

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
AARON and SHANNA GEISTWITE : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2014-06**

DECISION GRANTING VARIANCES FROM
THE HEIGHT AND OPACITY REQUIREMENTS FOR FENCING IN A FRONT YARD
IN THE SINGLE FAMILY RESIDENTIAL DISTRICT
UNDER SECTION 710 OF THE ZONING ORDINANCE

The Applicants applied for variances from the height and opacity requirements for fencing in a defined front yard in the Single Family Residential district. A hearing was held on the application on July 17, 2014 at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

FINDINGS OF FACT

1. The Applicants are Aaron and Shanna Geistwite of 305 Lenker Drive, Camp Hill (Fairview Township), PA 17011.
2. The property which is the subject of the application is the Applicants' residence at 305 Lenker Drive, Camp Hill in the Single Family Residential district of Fairview Township.
3. The Application involves a request for variances from the requirements for fencing in a defined front yard as set forth in 710.E.1 and 710.E.2 of the Zoning Ordinance. The Applicants wish to erect a fence six (6) foot in height and without openings in order to have full privacy in the yard of their home which adjoins Limekiln Road. The height and the opacity requests require variances from the requirements of Section 710.E.1 and 710.E.2 of the Zoning Ordinance.
4. The Applicants' home has its front oriented to Lenker Drive, an interior road. The

rear of the lot, however, also fronts on Limekiln Road. Under the Fairview Township Zoning Ordinance, any portion of a lot which fronts on a public road is a "front yard" for purposes of ordinance requirements. See Fairview Township Zoning Ordinance Section 202.A (Terms and Definitions - "Yard, front").

5. The Applicants' "rear" yard is consequently a front yard for Ordinance purposes. As such, the Fairview Township Zoning Ordinance at Section 710 requires that fencing be no higher than four (4) feet and to be no more than fifty (50%) opaque. The rear yard of this home is fully exposed to Limekiln Road, a well-traveled township road. The Applicants wish to erect a six (6) foot high fence in this yard which is to the physical rear of their home for purposes of both privacy and safety. They have a young child for whom they wish the safety barrier and also desire the barrier for pet purposes. Without full opacity, there is no functional privacy from the public road for the rear yard.

6. As a further factor in support of the variances request, the topography of the lot and its relationship to the road is such that the lot is lower than Limekiln Road. Thus, without the additional height on the fencing even a four (4) foot fully opaque fence would not provide reasonable privacy for the backyard of this residence.

7. The proposed fence will not be close to the right of way for Limekiln Road because it will be located inside multiple easements for public facilities which exist between the right-of-way for Limekiln Road and the applicants' home. On this lot there are three (3) separate easements upon which no construction is allowable and the fencing will be located on the Lenker Drive side of these easements.

8. The Fairview Township Zoning Officer testified that if this yard of the Applicants' property were considered a rear yard under the Ordinance, the proposed fencing

would comply with all ordinance requirements.

9. Notice of the hearing was properly advertised; the property was properly posted; and all neighboring property owners required to be notified of the hearing were notified in accordance with the Township Ordinance and the Pennsylvania Municipalities Planning Code.

CONCLUSIONS

The Applicants demonstrated that they should be granted dimensional variances to Sections 710.E.1 and 710.E.2 of the Fairview Township Zoning Ordinance to allow construction of a privacy fence six (6) foot in height and fully opaque in the yard of their property at 305 Lenker Drive which adjoins Limekiln Road.

DECISION

On the basis of the foregoing findings and conclusions and on the basis of all the testimony and evidence presented at the hearing, the application for the dimensional variance for the construction of a privacy fence six (6) foot in height and fully opaque should be permitted as requested.

The application was approved as stated upon the motion of Mr. Guy, seconded by Mr. Shaffer and adopted 2-0 by the Board Members present and voting.

Dated: July 23, 2014

By:  _____
David R. Guy, Chairman

Distribution: Applicants