

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
SUE KAUFFMAN : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2019-07

DECISION GRANTING A VARIANCE

The Applicant seeks variance relief to erect a child's recreational facility in the required rear setback. A hearing was held before the Board on June 20, 2019.

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 Sue Kauffman, whose address is 1345 Yarmouth Lane, New Cumberland, PA 17070.

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

4. The subject property is a lot in phase 3 of the Beacon Hill development, improved with a single family detached dwelling known as 1345 Yarmouth Lane.

5. The subject property also has frontage on Tisbury Circle, and is somewhat triangular in configuration.

6. The Applicant proposes to erect, for her son's use, a recreational facility consisting of two platforms, one with a clubhouse and one as a landing area for a ninja line.

7. The facility will be erected above a drainage swale along the rear property line, approximately 2.5 feet from the line.

8. The rear of subject property slopes downward and is closest to level near the rear boundary.

9. The Applicant will remove the facility when her son outgrows it, which is expected to occur in 4 to 5 years.

10. There was no objection 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. Under section 220-150(B)(1) of the Codified Ordinances, a structure accessory to a residential use shall be located no less than 5 feet from the rear lot line.

3. The unusual shape of the subject property and its topography combine to create an unnecessary hardship.

4. A variance is necessary to enable the installation of a recreational facility for the use of Applicant's son.

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

6. 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.

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

8. 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 following conditions: 1) that Applicant remove the structures not later than 6 years after the date of this decision; and 2) that Applicant

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

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD





Solicitor

Date: 7-2-19