

IN RE: : BEFORE THE ZONING HEARING
APPLICATION OF JOYCE SHELLEM : BOARD OF DICKINSON TOWNSHIP
: CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2022-0007

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

Chapter 205-24.G of the Zoning Ordinance provides that no driveway shall provide a curb cut exceeding 24 feet in width between the abutting street cartway and the street right-of-way. The Applicant is seeking a variance to allow the current driveway, which was constructed at a width of 38 feet to remain. 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 Applicant Joyce Shellem (the "Applicant"), who resides at 12 Piney Court, Gardners, Pennsylvania 17324.
2. The Applicant is the owner of property located at 12 Piney Court, Gardners, Pennsylvania 17324, (the "Subject Property"). The Parcel Identification Number is 08-16-0210-113.
3. The Applicant's Property is currently improved with a single-family home with an attached two-car garage.

4. In 2021, the Applicant made changes to the driveway, primarily widening it to a width of 38 feet.

5. The project to widen the driveway began in 2020 and was completed in 2021.

6. There were a number of reasons that the Applicant sought to widen the driveway, to wit: (a) the widening of the driveway allowed the Applicant to park a 26 foot boat and its 35 foot trailer on a paved surface off of Piney Court; (b) parking the trailer and boat in the driveway and off of Piney Court allowed for more convenient mail delivery, trash removal and snow removal, not to mention the easier passage of traffic on Piney Court.

7. As part of the driveway project, trees along the north side of the dwelling were removed.

8. Once the trees were removed, the ground was leveled to meet the road access, which was essential to maneuver the boat trailer safely on and off of the driveway without compromising access to the two-car garage.

9. The leveling of the driveway corrected dips and cracks that were worsening over time causing a problem with standing water in several areas of the driveway.

10. A large dipping slope directly to the north side of the dwelling was corrected with several feet of soil being added.

11. In addition, the widening of the driveway and reworking of the ground provides for safe access to the backyard for necessary property maintenance, including riding mowers, tractors and other vehicles.

12. The widening of the driveway also provided safe access for Applicant's mother to enter and exit a vehicle from her wheelchair and allowed access for a visiting nurse and hospice

worker to park in the driveway rather than along the street.

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

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

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

16. 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 205-24.G of the Zoning Ordinance permits the noncommercial keeping of livestock as an accessory use to a principal residence in the Low Density Residential (LDR) zone.

4. In order for the Applicant to have a driveway, 38 feet in width on the Subject Property, a variance from Section 205-24.G is required.

5. The Applicant has the burden of proof to show that all five (5) criteria to obtain the variance have been met.

6. The Applicant presented sufficient, credible evidence to show that she has met all (5) five of the criteria for the variance.

7. There are 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.

8. The Subject Property has been reasonably developed in accordance with the Zoning Ordinance.

9. If the requested variance is granted by the Zoning Hearing Board, the essential character of the neighborhood, being low density single-family residential, would not be changed.


10. The variance requested by the Applicant represents 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 a driveway 38 feet in width on the Subject Property is granted


VOTE

Yes



Gerald Eby, Chairman

Yes



Paul Strizzi, Member

yes

Lisa Feerrar
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: