

**ZHB**

**APPLICATION FOR ZONING HEARING  
FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA**

**APPLICANT:**

Name: Robert E. Myers Family Trust  
Address: c/o Scott Staruch and Jennifer Myers Hollinger  
9 Holly Drive, New Cumberland, PA 17070  
Phone: 717-774-8488

**OWNER OF PROPERTY:**

Name: Same as Applicant  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

**PROPERTY LOCATION**

Address: YMCA Drive and Steigerwalt Hollow Road  
Lot Size 1.72 Acres  
Date Purchased: \_\_\_\_\_  
Location: Lot 8, Final Sub. Plan for J Rowland & Avyrl Richardson

**PRESENT USE OF PROPERTY**

Property Use: Vacant  
\_\_\_\_\_  
Existing Zone: RL, Rural Living  
\_\_\_\_\_

**PROPOSED USE:** (a precise and complete statement of what the applicant is requesting to do)

The applicant wishes to subdivide the existing 1.72 acre tract of land into two single family residential lots. Both public water and sewer are available to the subject tract. Due to the unique shape of the lot, the applicant is requesting zoning relief to the required minimum lot size of 80,000 square feet, and the required front yard setback of 100 feet.

**ZONING REQUEST FOR:**

- (1) VARIANCE
- (2) SPECIAL EXCEPTION
- (3) APPEALS
  - 1. Zoning Officer Decision
  - 2. Interpretation(Map)
  - 3. Other

**2015-04**

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**SECTION(S) OF ZONING ORDINANCE WHICH APPLIES TO THIS APPLICATION:**

Section 403.A – Required minimum lot area of 80,000 square feet, and required minimum front yard width of 100 feet.

**Adjacent Property Owner Names and Addressess**

<b>Property Owner Name</b>	<b>Property Owner Address</b>	<b>Property Owner Tax Map</b>
Glen and Rebecca Pontius	249 Steigerwalt Hollow Road, New Cumberland, PA 17070	RF - 98C
Linda L. Weiss	699 YMCA Drive, New Cumberland, PA 17070	6 - 3D
Darwin and Kathy Enders	695 YMCA Drive, New Cumberland, PA 17070	6 - 3B
Wayne and Ann Enders	693 YMCA Drive, New Cumberland, PA 17070	6 - 3A
Pennsylvania American Water Company	852 Wesley Drive, Mechanicsburg, PA 17055	RF - 99

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*ADDITIONAL  
PROPERTY NOTICES  
4*

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APPLICANT		

9 TOTAL PROPERTIES

<Title>

ADDITIONAL PROPERTIES

Parcel Key: 270000600030000000

Parcel ID:

Location: 104 STEIGERWALT HOLLOW RD

Owner: RICHARDSON ROWLAND C & PATRICIA F TRUST

Land Value: \$46180

Building Value: \$73390

Total Value: \$119570

Deed Book/Page: 2234-0853

Grantor: RICHARDSON ROWLAND C & PATRICIA F

Clean & Green: N

Acreage: 1.800

Land Class: 101

Sale Price: \$1

Sale Date: Thu May 30 2013

Homestead Code:

