

IN RE: : BEFORE THE ZONING HEARING
APPLICATION OF RON KUHN : BOARD OF DICKINSON TOWNSHIP
: CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2023-01

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

The Applicant seeks a use variance to allow the construction of a 50’x 100’ pole building for the Applicant’s tree service business in the Conservation 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, February 22, 2023 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 Ron Kuhn (the “Applicant”), who resides at 188 Cold Springs Road, Carlisle, Pennsylvania 17015.
2. The Applicant is the owner of property located at 188 Cold Springs Road, Carlisle Pennsylvania 17015, (the “Subject Property”). The Parcel Identification Number is 08-33-1928-028.
3. The Subject Property is unimproved and is located in the Conservation Zoning District.
4. In early 2017, the Applicant and his sons formed Kuhn Tree Services, LLC as a part time business, starting out with a pick-up truck, some climbing gear, a helmet and two chainsaws.

5. Over the last five (5) years the business has grown from part time with limited equipment to a full time family owned and operated tree service, which includes a bucket truck, chip truck with chipper, a one (1) ton truck with a 30-foot gooseneck trailer, 2 avant machines, a large stump grinder, a 17-foot dump trailer in addition to over 20 chainsaws and multiple attachments and log splitters. In addition, the tree service business has only three (3) employees.

6. Currently, the equipment is parked outside in varying weather and unsecured.

7. The proposed pole building would be 50' x 100', with metal siding and a metal roof.

8. The pole building would also have a radiant heated concrete floor.

9. The Applicant desires to store the equipment in the pole building so that it is under roof and out of the weather, and the equipment can be maintained inside of the pole building.

10. The neighborhood surrounding the Subject Property is generally residential in nature, with some large tracts of land that are undeveloped.

11. During the course of the hearing, the Applicant requested an additional variance to allow lot frontage along a public street of less than 200 feet, which would require a variance from Section 205-21.A. of the Zoning Ordinance.

12. There was no opposition to the Applicant's requests for variances.

13. Notice of the hearing was duly advertised in The Sentinel, a newspaper of general circulation, on February 10, 2023 and February 15, 2023.

14. The Subject Property was posted on February 15, 2023

15. Notification of the hearing was mailed by certified mail to surrounding property owners within 200 feet of the Subject Property on February 9, 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.

3. Section 205-13.B. of the Zoning Ordinance (Principal uses permitted by right which sets the permitted uses allowed within the Conservation Zone.

4. The Applicant is seeking a use variance from Chapter 205-13.B. of the Zoning Ordinance to be able to construct the pole building for the tree service business.

5. Shops, offices and showrooms of contractors are currently only permitted within the Business Industrial and Mining Industrial Zone within Dickinson Township.

6. The Applicant has not created a hardship.

8. The variances would not alter the essential character of the neighborhood.

9. The variances 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 to allow the 50'x 100' pole building to be

constructed on the Subject Property within the Conservation Zone and the request for variance to allow lot frontage of the Subject Property along a public street of less than 200 feet, are granted in strict accordance with the testimony and exhibits, subject to the following conditions:

1. No additional buildings may be constructed on the Subject Property;
2. There shall be limited commercial use of the Subject Property from an employee standpoint; and
3. The Applicant shall engage in responsible storm water management on the Subject Property in the Conservation Zone.

VOTE

yes 
Paul Strizzi, Chairman

yes 
Michael Karli, Member

yes 
Mike Kistler, 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: *March 27, 2023*