict accordance with the testimony and exhibits

VOTE

Yes   
Gerald Eby, Chairman

Yes   
Michael Karli, Alternate Member