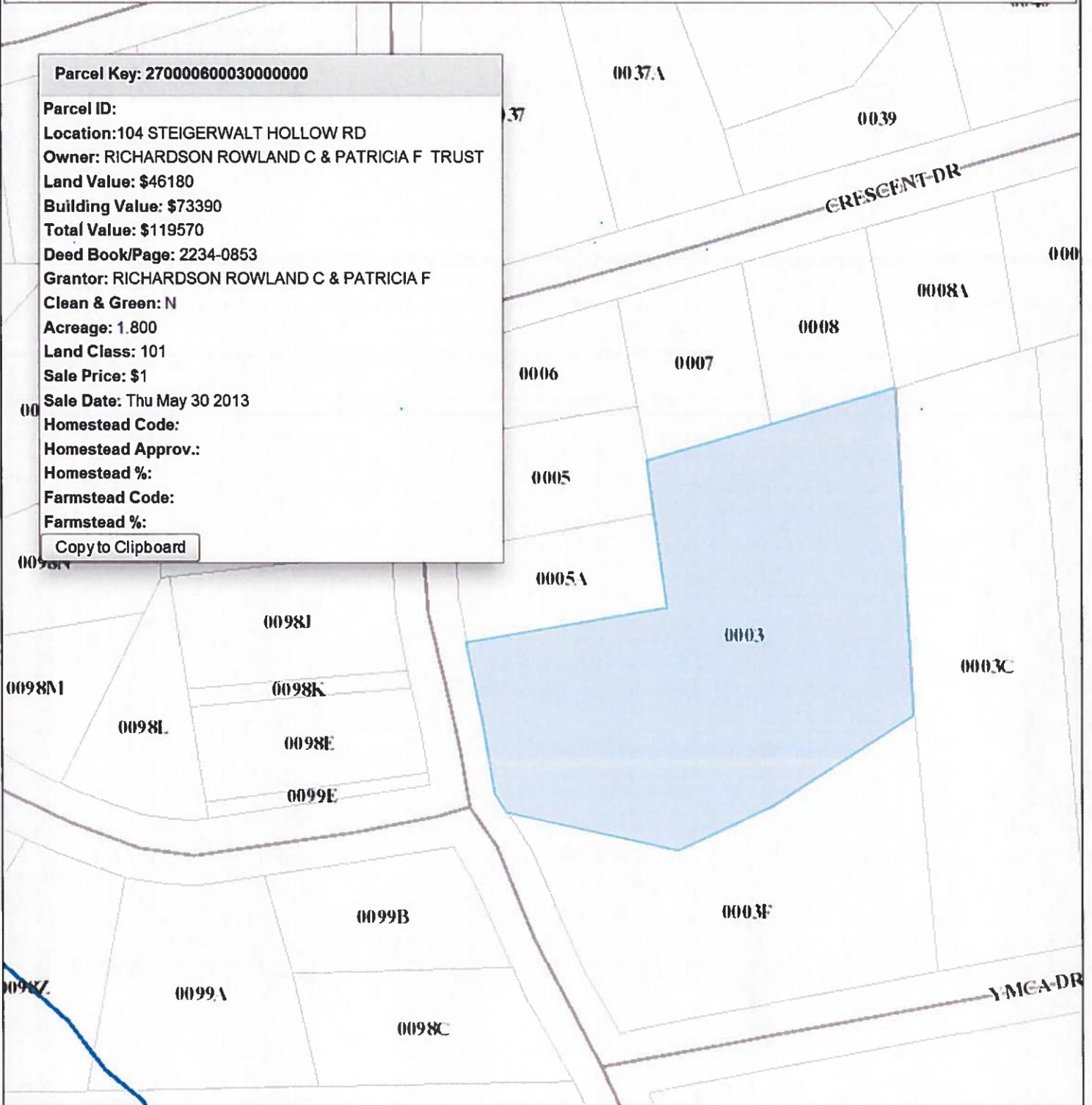
Homestead Approv.:

Homestead %:

Farmstead Code:

Farmstead %:

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- Road
- Municipalities
- 100 yr Floodplain
- Easements
- Rail
- Parcels
- Soils



