

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
LINDA MILLETICS : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2019-08

DECISION DENYING VARIANCES

The Applicant seeks variance relief to erect a fence and garage. A hearing was held before the Board on August 15, 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 Linda Milletics, whose address is 10 Argali Lane, Mechanicsburg, PA.

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

4. The subject property is a parcel of land located in an R-1 district, improved with a single family detached dwelling known as 10 Argali Lane.

5. The subject property is triangular in shape, bounded on one side by Argali Lane, and on another side by Sna Lane.

6. The Applicant wishes to erect a privacy fence, six feet in height, within the required front yard along Sna Lane, and a garage to the rear of the dwelling.

7. A portion of the proposed garage will encroach into the required front yard along Sna Lane.

8. Six nearby property owners testified in opposition to the requested relief, expressing concerns about, among other things, property values and safety.

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. The subject property is a corner lot.

3. Pursuant to Section 220-15(A)(1) of the Codified Ordinances, the minimum front yard depth for residential uses in an R-1 district shall be 30 feet, and on a corner lot, two front yards shall be provided.

4. Under section 220-215(B)(2), subject to exceptions not applicable here, fences within a required front yard shall not exceed 3.5 feet in height.

5. Under section 220-150(A), an accessory structure shall not be erected within a required front yard.

6. The subject property has already been developed in conformity with the zoning ordinance, and a variance is not necessary to enable its reasonable use.

7. The Applicant failed to establish that the requested variances will not alter the essential character of the district, or represent the minimum variances to afford relief.

8. The Applicant did not establish that she met all of the criteria under section 220-269(C) for entitlement to variance 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 variance relief be and is hereby denied.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Ann Everett

[Signature]

Solicitor

Date: 9.3.2019