

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP  
THE APPLICATION OF : ZONING HEARING BOARD  
JULIE APPLGATE : CUMBERLAND COUNTY, PENNSYLVANIA  
:   
: DOCKET NO. 2024-02

### **DECISION GRANTING A VARIANCE**

The Applicant seeks a variance to construct an addition to a residence which will encroach into the rear yard. A hearing was held before the Board on April 18, 2024.

### **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 Julie Applegate of C & Z Construction.

3. The owner of the subject property is Jessica Long, 1600 Fox Hollow Road, Mechanicsburg, PA 17055.

4. The subject property is a lot in an R-2 zoning district, improved with a single family detached dwelling known as 1600 Fox Hollow Road.

5. The dwelling is legally nonconforming because it encroaches into the required front and rear yards.

6. The owner wishes to construct to the rear of the dwelling an addition, part of which will encroach farther into the required rear yard.

7. After construction, the addition will encroach into the rear yard at most a distance of 19 feet.

8. 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 220-24(A)(3) of the Codified Ordinances requires a rear yard of 40 feet.

3. Under section 220-222(B)(1) of the Codified Ordinances any extension to a nonconforming building shall not encroach farther into a required yard than the existing building.

4. The location of the dwelling on the subject property creates an unnecessary hardship.

5. A variance is necessary to allow a reasonable addition to the dwelling.

6. The unnecessary hardship was not created by the owner.

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 is the minimum variance to afford relief.

9. 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

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

LOWER ALLEN TOWNSHIP ZONING  
HEARING BOARD

Ann Mason

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LDm

Solicitor

Date: 5.8.2024