Maps are not from actual survey

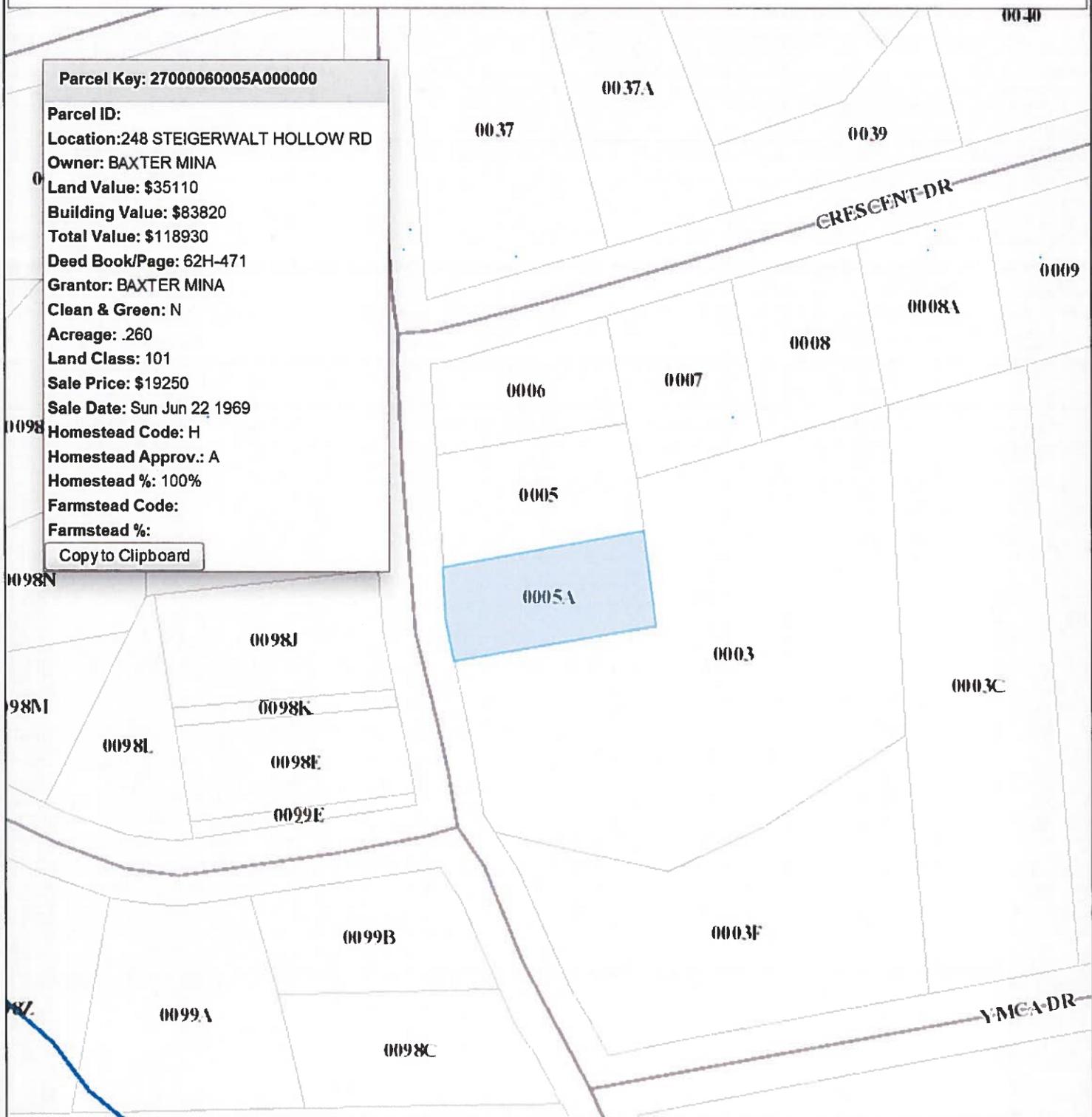
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<Title>

**Parcel Key: 27000060005A000000**

Parcel ID:  
 Location: 248 STEIGERWALT HOLLOW RD  
 Owner: BAXTER MINA  
 Land Value: \$35110  
 Building Value: \$83820  
 Total Value: \$118930  
 Deed Book/Page: 62H-471  
 Grantor: BAXTER MINA  
 Clean & Green: N  
 Acreage: .260  
 Land Class: 101  
 Sale Price: \$19250  
 Sale Date: Sun Jun 22 1969  
 Homestead Code: H  
 Homestead Approv.: A  
 Homestead %: 100%  
 Farmstead Code:  
 Farmstead %:

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  - Rail
  - Parcels
  - Soils
- Maps are not from actual survey



06/15/2015  
 Scale 1:1200

<Title>

Parcel Key: 27000RF0098J000000

Parcel ID:

Location: 241 STEIGERWALT HOLLOW RD

Owner: DAVIS JOSEPH E & KAREN L M

Land Value: \$43380

Building Value: \$106330

Total Value: \$149710

Deed Book/Page: 1581-8425

Grantor: WARNER LARRY L

Clean & Green: N

Acreage: .312

Land Class: 107

Sale Price: \$169900

Sale Date: Wed Jul 2 2003

Homestead Code:

