



ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

FILE COPY

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: David and Marlea Miller
Address: 1007 Pinetown Road Lewisberry PA 17339
Phone: 717 309-8253

PROPERTY LOCATION:

Address: 1007 Pinetown Road Lewisberry, PA 17339
Lot Size: Gross 2.69 acres
Date Purchased: May 27 2014
Location: On Pinetown Road between Rt. 177 and Moores Mt. Rd.

EXISTING OWNER OF PROPERTY:

Name: David and Marlea Miller
Address: 1007 Pinetown Road Lewisberry, PA 17339

PRESENT USE OF PROPERTY:

Residential

EXISTING ZONE: RL

❖ Part 2:

ZONING REQUEST (Identification of the applicable request(s)):

- ( ) SUBSTANTIVE CHALLENGE
(x) SPECIAL EXCEPTION
( ) VARIANCE
( ) APPEAL OF THE ZONING OFFICERS DECISION

2015-01

SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the specific section(s) of the Zoning Ordinance involved in the request:

Zoning section 300-76 Item A

❖ Part 3:

DESCRIPTION OF REQUEST:

Convert a "Bonus Room" over the existing attached garage into extra living quarters. Making 686 sq. ft. of living space consisting of 1 bedroom / 1 bathroom / 1 Family Room / 1 Kitchen. Using existing homes electric, well water, and septic. Installing electric heat. There is an existing private entrance, and the bedroom will have an egress window to meet building code. There will be no driveway or exterior alterations. The owners are full time residents on the property.

USE: Older son quarters

❖ Part 4

LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 200 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
Anthony and Elisabeth Laboto	1009 Pinetown Rd. Lewisberry PA 17339	Residential
Harry Fox Jr.	No assigned addresses yet - Lots for sale	RL
Dawn Clark	997 Pinetown Rd. Lewisberry PA 17339	Residential
Carleen Vorisek	1001 Pinetown Rd. Lewisberry, PA 17339	Residential
Robert Sholly	Travers Dr. Lewisberry, PA 17339	Vacant Lot RL
<i>Applicant &amp; Brett Barrett</i>		

**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**DAVID and MARLEA MILLER** : **YORK COUNTY, PENNSYLVANIA**  
: **DOCKET NO. 2015-01**

**DECISION GRANTING A SPECIAL EXCEPTION FOR AN ACCESSORY  
APARTMENT IN THE RURAL LIVING ZONING DISTRICT  
PURSUANT TO SECTION 402.C OF THE ZONING ORDINANCE**

The Applicants applied for a special exception for an accessory apartment pursuant to Section 402.C of the Fairview Township Zoning Ordinance for the purpose of creating additional living space at their residence at 1007 Pinetown Road, Lewisberry, PA 17339, located in the Rural Living Zoning District of the Township. The hearing on the application was held on April 16, 2015, at 7:00 p.m., at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

**FINDINGS OF FACT**

1. The Applicants are David and Marlea Miller, 1007 Pinetown Road, Lewisberry, Pennsylvania, 17339. The premises, which is the subject of the application, is the Applicants' residence.
2. The Applicants' residence is in the Rural Living Zoning District of Fairview Township. It is 2.69 acres in area.
3. The proposed accessory apartment will be constructed over the existing attached garage to provide 760 square feet of living space which will be occupied by Applicants' son. The accessory apartment will consist of: one (1) bedroom, one (1) bathroom, one (1) family room and one (1) kitchen area. The apartment will use the existing home's electric, well water, and

private septic; however, electric heat will need to be installed. There is an existing private entrance, and the bedroom will have an egress window to meet building code requirements. There will be no driveway or other exterior alterations.

4. Mr. Miller testified regarding the specifications required under Section 1008.A for the accessory apartment. His testimony described the ability to use the existing residence's utilities, as well as the installation of a bedroom, a family room, a kitchen, and a bathroom. He also testified that the design of the original septic system will adequately handle the needs of the proposed accessory apartment and, therefore, no alterations/upgrade will be needed to the septic system.

5. Mr. Waller confirmed that the septic system is adequate for this purpose. He also testified that the proposed accessory apartment is satisfactory in relation to the township's fire codes.

6. 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.

7. Accessory apartments require a special exception pursuant to Section 402.C of the Zoning Ordinance. The specific Ordinance requirements for accessory apartments are delineated in Section 1008.A and are applicable to this application. Each of the detailed specifications were addressed at the hearing and the applicants demonstrated that the proposed accessory apartment will comply in all respects with these Ordinance requirements.

8. The Applicants further demonstrated that the proposed accessory apartment will meet all the general requirements for special exceptions enumerated in the Fairview Township Zoning Ordinance Section 1216.E.3.

## CONCLUSIONS

1. Pursuant to Section 402.C of the Zoning Ordinance, Accessory Apartments are permitted in the Rural Living Zoning District by special exception, subject to compliance with the criteria of Sections 1008.A and 1216.E.3 of the Zoning Ordinance.

2. The application meets all of the standards established under Section 1008.A of the Zoning Ordinance, and further meets all of the general criteria for special exceptions set forth in Section 1216.E.3 of the Zoning Ordinance. The proposed Accessory Apartment should, therefore, be permitted, subject to the conditions that (1) only immediate family members be permitted to reside in the accessory apartment and (2) the only changes to the external appearance of the property will be the fire escape.

## 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 Zoning Hearing Board hereby grants the application for a special exception authorizing an accessory apartment at the Applicants' residence at 1007 Pinetown Road, Lewisberry, PA 17339, subject to the conditions that (1) only immediate family members be permitted to reside in the accessory apartment and (2) the only changes to the external appearance of the property will be the fire escape. The application was approved upon the motion made by Mr. Guy, seconded by Mr. Maxwell and adopted 2-0 by the Board members present and voting.

FAIRVIEW TOWNSHIP ZONING HEARING  
BOARD

Dated: May 11, 2015

By:   
\_\_\_\_\_  
David R. Guy, Chairman

Distribution:  
Applicants