

IN RE: : BEFORE THE ZONING HEARING  
APPLICATION OF L. ANDREW : BOARD OF DICKINSON TOWNSHIP  
GROSHANS AND MARY P. GROSHANS : CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET NO. 2023-04

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

The Applicant seeks a dimensional variance from a front yard setback requirement for an accessory structure located in the front yard of a property in the Low Density Residential (LDR) District at 100 feet 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, June 2028 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 L. Andrew Groshans and Mary P. Groshans (the "Applicants"), who reside at 11 Farm Lane, Carlisle, Pennsylvania 17015.
2. The Applicants are the owners of property located at 11 Farm Lane, Carlisle Pennsylvania 17015, (the "Subject Property"). The Parcel Identification Number is 08-11-0290-145.
3. The Subject Property is currently improved with a single family home and a garage, and is located in the Low Density Residential (LDR) District.
4. The Subject Property is approximately 1.21 acres in area and is trapezoidal in shape.

5. The Applicant is proposing to install a storage shed perpendicular to the existing garage on the Subject Property.

6. The location designated for the for the shed is only 105 feet from the center line of Farm Lane to the edge of the concrete pad, poured for the shed.

7. The right-of-way for Farm Lane is 25 feet from the centerline.

8. Accordingly, the location for the shed is 20 feet short of the required setback according to the Zoning Ordinance.

9. The proposed shed would be 10 feet by 16 feet and be prefabricated.

10. The proposed shed would be setback 80 feet from the right-of-way line of Farm Lane, which would require a variance of 20 feet.

11. When the home on the Subject property was constructed, it was situated in a manner that eliminates the back yard as a useful location due to narrowness.

10. In addition, the Subject Property is burdened by having two (2) front yards along Farm Lane and Makenzee Drive.

11. The Subject Property is also burdened by a storm water drainage easement in the rear yard along the boundary line between the Subject Property and the adjacent lot at Farm Lane.

12. Due to the odd shape of the Subject Property, (trapezoidal in shape), the location of the existing single-family dwelling, the presence of two front yards, the narrowness of the rear yard and the storm water drainage easement, it would be virtually impossible to locate the shed on the Subject Property and comply with the Zoning Ordinance.

13. The neighborhood surrounding the Subject Property is residential in nature, with many of the properties having lot sizes of approximately 1 acre.

14. There was opposition to the request for variance from the adjoining property owner.
15. The installation of the shed twenty (20) feet from the right-of-way line of Farm Lane would not alter the essential character of the neighborhood.
16. Notice of the hearing was duly advertised in The Sentinel, a newspaper of general circulation, on June 14, 2023 and June 21, 2023.
17. The Subject Property was posted on June 21, 2023
18. Notification of the hearing was mailed by certified mail to the Applicants and first class mail to owners within 200 feet of the Subject Property on June 7, 2023.

#### **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, which are as follows:

(a). There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the necessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(c) That such unnecessary hardship has not been created by the appellant.

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

3. Section 205-15.J. of the Zoning Ordinance provides that the required setback distance for an accessory building located in the front yard of a property within the Low Density Residential Zone is 100 feet.

4. The odd shape of the Subject Property, (trapezoidal in shape), the location of the existing single family dwelling, the presence of two front yards, the narrowness of the rear yard and the storm water drainage easement altogether constitute an unnecessary hardship on the Subject Property.

5. Because of the aforementioned conditions that burden the Subject Property, there is no possibility that the property can be developed in strict conformity with the zoning ordinance and the authorization of a variance is necessary to enable the reasonable use of the property.

6. The unnecessary hardship has not been created by the appellant.

7. The requested variance would enable the Applicants to make a reasonable use of the Subject Property by installing a 10 feet by 16' prefabricated storage shed.
8. The variance would not alter the essential character of the neighborhood.
9. 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 of 20 feet to the required setback distance for an accessory building located in the front yard of the Subject Property in the Low Density Residential (LDR) District is granted in strict accordance with the testimony and exhibits, subject to the following condition:

The Applicants shall provide landscaping to screen the shed from the neighboring property owner.

VOTE

<u>yes</u>	 _____ Paul Strizzi, Chairman
<u>yes</u>	 _____ Gerald Eby, Member
<u>yes</u>	 _____ 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:**