APR 16 AM10:33

APPLICATION FOR ZONING HEARING
FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA

APPLICANT(S)/EQUITABLE OWNER
Name: Dwight McClain & Marlene Yovicich
Address: 697 Julie Court, Mech., PA 17055

Phone: (717) 766 1469

EXISTING OWNER OF PROPERTY:
Name: Dwight & Sylvian McClain & Marlene Yovicich
Address: 697 Julie Court, Mechanicsburg, PA 17055

PROPERTY LOCATION:
Address: 697 Julie Court, Mech., PA 17055

Lot Size: .593 Acres
Date Purchased: April 11, 2006
Location: Parcel 0077Q, Fairview Twp, York Co., PA

PRESENT USE OF PROPERTY:
Residential - Private Home

EXISTING ZONE: Residential - Rural

PROPOSED USE: *(a precise and complete statement of what the applicant is requesting to do)*
Add a 24' x 34' addition to existing house. The addition would include a 24' x 20' two car garage and a 14' x 24' spare room with walkin closet.

ZONING REQUEST (circle the applicable request or requests):

(1) VARIANCE

(2) SPECIAL EXCEPTION

(3) APPEALS:
❶ ZONING OFFICERS DECISION
❷ INTERPRETATION (MAP)
❸ OTHER

2015-02

SECTION (s) OF ZONING ORDINANCE WHICH APPLY TO THIS APPLICATION
(This should be the specific section of the Zoning Ordinance involved in the request):
Section (s): Section 300-16.A + Section 300-30(B)

Comments: We request a Variance or Special Exception for the following three items: (1) One corner of the proposed addition will be approximately 13' from the property line of lot 0077R. (2) The front of the addition will be 34' from the edge of Julie Court Road and will be even with the existing front porch. (3) The back of the addition will touch the existing storage shed, we plan on reducing the size of the shed to 12' x 13' to allow a three foot space between the two buildings.

FOR ZONING OFFICERS USE:

CASE NUMBER No:
FEE PAID:
NOTICE MAILED:
PROPERTY POSTED:
ZBH PACKETS MAILED:

HEARING DATE:
RECEIPT ISSUED:
PROPERTY ZONED: _____
SPECIAL EXCEPTION: _____
VARIANCE: _____

ZHB DECISION: APPROVED DENIED DATE OF DECISION:

LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 300 FEET OF THE PERIMETER OF ALL PROPERTY LINES. APPLICATIONS WILL BE CONSIDERED INCOMPLETE UNLESS ALL PROPERTIES ARE IDENTIFIED.

NAME	ADDRESS	USE TYPE

NAME	ADDRESS	USE TYPE	PARCEL
CROCKETT, JOEY A. & CROCKET AMANDA S.	699 MOORES MOUNTAIN RD Mechanicsburg, PA 17055	Residential	7600
WERT, BLAKE H. & FLORINE M.	700 JULIE CT Mechanicsburg, PA 17055	Residential	0077S
VARVEL, HEATH R.	698 JULIE CT Mechanicsburg, PA 17055	Residential	0077T
GESSNER, BRYON K. & EDINA A.	696 JULIE CT Mechanicsburg, PA 17055	Residential	0077U
MORRIS, LEONARD C. III	694 JULIE CT Mechanicsburg, PA 17055	Residential	0077V
HUGGINS, DENICE L.	693 JULIE CT Mechanicsburg, PA 17055	Residential	0077W
PTASZEK, THOMAS F. & HELEN A.	695 JULIE CT Mechanicsburg, PA 17055	Residential	0077P
STUMPO, MARK E. & KATI R.	699 JULIE CT Mechanicsburg, PA 17055	Residential	0077R
CHLEBOWSKI, JOHN &	701 JULIE CT Mechanicsburg, PA 17055	Residential	0077N
KAMSLER, DONALD C. JR.	703 JULIE CT Mechanicsburg, PA 17055	Residential	0077M
HULIHAN, CHRISTIAN MICHAEL	693 MOORES MOUNTAIN RD Mechanicsburg, PA 17055	Residential	0077J
WICKEY, JOSIAH D	691 MOORES MOUNTAIN RD Mechanicsburg, PA 17055	Residential	0077F
FARVIEW ILLC	1050 HIGHLAND DR Mechanicsburg, PA 17055	Residential	0077A
MCCLAIN, DWIGHT C & SYLVIAN & MARLENE E. YOVICICH	697 JULIE CT Mechanicsburg, PA 17055	Residential	0077Q

