

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
DOUG PYFER : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2018-06

DECISION GRANTING A VARIANCE

The Applicant seeks a variance to enclose a carport in the required side yard. 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 Doug Pyfer, whose address is 911 Bradford Road, Harrisburg, PA.

3. The Applicant is the contractor for the owners, Michael Proce and Linda Bowers.

4. The subject property is a parcel of land located in an R-1 Zoning District, improved with a single family detached dwelling known as 1418 Carlisle Road.

5. The subject property is bounded on the south by Carlisle Road, on which it has 72.98 feet of frontage. It is .209 acres in area.

6. The Applicant proposes to enclose the existing carport on the west side of the dwelling for use as a garage.

7. The carport is located, at its closest point, only 2.9 feet from the western property line. This distance will be maintained after the carport is enclosed.

8. 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-1 district, section 220-15(A)(2) of the Codified Ordinances requires minimum side yards totaling not less than 15 feet, with no one side yard less than 5 feet in width.

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

4. The narrow width of the subject property and the location of existing improvements 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 Applicants' request for a variance be and is hereby granted, subject to the following conditions:

1. the Applicant shall comply with all requirements of the building code, including those which are applicable because

- the garage will be located less than three feet from the western property line; and
2. 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