

IN RE: : BEFORE THE ZONING HEARING
APPLICATION OF LISA AND TED : BOARD OF DICKINSON TOWNSHIP
FEERRAR : CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2022-04

**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 Agriculture District (A) 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 1.96 acres. The requested variance would be 1.04 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 .82 acres to allow for a fenced in pasture area of .18 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 Ted Feerrar and Lisa Feerrar (the "Applicants"), who reside at 7 Cold Springs Road, Carlisle, Pennsylvania 17015.

2. The Applicants are the owners of property located at 7 Cold Springs Road, Carlisle, Pennsylvania 17015, (the "Subject Property"). The Parcel Identification Number is 08-16-0210-094.

3. The Subject Property is 1.96 acres in area.

4. The Subject Property is located in the Agriculture District (A).

5. The Applicant's Property is currently improved with a single-family home, a garage and a shed.

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

7. The Subject Property currently four (4) chickens.

8. The Applicants are proposing to add a miniature horse and a dwarf goat to the Subject Property.

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

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

11. The area surrounding the Subject Property is rural and agricultural in nature.

12. 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.

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

14. The Subject Property was posted on June 15, 2022.

15. Notification of the hearing was mailed by certified mail to surrounding property owners within 200 feet of the Subject Property on June 8, 2022.

16. No one appeared to oppose the 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 Agriculture District (A).

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 1 Group 3 animal 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 presented sufficient, credible evidence to show that they have met all (5) five of the criteria for the variances.

8. The Subject Property is unique in that it is L-shaped, which creates a hardship on the Subject Property.

9. The hardship was not created by the Applicants.

10. The requested variances will not alter the essential character of the neighborhood.

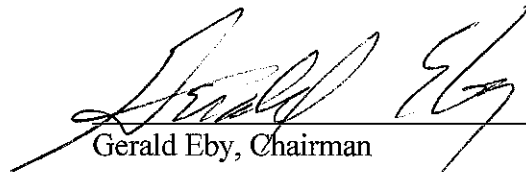
11. The variances requested by the Applicants would represent the minimum variances necessary to afford relief.

DECISION


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

VOTE

Yes


Gerald Eby, Chairman

Yes


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