

**IN THE MATTER OF:**

**MICHAEL A BRYMESSER AND  
MATTHEW D BRYMESSER**

**BOARD OF SUPERVISORS**

**MONROE TOWNSHIP  
CUMBERLAND COUNTY,  
PENNSYLVANIA**

**WRITTEN DECISION**

**EXHIBITS**

- B-1 Application of Michael A. Brymesser and Matthew D. Brymesser and supporting narrative
- B-2 Certificate of Service of Public Notice and Written Notice
- B-3 Cover Sheet – Brymesser Final Subdivision Plan
- B-4 Conditional Use Exhibit – Brymesser Final Subdivision Plan
- B-5 Subdivision Plan – Brymesser Final Subdivision Plan
- B-6 Transmittal Letter to Monroe Township Planning Commission
- B-7 Transmittal Letter to Cumberland County Planning Commission
- B-8 Minutes from September 7, 2022 Monroe Township Planning Commission Meeting
- T-1 Comments from Gregory R. Rogalski, P.E.

**FINDINGS OF FACT**

1. Applicant, Michael A. Brymesser and Matthew D. Brymesser (Brymesser), are the owners of the property located at Monroe Township, Cumberland County, Pennsylvania. Further identified as tax parcel number 22-11-0282-074. (hereinafter the “property”).
2. Applicant request relief in the form of Conditional Use of the Monroe Township Zoning Ordinance of September 17, 1998, last amended, May 14, 2015 (hereinafter the “ordinance”).
3. Applicant’s request is for the purpose of creation of a flag of approximately 2 acres for a new single-family residence.
4. The property is located in the Agricultural zoning district of Monroe Township, Cumberland County, Pennsylvania.

5. Public Notice of the hearing in this matter was published in the Carlisle Sentinel, a newspaper of general circulation in Monroe Township on August 29, 2022, and September 6, 2022.
6. The Written Notice of the hearing was forwarded to the following individuals and entities on August 15, 2022; Monroe Township Planning Commission; Applicant; Director of Planning, Cumberland County. Additionally, written notice was given by first class mail to nine (9) neighboring property owners as set forth in Exhibit B-2.
7. The Municipal Building and the Township's website were posted with the Notice of Hearing on August 16, 2022. The property was posted on August 16, 2022.
8. No objections as to the method and timing of Notice and advertising were raised.
9. No objections as to any of the exhibits were raised.
10. On September 13, 2022 at approximately 6:30 p.m., a hearing was conducted on the matter.

### **CONCLUSIONS OF LAW**

1. The Monroe Township Board of Supervisors has jurisdiction to hear the above-captioned appeal and application pursuant to Article 7 Section 704.1 of the Monroe Township Zoning Ordinance.
2. Proper Notice of the hearing was given to the public and to all interested parties.
3. Exhibits B-1 through B-8 and T-1 were properly admitted into evidence.
4. Applicant met its burden in establishing the requirements for an approval of Conditional Use in accordance with the conditions as set forth in the attached decision and order.

### **DISCUSSION**

Applicants, Michael H. Brymesser and Matthew D. Brymesser, submitted an application for Conditional Use relief on August 4, 2022. The subject of the application is a property located at 1480 Leidigh Drive, Boiling Springs, Monroe Township, Cumberland County, Pennsylvania. Applicant request relief in order that they create a flag lot for the purpose of erecting a single family residence.

Since the property is located in the Agricultural Zone ("A" Zone), Section 201.4.6 of the Zoning Ordinance provides that flag lot residences may be permitted by conditional use, pursuant to the requirements in Section 423. A flag lot is defined in Section 112 as: "A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage."

Section 423 of the Zoning Ordinance states: "Flag lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farm land), which would otherwise be disturbed by conventional lotting techniques."

The Board of Supervisors believe the Applicant's plan preserves important natural features of the farm including preserving productive farm land.

Article 7 Section 704.2 of the Monroe Township Zoning Ordinance sets forth the General Criteria that each Applicant for a Conditional Use Relief must demonstrate compliance:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
2. The proposed use shall be detracted from the use and enjoyment of adjoining or nearby properties;
3. The proposed use will not affect a change in the character of the subject property's neighborhood;
4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);
5. The proposed use complies with the Monroe Township Floodplain Ordinance;
6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,
7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

The Board of Supervisors believes that the current use of the property keeps its agricultural nature consistent with the intent of the zoning ordinance. The proposed use will be consistent with the character of the neighborhood and will not detract from the use and enjoyment of adjoining or nearby properties and will not substantially impair the integrity of the Township's Comprehensive Plan. Additional adequate public facilities are available to serve the proposed use.

**DECISION:**

And Now, this 4<sup>th</sup> day of October, 2022, in consideration of Applicant's request and after a public hearing, the Applicant's request for Conditional Use is granted in accordance with Applicant's application land consistent with the plan submitted. (Exhibit B-4 and B-5)



Monroe Township Board of Supervisors

/s/ Philip Kehoe by Michael J. J. /  
Philip Kehoe, Chairman

/s/ A.W. Castle III by Michael J. J. /  
A.W. Castle III, Supervisor

/s/ Philip Paetzold by Michael J. J. /  
Philip Paetzold, Supervisor

(Written Decision of Findings issued this 4<sup>th</sup> day of October, 2022)