

6. The subject property is a corner lot, bounded on the west by West Shore Drive, and on the south by Cedar Cliff Drive.

7. The Applicant proposes to erect white vinyl fencing, six feet in height, to replace hedges along the eastern property line and a portion of the northern property line.

8. The hedges were approximately eight feet in height.

9. The fences will be set back approximately six feet from the right-of-way lines of the streets.

10. The section of fence along the northern boundary will block wind and debris from blowing onto the property, and will provide a visual barrier of the high school property.

11. The subject property slopes downward from west to east, and the fence along the eastern boundary will provide privacy for the subject property and the property to the east.

12. No one objected to the proposed relief.

CONCLUSIONS OF LAW

1. Under Sections 220-266 and 220-269(B) (5) and (C) of the Codified Ordinances, the Zoning Hearing Board has jurisdiction to hear and decide a request for a variance.

2. Under section 220-215 (B) (2) of the Codified Ordinances, a fence located within a front yard shall not exceed 3.5 feet in height.

3. Section 220-212(B)(2) provides that on multiple frontage lots, front yards shall be required for all sides facing a street.

4. The topography of the subject property and its existence as a multiple frontage lot combine to create an unnecessary hardship.

5. A variance is necessary to enable the reasonable use of the subject property.

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

7. The requested relief will not alter the essential character of the district in which the subject property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

8. The requested variance represents the minimum variance to afford relief.

9. The requested variance is dimensional in nature.

DECISION

Based upon the foregoing findings and conclusions, and in consideration of the testimony and evidence presented to the Board, it is the decision of the Board that the Applicant's request for a variance be and is hereby granted, subject to the requirement that

the Applicant maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Ann Everts

Date: 4-24-2018

L. Quinn

Solicitor