

BEFORE THE ZONING HEARING BOARD
OF THE TOWNSHIP OF COLERAIN

IN RE:

APPLICATION OF DOUGLAS WAGNER

:
:
Case No. 2023-03
:
:

DECISION

I. FINDINGS OF FACT.

1. Applicant is Douglas Wagner, 176 Maple Shade Road, Christiana, Pennsylvania 17509 (“Applicant”).
2. The property which is the subject of this application is 176 Maple Shade Road, Colerain Township, Lancaster County, Pennsylvania (the “Property”).
3. Applicant is the record owner of the Property.
4. The Property is located in the Agricultural District as shown on the Official Zoning Map of the Township of Colerain.
5. Notice of the hearing scheduled on the within application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code (“MPC”) and the Zoning Ordinance of Colerain Township, 2011, as amended (the “Zoning Ordinance”).
6. A public hearing was held before the Zoning Hearing Board of the Township of Colerain (the “Board”) on the application on March 1, 2023.
7. Applicant appeared personally at the hearing.
8. The Property is a lot containing approximately 1.84 acres which is developed with a single family detached dwelling, detached garage, and residential accessory structures.
9. Applicant desires to construct a pool and patio on the east side of the dwelling.
10. The plan submitted with the application indicated that the pool and patio would be located 13.91 feet from the side property line.
11. At the hearing, Applicant presented a revised plan based on correctly locating the side property line which indicated that the pool and patio would be 28 feet from the property line.
12. Applicant will install a fence around the Property so that the pool will be protected as required.


II. CONCLUSIONS OF LAW

1. The pool and patio is an accessory residential structure.
2. The required side yard setback for accessory buildings and structures is 20 feet except as modified by Section 6.02 and Section 16.02.01.
3. Neither Section 6.02 nor Section 16.02.01 are applicable to a patio and pool.
4. Although the application as submitted required a side yard setback variance, no setback variance is needed for the revised location 28 feet from the side yard setback.

III. ADJUDICATION

Based upon the foregoing findings of fact and conclusions of law, in particular the revised plan submitted at the hearing on March 1, 2023, the Zoning Hearing Board of the Township of Colerain hereby determines Applicant Douglas Wagner requires no variances to erect an accessory structure consisting of a pool and patio 28 feet from the eastern side property line on the property at 176 Maple Shade Road, Christiana, Pennsylvania.

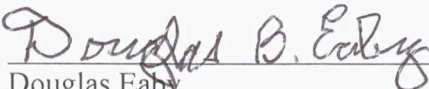
ZONING HEARING BOARD OF THE
TOWNSHIP OF COLERAIN



Bob Stanley, Chairman



Tammy Rineer, Vice Chairman



Douglas Eaby

Dated and filed April 5, 2023, after hearing held on March 1, 2023.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to April 6, 2023.