

IN THE MATTER OF
THE APPLICATION OF
LINDA K. MILLETICS

: BEFORE THE LOWER ALLEN TOWNSHIP
: ZONING HEARING BOARD
: CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO. 2021-02

DECISION GRANTING A VARIANCE

The Applicant seeks a variance from the fence height limitation. A hearing was held before the Board on April 15, 2021.

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 K. Milletics, who resides at 10 Argali Lane, Mechanicsburg, PA 17055.

3. The Applicant is the owner of the subject property, which is a lot in an R-1 zoning district, improved with a single family detached dwelling known as 10 Argali Lane.

4. The subject property is triangular in shape, and is a corner lot, located at the intersection of Argali Lane and Sna Lane.

5. There is an existing wooden fence, compliant with zoning, along the property lines located to the rear of the rear line of the dwelling as extended.

6. There was shrubbery, 10 to 14 feet in height, along the existing fence which provided privacy, but it was removed because of insect infestation.

7. To provide privacy for her back yard, the Applicant proposes to install a new solid white vinyl fence, six feet in height, in the same location as the existing wooden fence, which will be removed.

8. The Applicant seeks variance relief because part of the proposed fence exceeds the fence height limitation in the zoning provisions of the Codified Ordinances.

9. The location of proposed fence will not create a sight distance or safety issue.

10. Several nearby property owners expressed concerns about the appearance of the fence, its location, and its effect on property values.

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 in a front yard shall not exceed 3.5 feet in height.

3. Section 220-212(B)(2) provides that for multiple frontage lots, front yards shall be required for each side facing a street.

4. The portion of the proposed fence which is located in the front yard of Sna Lane exceeds the limitation established in section 215(B)(2).

5. The unusual configuration of the subject property and its designation as a corner lot combine to create an unnecessary hardship because Applicant has very limited area to the rear of her dwelling which can be effectively shielded for privacy by the installation of a fence.

6. A variance is necessary to enable the reasonable use of the property.

7. The unnecessary hardship was not created by the Applicant.

8. 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.

9. The requested variance is the minimum variance to afford relief.

10. The requested relief is dimensional.

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

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD

Date:

5-17-2021

Ann Naman

L. Quinn

Solicitor