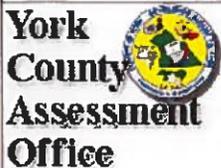
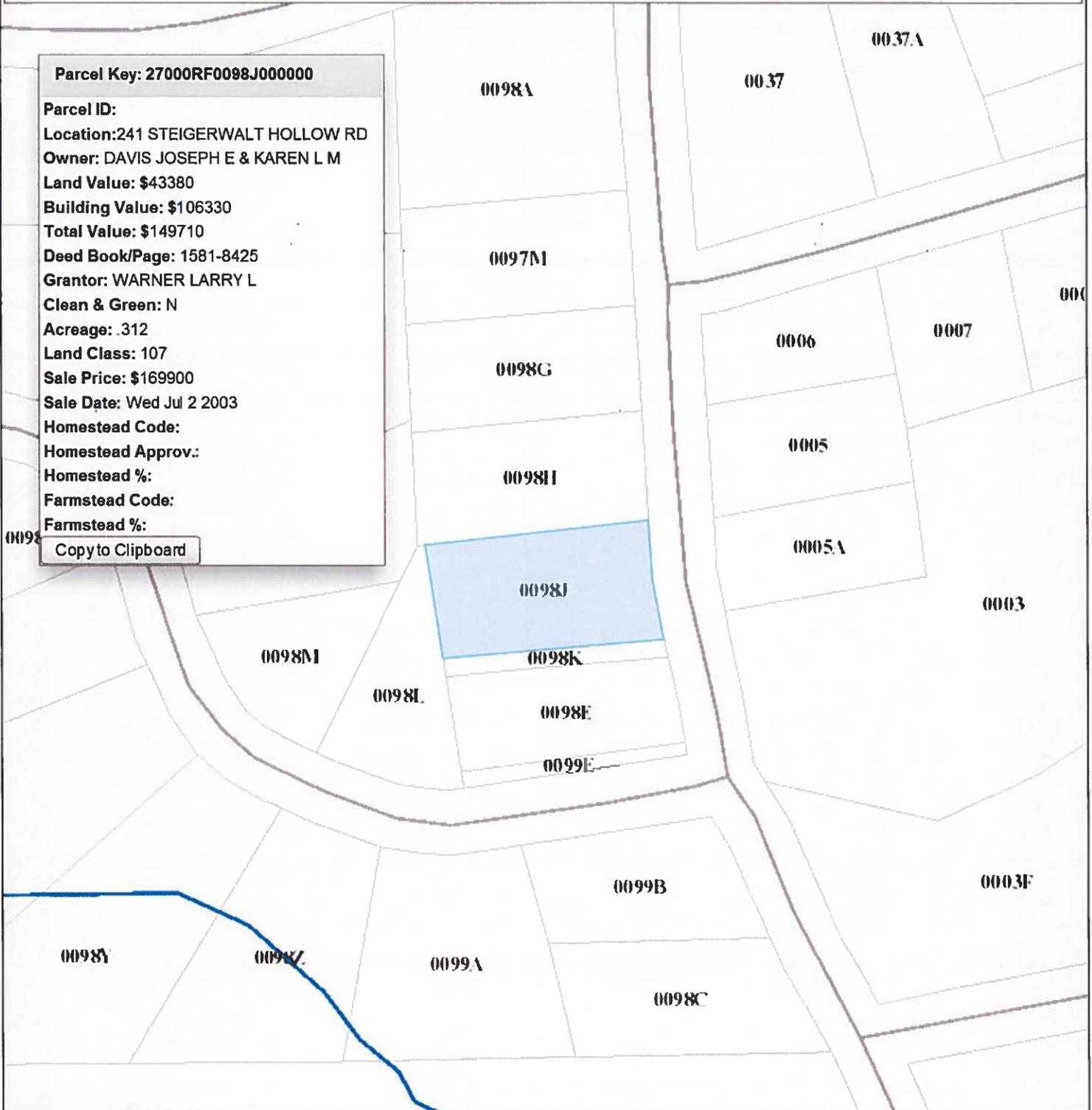
Homestead Approv.:

Homestead %:

Farmstead Code:

Farmstead %:

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Maps are not from actual survey

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Scale 1:1200

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**Parcel Key: 27000RF0098E000000**

**Parcel ID:**  
**Location:** 243 STEIGERWALT HOLLOW RD  
**Owner:** KAUFFMAN JAMES A & MARTHA A  
**Land Value:** \$41610  
**Building Value:** \$77980  
**Total Value:** \$119590  
**Deed Book/Page:** 64N-085  
**Grantor:** KAUFFMAN JAMES A & MARTHA A  
**Clean & Green:** N  
**Acreage:** .320  
**Land Class:** 101  
**Sale Price:** \$2600  
**Sale Date:** Thu Sep 2 1971  
**Homestead Code:** H  
**Homestead Approv.:** A  
**Homestead %:** 100%  
**Farmstead Code:**  
**Farmstead %:**

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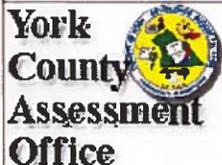
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- Road
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06/15/2015  
Scale 1:1200

**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**ROBERT E. MYERS FAMILY TRUST** : **YORK COUNTY, PENNSYLVANIA**  
: **DOCKET NO. 2015-04**

