

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
ANDREW BRISBIN : CUMBERLAND COUNTY, PENNSYLVANIA
: :
: DOCKET NO. 2022-04

DECISION GRANTING A VARIANCE

The Applicant seeks a variance from the fence height limitation. A hearing was held before the Board on May 19, 2022.

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 Andrew Brisbin, 4901 Colonial Drive, 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 4901 Colonial Drive.

4. The subject property is a corner lot, located on the south side of Colonial Drive and the west side of Rossmoyne Road.

5. In connection with a recent construction project of West Shore School District for Rossmoyne Elementary School, which resulted in Rossmoyne Road being moved closer to Applicant's

residence, Applicant entered into an agreement with the school district to allow the school district to remove 22 mature trees along a portion of the Rossmoyne Road frontage in exchange for erection of a fence.

6. The trees were approximately 16 feet in height and provided screening along Rossmoyne Road.

7. To provide screening to replace the trees, the Applicant wishes to erect a wooden privacy fence, six feet in height and approximately 85 feet in length, along a portion of the frontage of Rossmoyne Road.

8. The elevation of the proposed fence installation is approximately five to eight feet higher than the road surface.

9. Rossmoyne Road is a busy road, and the fence will provide a sound barrier and safety for Applicant's young children and dog.

10. No one opposed 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. Section 220-15(A)(1) of the Codified Ordinances provides, among other things, that two front yards shall be provided for a corner lot.

3. Under section 220-215(B)(2) of the Codified Ordinances the height of a fence in a front yard is limited to 3.5 feet.

3. The unusual circumstances involving the loss of the existing screening and the closer proximity of Rossmoyne Road to Applicant's dwelling create an unnecessary hardship.

4. A variance is necessary to allow reasonably effective replacement screening for the subject property.

5. The unnecessary hardship was not 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 is the minimum variance to afford relief.

8. 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 following conditions:

1. Applicant shall provide the Township with a complete copy of his agreement with the school district; and
2. Applicant shall maintain strict conformance with the testimony, plans and evidence presented to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD



Date: 5.25.2009



Solicitor