IN THE MATTER OF	**: BEFORE THE FAIRVIEW TOWNSHIP** JUN 29 PM 3:20
THE APPLICATION OF	**: ZONING HEARING BOARD**
DWIGHT McCLAIN and	**: YORK COUNTY, PENNSYLVANIA**
MARLENE YOVICICH	**: DOCKET NO. 2015-02**

DECISION GRANTING VARIANCES TO SECTIONS 403.A and 703.B OF THE FAIRVIEW TOWNSHIP ZONING ORDINANCE

The Applicants applied for a variance to Sections 403.A[1] and 703.B[2] of the Fairview Township Zoning Ordinance for the property in the Rural Living Zoning District at 697 Julie Court, Mechanicsburg, PA 17055. A hearing on the application was held on June 18, 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 Dwight McClain and Marlene Yovicich, 697 Julie Court, Mechanicsburg, PA. They are owners of this residence which is the subject of the application.

2. 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.

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[1] Because the hearing was advertised with the section references in the Zoning Ordinance as adopted February 25, 2013, those references are used in the text. That Zoning Ordinance is now re-codified as Chapter 300 of the Fairview Township Codified Ordinances and Section 403.A is now §300.16.A in the Fairview Township Codified Ordinances.

[2] Now Chapter 300, §300-30.B in the Fairview Township Codified Ordinances.

3. The Applicants request a variance to Section 403.A of the Zoning Ordinance which establishes building setback distances in the Rural Living Zoning District. The Applicants wish to construct a 24' x 34' addition to the existing single family dwelling for a two bay garage and a third bedroom. The proposed structure will encroach approximately six (6') feet into the 40' front yard setback area, thus being thirty-four (34') feet from the front property line of the lot.

4. Additionally, the Applicants are requesting a sideyard setback variance to accommodate the location of an existing accessory structure which by the terms of the Zoning Ordinance, Section 703.B, will be considered part of the principal building after the proposed construction and, therefore, will be subject to the 30' sideyard setback under Section 403.A of the Zoning Ordinance. The Applicants wish to retain their existing storage shed in a location which is 8'6" from the side yard property line. The proposed addition to the residence will be thirteen (13') feet from the side property line, and while that is within the side yard setback area, the variance needed would be covered by the variance required for the accessory structure, if granted.

5. This lot at 0.593 acres in area is nonconforming in size under the current ordinance which requires lots to be 80,000 square feet (1.84 acres) along existing streets in the R-L district. It is also nonconforming in width (94' v. 250') at the lot front. Under the circumstances of these substantial nonconformities, it is not possible to conform to the setback requirements of the Ordinance for the proposed construction which is a reasonable use of the single family dwelling and lot. The new construction will extend no further into the front yard setback than does the existing home; and the sideyard intrusion of the existing accessory structure will not be increased. The sideyard intrusion of the new construction, being 13' from

the adjoining property line, is not unreasonable under the circumstances of the size and shape of the lot.

CONCLUSIONS

1. The Applicants have the burden of establishing their entitlement to these dimensional variances.

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicants established that it would cause an unreasonable and unnecessary hardship in the use of this property if the literal requirements of the Ordinances were imposed. Therefore, the Fairview Township Zoning Hearing Board should grant the requested variances from the requirements of Sections 403.A and 703.B of the Zoning Ordinance to allow the erection of a two bay garage and a third bedroom to the existing single family dwelling measuring 24' x 34', provided that: (1) the front of the addition be no closer than thirty-four (34') feet from the property line in the front of the home, a setback distance which is even with the existing front line of the home; and (2) that a variance to Sections 403.A and 703.B of the Ordinance be granted to allow the existing accessory structure to be no closer than 8'6" from the side yard property line and the new structure to be no closer than 13' from the adjoining property line.

DECISION

On the basis of the foregoing findings and conclusions and on the basis of all the testimony and evidence presented to the Board at the hearing, the request for the dimensional variances should be granted to allow: (1) that the front of the addition be no closer than thirty-four (34') feet from the property line in the front of the home, a line which is equal to the existing

front line of the home; and (2) that the existing accessory structure to be no closer than 8'6" from the side yard property line and the new structure to be no closer than 13' from the adjoining property line.

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

Dated: 6/29/15

By: _____
David Guy, Chairman

Distribution: Applicant