

**MONROE TOWNSHIP ZONING HEARING BOARD**

IN RE: :  
: :  
Application of : APPEAL NO. 2023-01 ZHB  
Holly Hurst Farms : :  
Premises: Creek Road, Mechanicsburg, : :  
PA 17055 (Tax Parcel ID # 22-12-0348-258) : :  
:

**DECISION**

This case comes before the Monroe Township Zoning Hearing Board (“Board”) pursuant to the provisions of §604.4 of the Monroe Township Zoning Ordinance (hereinafter referred to as the “Ordinance”), the same being an application for multiple variances by Holly Hurst Farms (“Applicant”) from the provisions of §201.5, §324 and §446 of the Ordinance, relating to the minimum building setback requirements at the front, rear and side setback lines and a variance from the minimum buffer zone requirement to permit the operation of a riding school and stables on premises to be occupied by Holly Hurst Farms on Creek Road, Mechanicsburg, PA 17055 (Tax Parcel ID # 22-12-0348-258).

Pursuant to notice duly given, as required by the provisions of the Ordinance, a hearing was held before the Board at the Monroe Township Municipal Offices, 1220 Boiling Springs Road, Mechanicsburg, Pennsylvania, on Tuesday, March 14, 2023, beginning at 6:00 p.m. The matter was heard by Paul Rast, Vice-Chair of the Board, Board Member Greg Sheffer and Alternate Board Member Cass Gibson.

In accordance with the provisions of the Ordinance, notice of said hearing was given to the Applicant and to adjoining property owners. A Proof of Publication of public notice is also made a part of the Record.

Testimony at the hearing was offered by the Applicant’s engineer (Scott Akens), by the Applicant’s principal owner (Betsy Morret) and by the property owners (John and Wanda Plowman).

Testimony on behalf of the Township was offered in written form by Gregory R. Rogalski, the Township Zoning Officer. The Application-related submissions filed by the Applicant were admitted into evidence as Board Exhibits, as was the written Memorandum submitted by Mr. Rogalski.

No formal objectors appeared at the hearing to register any opposition to the requested variances.

At the conclusion of the evidentiary hearing of March 14, 2023, the Board in open meeting conducted a formal discussion of the matter and took formal action.

The Record consists of the aforesaid Notice of Public Hearing, Proof of Publication, and letters of notification of neighboring property owners, together with the original Application and related submissions filed by the Applicant and by Mr. Rogalski. A transcript of the hearing was made and is also part of the Record of this matter.

### **FINDINGS OF FACT**

After a review of the testimony and the documents included in the Record of this case, the Board makes the following Findings of Fact:

1. On February 10, 2023, Holly Hurst Farms (“Applicant”), the equitable owner of the property located at Creek Road, Mechanicsburg, PA 17055 (Tax Parcel ID # 22-12-0348-258), Cumberland County, Pennsylvania, filed a Zoning Hearing Board Application, seeking multiple variances that would allow for the construction and operation of a riding stables, consisting of an indoor arena and stalls, in the Agricultural District. The Application included documents depicting the dimensions relating to the requested variances, which have been received into evidence.
2. Applicant sought a variance from the Ordinance’s requirement of a minimum rear yard setback of 50 feet (§201.5), so that the new structure could be constructed within 40 feet of the property line. The Applicant also sought a variance from the Ordinance’s requirement of a minimum 30-foot buffer zone from the top of the bank of the Yellow Breeches Creek (§324.1), and a variance in

the setback requirement of 200 feet from any property line for the addition of a structure used for the boarding of horses (§446.1.2).

3. The lot in question contains 15.45 acres, but is exceptionally irregular in shape and is bordered by both the Creek and by railroad tracks.

4. Because the construction of a reasonably-sized equestrian-related structure at the required setback lines would be impossible, given the irregular dimensions of the lot, the Applicant has asked for multiple variances to construct the structure on the lot.

5. No adjoining property owners raised any objection to the granting of the requested variance.

**ADDITIONAL FINDINGS OF FACT**  
**AND CONCLUSIONS OF LAW**

When determining whether to grant a variance in any given case, this Board must take into consideration the provisions of the Ordinance setting forth the criteria for the granting of variances. Accordingly, this Board must be guided by the provisions of Section 604.4 of the Ordinance, which provides in pertinent part as follows:

604.4. Variances - The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zoning district in which the property is located;
2. That because of such physical circumstances or conditions, there is not a possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by the applicant;
4. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In the instant case, the Applicant has made a sufficient showing to satisfy each of the 5 above-enumerated criteria for the granting of the requested variances. The foregoing Findings of Fact and admitted exhibits demonstrate that the physical characteristics of the lot present tangible obstacles for the construction of the proposed structure within the minimum and maximum specifications set forth in the Ordinance. Given the dimensions of the property, the Applicant has no viable choice but to situate the structure within the required setback areas.

Consequently, the Board specifically finds that the granting of the requested variances would promote the declared purposes of the Zone in which the property is situated.

Therefore, based on the foregoing discussion and analysis, the Board grants the Applicant's request for variances with respect to the construction of the proposed equestrian-related structure that will be situated on the property.

The Board specifically conditions the granting of the requested variances on the installation of an adequate waste storage and disposal system, to be determined by Township authorities in the course of the land development review process. The Board further states its recommendation that Township authorities carefully consider the imposition of a limit upon the maximum number of horses permitted to be stabled at the facility at any one time.

The Board also notes, and has so admonished the Applicant, that all other requirements of applicable Township Ordinances are to be complied with by the Applicant in the construction of the proposed structure and any other accessory facilities.

ALL MEMBERS CONCUR.

MONROE TOWNSHIP ZONING HEARING BOARD

By: *Philip J. Murren*  
Philip J. Murren, Solicitor

Dated: April 28, 2023