

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
 : CUMBERLAND COUNTY, PENNSYLVANIA
TONY SAMENTO AND :
CARYN SAMENTO : DOCKET NO. 2018-04

DECISION GRANTING A VARIANCE

The Applicants seek a variance to erect a garage which will encroach into the required side yard. A hearing was held before the Board on June 21, 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 Applicants are Tony Samento and Caryn Samento, whose address is P.O. Box 383, Dillsburg, PA 17019.

3. The Applicants are the owners of the subject property, which is known as 1425 Main Street, Mechanicsburg, PA 17055.

4. The subject property is a parcel of land located in an R-2 Zoning District, improved with a single family detached dwelling.

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 359 square feet and located only 2.75 feet from the eastern property line. Variance relief to enlarge a nonconforming building was requested and granted at docket no. 2018-03.

7. The proposed additions include a garage of 386 square feet attached to the western side of the dwelling, and extending to 15 feet from the western boundary.

8. Because the dwelling is only 2.75 feet from the eastern boundary, the proposed garage will result in total side yards of 17.75 feet.

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. While the eastern side yard is deficient, that condition is legally nonconforming.

4. The proposed garage will result in violation of the total side yard requirement of 20 feet.

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.

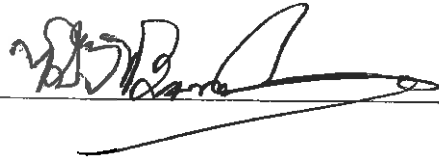
9. The requested variance represents the minimum variance to afford relief.

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 Applicants' 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



Date: 6-27-2018



Solicitor