

**IN THE MATTER OF:**

**DONALD WAARDENBURG  
APPLICATION FOR CONDITIONAL USE  
RELIEF**

**BOARD OF SUPERVISORS**

**MONROE TOWNSHIP  
CUMBERLAND COUNTY,  
PENNSYLVANIA**

**WRITTEN DECISION**

**EXHIBITS**

- B-1 Application of Donald Waardenburg dated January 23, 2020
- B-2 Certificate of Service of Public Notice and Written Notice
- B-3 Memorandum of Gregory R. Rogalski, Township Engineer, to Board of Supervisors dated February 3, 2020
- B-4 Minutes of the Monroe Township Planning Commission of February 5, 2020
- B-5 Sign In Sheet

**FINDINGS OF FACT**

1. Applicant, Donald Waardenburg, is the owner of the property located at 880 Eppley Road, Mechanicsburg, Monroe Township, Cumberland County, Pennsylvania. Further identified as tax parcel number 22-10-0644-022. (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 dividing his 42-acre farm into four (4) 10-11 acre lots resulting in the creation of flag lots.
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 February 24, 2020 and March 2, 2020.
6. The Written Notice of the hearing was forwarded to the following individuals and entities on February 11, 2020; Monroe Township Planning Commission; Greg Rogalski,

Township Engineer; Applicant; Director of Planning, Cumberland County. On February 11, 2020, written notice was given by first class mail to the 25 neighboring property owners as set forth in Exhibit B-1.

7. The Municipal Building and the Township's website were posted with the Notice of Hearing on February 11, 2020. The property was posted on February 12, 2020.
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 March 12, 2020 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-5 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**

Applicant, Donald Waardenburg, submitted an application for Conditional Use relief on January 23, 2020. The subject of the application is a property located at 880 Eppley Road, Mechanicsburg, Monroe Township, Cumberland County, Pennsylvania. Applicant request relief in order that he may divide the property into four (4) 10-11 acre lots.

The Applicant testified that it is his and his wife's intent to maintain the agricultural nature of the farm. Applicant testified that he intends to plant a variety of crops and fruit trees. Applicant also plans to keep honey bees upon the property as well as raise farm animals.

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, with the conditions set forth below, the 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. Additionally, the Supervisors shall attach conditions to ensure compliance with the Township Floodplain Ordinance & Subdivision and Land Development Ordinance.

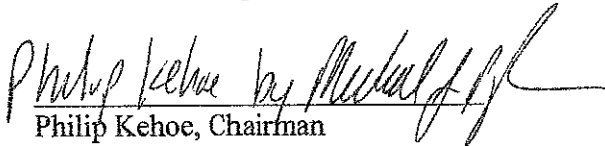
**DECISION:**

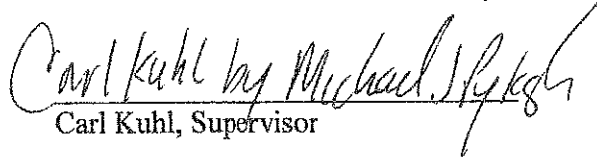
And Now, this 30<sup>th</sup> day of MARCH, 2020, in consideration of Applicant's request and after a public hearing, the Applicant's request for Conditional Use is granted in accordance with Applicant's application with the following conditions:

1. Provide location of proposed hives for beekeeping and orientation. They must be located at least twenty-five feet (25') of any residential property line; any hives located within seventy five feet (75') of any adjoining property line or street shall be separated using a minimum six foot (6') high solid fence or vegetable obstruction. (§201.2.12.B)

2. Structures to be used to house noncommercial livestock shall be shown on plan with setbacks dimensioned. (§201.2.12.E)
3. A note acknowledging that no portion of the pole shall be used for a proposed sanitary sewerage disposal system shall be added to the plan. (§423.1.4.C)
4. Joint-use driveway shall have a minimum cartway width of sixteen feet (16') and paved for emergency access. (§423.2)
5. The joint-use driveway, or pole area, shall not exceed six hundred feet (600') in length and should be shown dimensioned on plan. (§423.1.4)
6. Applicant must provide a driveway maintenance agreement which must be acceptable to the Township and recorded at the Recorder of Deeds office.
7. The applicant shall be required to install stormwater management facilities to mitigate any increase in post-development run-off to the satisfaction of the Township Engineer and in accordance with the Monroe Township Stormwater Management Ordinance.

Monroe Township Board of Supervisors

  
Philip Kehoe, Chairman

  
Carl Kuhl, Supervisor

(Written Decision of Findings issued this 30<sup>th</sup> day of MARCH, 2020)