

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
SAMUEL EBERSOL : CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2018-03

DECISION GRANTING A VARIANCE

The Applicant seeks a variance to enlarge a nonconforming building by more than 50% of its floor area. A hearing was held before the Board on April 19, 2018.

FINDINGS OF FACT

1. Notice of the hearing was properly advertised, the subject property was posted, and all property owners required to be notified of the hearing were notified in accordance with the Codified Ordinances.

2. The Applicant is Samuel Ebersol, 479 Picnic Road, Lykens, PA 17048.

3. The owner of the subject property is Tony Samento, 1066 Park Place, Mechanicsburg, PA 17055, who has contracted with the Applicant to construct additions to the dwelling on the subject property.

4. The subject property is a parcel of land located in an R-2 Zoning District, improved with a single family attached dwelling known as 1425 Main Street, Mechanicsburg, PA.

5. The subject property is bounded on the south by S.R. 114, also known as Main Street, on which it has only 65 feet of frontage. It is .29 acres in area.

6. The Applicant proposes to construct additions to the existing dwelling, which is 859 square feet and located only 2.75 feet from the eastern property line.

7. The proposed additions include a garage of 386 square feet attached to the western side of the dwelling, and living space of 353 square feet attached to the rear of the dwelling.

8. The proposed additions will comply with the applicable yard requirements, but exceed 50% of the floor area of the dwelling.

9. Constructing the garage to the rear of the dwelling would not be practical because of an existing utility shed.

10. 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. For the R-2 district, section 220-24(A)(2) of the Codified Ordinances requires minimum side yards totaling not less than 20 feet, with no one side yard less than 5 feet in width.

3. The existing dwelling violates section 220-24(A)(2), but is legally nonconforming.

4. Section 220-222(B)(1) restricts enlargement of a nonconforming building to 50% of the floor area of the existing building.

5. The narrow width of the subject property and the location of existing improvements combine to create an unnecessary hardship.

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

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

8. 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.

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

10. 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 condition that

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

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Ann Everett

Date: 4.26.2018

LDW

Solicitor