**DECISION DENYING LOT SIZE VARIANCE AND GRANTING FRONT YARD  
SETBACK VARIANCE UNDER SECTION 403.A OF THE  
FAIRVIEW TOWNSHIP ZONING ORDINANCE**

The Applicant applied for variances to Section 403.A<sup>1</sup>, area and design requirements, of the Fairview Township Zoning Ordinance for the property in the Rural Living Zoning District at YMCA Drive and Steigerwalt Hollow Road, New Cumberland, PA 17070. 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 Applicant is the Robert E. Myers Family Trust, Scott Staruch and Jennifer Myers-Holsinger, Co-Trustees. The Trust is the owner of land, 1.72 acres in area, located on YMCA Drive and Steigerwalt Hollow Road and further identified as Lot 8 of the Final Subdivision Plan for J. Rowland & Avyrl Richardson.
2. The Applicant is requesting variances to Section 403.A of the Zoning Ordinance which establishes the lot area and design requirements in the Rural Living Zoning District. The Applicant wishes to subdivide the existing 1.72 acre tract into two (2) single family

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<sup>1</sup> Because the application was submitted with the section reference in the Zoning Ordinance as adopted February 25, 2013, those references are used in the text. The Zoning Ordinance has now been codified as Chapter 300 of the Fairview Township Codified Ordinances. Section 403.A of the adopted Ordinance is now Chapter 300, §300.16.A in the Fairview Township Codified Ordinances.

residential lots, each of which would be less than .9 acres. They are also requesting zoning relief from the required front yard setback of 100 feet due to the triangular shape of the lot and other lot characteristics.

3. This lot, at 74,923.20 square feet, is nonconforming in size under the current ordinance which requires a minimum lot area of 80,000 square feet or 1.84 acres along existing streets in the Rural Living District.

4. Chris Hoover, P.E., Hoover Engineering Services, Inc., appeared as the only witness for the Applicant. There were several neighboring residents and property owners in attendance who testified in opposition to the lot size variance request. These witnesses were: Wayne and Ann Enders, 693 YMCA Drive; Linda Weiss, 699 YMCA Drive; and Darwin Enders, 695 YMCA Drive. The neighboring property owners are opposed to any deviation from the 80,000 square feet lot area requirement. The neighbors do not want to alter the existing character of the neighborhood which generally is made up of lots larger than one (1) acre in area.

5. The subject lot, as noted above, is triangular in shape and substandard/nonconforming in area under the current Ordinance requirements of a minimum area of 80,000 square feet. Development of the lot is also constrained by a stream on the lot and the required flood plain setbacks for that body of water. Public sewer and water are available to the lot, but the Ordinance does not allow for any deviation from the required lot size where there is the availability of public sewer and water. The availability of public sewer and water is the basis for the requested lot size variance. The lot shape and the stream and flood plain setback constraints are the basis for the front yard setback variance request.

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. The Applicant presented absolutely no legal justification for the lot size variance to create two (2) substandard lots from what is already a substandard lot. The lot can be utilized for a single residential dwelling, which is allowable under the Ordinance. The Applicant did demonstrate the need for a front yard setback variance because of the unique shape, physical characteristics and development constraints on the lot. Therefore, a front yard setback variance to 40 feet should be granted. This is consistent with the setbacks of existing homes in the neighborhood.

### CONCLUSIONS

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

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicant has not established an unreasonable and unnecessary hardship in the use of this property with respect to the lot size variance request. Therefore, the Fairview Township Zoning Hearing Board will deny the requested variance for the creation of two (2) lots.

3. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicant did establish on the basis of the unique physical characteristics of the lot entitlement to a dimensional variance related to the front yard setback requirement. The requested variance from Section 403.A of the Ordinance should be granted to allow the front yard setback to be 40 feet.

**DECISION**

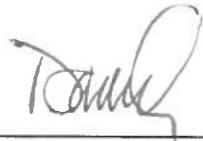
On the basis of the foregoing findings and conclusions and on the basis of all the testimony and evidence presented to the Board at the hearing, the request for variances should be: (1) denied in relation to the lot area requirement; and (2) granted in relation to the front yard setback to allow a structure to be no closer than 40 feet from the front yard property line.

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

Dated: \_\_\_\_\_

7/23/15

By: \_\_\_\_\_

  
David Guy, Chairman

Distribution: Chris Hoover, P.E.  
Applicant