IN RE: : BEFORE THE DICKINSON TOWNSHIP
APPLICATION OF HAGAR LEVINE : ZONING HEARING BOARD
: CUMBERLAND COUNTY, PENNSYLVANIA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION APPROVING APPLICANT'S REQUEST FOR A SPECIAL EXCEPTION

The Applicant seeks a special exception to have separate in law quarters in a single family dwelling located at 650 West Old York Road, Carlisle, Pennsylvania 17015 (the "Subject Property). A hearing on the application was held by the Dickinson Township Zoning Hearing Board (the "Zoning Hearing Board") on April 26, 2023 at 5:00 p.m. at the Dickinson Township Municipal Building.

FINDINGS OF FACT

1. The Applicant is Hagar Levine.

2. Mrs. Levine is the owner of the Subject Property Located at 650 West Old York Road, Carlisle, Pennsylvania.

3. The Subject Property was purchased by Mrs. Levine and her husband Kenneth Levine. Mr. Levine passed away a little over a year ago.

4. Mrs. Levine currently resides at the Subject Property with her daughter, her husband and their one minor child.

5. Mrs. Levine desires to modify the basement at the Subject Property to accommodate separate in law quarters for her.

6. The separate in law quarters for Mrs. Levine will be in the basement of the existing dwelling.

7.   The renovations to the dwelling will be in interior of the dwelling with no structural changes.

8.   There will be no substantial changes to the Subject Property.

9.   The Subject Property will be served by an existing private septic system.

10.   No additional bedrooms will be added to the dwelling.

11.   The Subject Property is 7.22 acres in area and is improved by a single-family dwelling along with a swimming pool.

12.   The Subject Property is a large parcel with sufficient screening from the neighboring properties.

13.   One of the adjacent properties is a farm owned by Mrs. Levine and her two children.

14.   After consultation with the Zoning Officer of Dickinson Township, it was determined that this particular use is a use not provided for which is addressed under Section 205-7 of the Dickinson Township Zoning Ordinance (the "Zoning Ordinance").

15.   The Zoning Ordinance provides that a use that is not specifically permitted nor denied under the Zoning Ordinance may be approved as a special exception to be issued by the Dickinson Township Zoning Hearing Board. (the "Zoning Hearing Board").

16.   Accordingly, the Applicant comes before the Zoning Hearing Board seeking a special exception.

17.   There was no opposition to the application for the special exception.
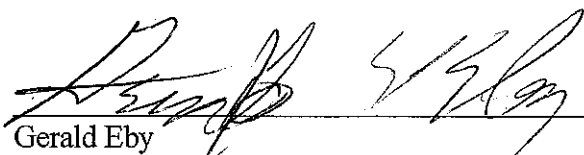
CONCLUSIONS OF LAW

1.   Consistent with Section 205-7(b)(1) of the Zoning Ordinance, the information contained in the Application and the testimony presented indicates the following: A. The Agricultural Zone where the Subject Property is located is such that the proposed use will be similar to other uses in the Zone. B.   The proposed use is not specifically permitted in another zone under the Zoning Ordinance. C.   It is the intention of the property owner to comply with the applicable requirements of the Ordinances of Dickinson Township. D.   The Application will comply with other applicable sections of the Zoning Ordinance. E.   The proposed use does not conflict with the general purposes and intent of the Zoning Ordinance. F.   The proposed use will not be detrimental to the public health, safety and welfare of the neighborhood or Dickinson Township.
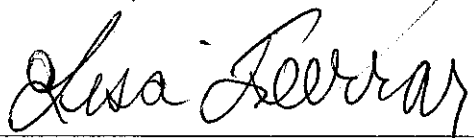
DECISION

In view of the foregoing and having carefully considered the testimony and exhibits submitted to the Zoning Hearing Board, the request for a special exception to allow in law quarters in the basement of the existing dwelling on the Subject Property is approved in strict accordance with the application, testimony and exhibits, subject to the following condition: At such time as the in law quarters are no longer occupied by Mrs. Levine, they shall not be rented to any other person or persons.

This decision is executed and issued this 22 day of May, 2023 by the Dickinson Township Zoning Hearing Board.

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Paul Strizzi, Chairman

_____
Gerald Eby

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Lisa Feerrar