

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
RICHARD ZULAICA AND : CUMBERLAND COUNTY, PENNSYLVANIA
PAT ZULAICA :
: DOCKET NO. 2018-08

DECISION GRANTING A VARIANCE

The Applicants seek a variance to erect a garage in the required side yard. A hearing was held before the Board on October 18, 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 Richard Zulaica and Pat Zulaica, whose address is 1181 Kingsley Road, Camp Hill, PA.

3. The Applicants are the owners of the subject property.

4. The subject property is a lot in an R-1 Zoning District, located on the west side of Kingsley Road, and improved with a single family detached dwelling known as 1181 Kingsley Road.

5. The subject property has only 55 feet of frontage on Kingsley Road, and has a peculiar configuration.

6. The Applicants propose to erect a garage, twelve feet in width and twenty-four feet in depth, at the end of the existing driveway on the southern side of the dwelling.

7. The garage will be erected to a distance of only one-half foot from the southern property boundary.

8. There is insufficient space to erect a functional garage which will not encroach into the required side yard.

9. No one testified in opposition to the requested 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 lots in an R-1 District, Section 220-15 (A) (2) of the Codified Ordinances requires total side yards of not less than fifteen feet with no one side yard less than five feet in width.

3. Pursuant to Section 220-150(B) (1) of the Codified Ordinances, an accessory structure may be erected in a side yard as long as it is not less than five feet from the lot line.

4. The width of the subject property, its peculiar shape, and the location of the existing dwelling combine to create an unnecessary hardship.

5. A variance is necessary to enable the erection of a functional garage on the subject property.

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

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 condition that

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

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD



A handwritten signature in black ink, appearing to be 'John B. ...', written over a horizontal line.

Date: 11-5-2018



A handwritten signature in blue ink, appearing to be 'L. ...', written over a horizontal line.

Solicitor