

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
JOHN E. DOUGHERTY : CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2018-05

DECISION GRANTING A VARIANCE

The Applicant seeks a variance to erect fencing which exceeds the height limitation. A hearing was held before the Board on July 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 John E. Dougherty, who resides at 41 Citadel Drive, Camp Hill, PA 17011.

3. The Applicant is an owner of the subject property.

4. The subject property is a lot in an R-1 district, improved with a single family detached dwelling known as 41 Citadel Drive.

5. The subject property is located within an established residential development.

6. The subject property is a corner lot, bounded on one side by Citadel Drive, and on another by Amherst Drive.

7. The Applicant proposes to erect white vinyl fencing, six feet in height, to create a safe and secure area to the rear and part of one side of the dwelling for his minor children.

8. A portion of the fence is proposed to be erected in the yard area between the dwelling and Amherst Drive.

9. The fence will be set back approximately two feet from the sidewalk along Amherst Drive, one foot from the rear property line, and four feet from the side property line.

10. The dwelling is located considerably closer to the rear property line than it is to Citadel Drive.

11. Because of steep slopes, the side yard opposite Amherst Drive is not usable.

12. The proposed fence will not impede the safety of people entering onto and traveling upon either Citadel Drive or Amherst Drive.

13. 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, the location of the dwelling thereon, 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.

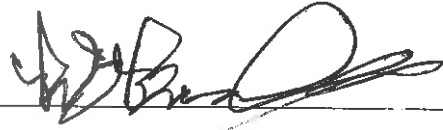
7. The requested relief will not alter the essential character of the district in which the subject property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

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

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



Date: 7.25.2018



Solicitor