



ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

FILE COPY

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: NOLAN T. & CHERYL A. WHITE  
Address: 732 SCHOOL HOUSE LANE  
LEWISBERRY, PA. 17339  
Phone: 717-938-4301

EXISTING OWNER OF PROPERTY:

Name: NOLAN T. & CHERYL A. WHITE  
Address: 732 SCHOOL HOUSE LANE  
LEWISBERRY, PA. 17339

PROPERTY LOCATION:

Address: 613 RIDGE ROAD  
LEWISBERRY, PA. 17339  
Lot Size: 2.030 ACRES  
Date Purchased: 12-8-2014  
Location: 88,426 SQ. FT. WITH ACCESS  
OFF OF RIDGE ROAD AT 613

PRESENT USE OF PROPERTY:

UNOCCUPIED (AT THIS TIME)  
RESIDENTIAL SINGLE FAMILY

EXISTING ZONE: RL

❖ Part 2:

*Changed of date 07.16 to 07.23. 2015.  
advised Cheryl White*

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

*06-19-2015 1030HR.*

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

2015-05

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

300-16 AREA AND DESIGN REQUIREMENTS (TABLE 4-3)  
MINIMUM LOT AREA PER UNIT OF 80,000 SQ. FT.

❖ Part 3:

DESCRIPTION OF REQUEST:

WE ARE ASKING FOR A VARIANCE ALLOWING A STAND  
ALONE LOT WITH DWELLING AT 613 RIDGE ROAD LEWISBERRY PA.  
17339, FAIRVIEW TOWNSHIP, YORK COUNTY, LESS THAN 80,000 SQ. FT.

PLEASE SEE ATTACHED LETTER AND EXHIBITS.

❖ Part 4

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

NAME	ADDRESS	USE TYPE
KENNETH E. & SUSAN R. RIBBLE	17339 736 SCHOOL HOUSE LN. LEWISBERRY, PA.	RENTAL RESIDENTIAL
SCOTT A. MONTO	740 SCHOOL HOUSE LN. LEWISBERRY, PA. 17339	RESIDENTIAL
CYNTHIA L. STINE DONALD C. AND REGINA M. VARD S	744 SCHOOL HOUSE LN. LEWISBERRY, PA. 17339 600 RIDGE ROAD LEWISBERRY, PA. 17339	FARMING AND RESIDENTIAL RESIDENTIAL
SEAN M. FURSANIC AND ERICA SILVA	605 RIDGE ROAD LEWISBERRY, PA. 17339	RESIDENTIAL
MICHAEL J. AND ANNE M. REARDON	609 RIDGE ROAD LEWISBERRY, PA. 17339	RESIDENTIAL
EDWIN D. AND SUSAN ROBY	611 RIDGE ROAD LEWISBERRY, PA. 17339	RESIDENTIAL
CHARLES E. III AND DARLENE MILLER	615 RIDGE ROAD LEWISBERRY, PA. 17339	RESIDENTIAL
MICHAEL R. AND JENNIFER M. CRUZ	619 RIDGE ROAD LEWISBERRY, PA. 17339	RESIDENTIAL
G. MICHAEL DANKANICH	651 RED FOX CT. LEWISBERRY, PA. 17339	RESIDENTIAL
JENTRE L. AND JESSICA M. DEIBLER	653 RED FOX CT. LEWISBERRY, PA. 17339	RESIDENTIAL
SCOTT R. AND CARRIE A. BURD	17339 650 WOODBURNE RD. LEWISBERRY, PA.	RESIDENTIAL
(*) (NO MAILING ADDRESS)	PARCEL 0095 B	17339
JANET F. WILLIAMS	PARCEL 0095C RIDGE ROAD LEWISBERRY, PA.	.270 AND .050 ACRES UNIMPROVED
APPLICANT		

**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**NOLAN T. and CHERYL A. WHITE** : **YORK COUNTY, PENNSYLVANIA**  
: **DOCKET NO. 2015-05**

**DECISION GRANTING LOT SIZE VARIANCE TO SECTION 300-16.A OF THE  
FAIRVIEW TOWNSHIP ZONING ORDINANCE**

The Applicants applied for a variance to Section 300-16.A, Area and Design Requirements, of the Fairview Township Zoning Ordinance for the property in the Rural Living Zoning District located at 613 Ridge Road, Lewisberry, PA 17339. A hearing on the application was held on July 23, 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 Nolan and Cheryl White, 732 School House Lane, Lewisberry PA 17339. The applicants are the owners of the property at 613 Ridge Road, Lewisberry, PA, in the Rural Living Zoning District of Fairview Township which is the subject of the application.

2. The Applicants are requesting a variance to Section 300-16.A of the Zoning Ordinance which establishes the lot area and design requirements in the Rural Living Zoning District. The Applicants wish to subdivide the existing 2.03 acre tract of land, creating a lot 40,000 square feet in area for the existing dwelling. They propose to add the remaining acreage to neighboring properties, one of which is the applicants' residence at 732 School House Lane, Lewisberry, PA.

3. 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.

4. This lot at 88,426.80 square feet is nonconforming in size under the current ordinance, which provides for the minimum lot size of 2 acres where a property in the Rural Living District is not serviced by public sewer or water. The lot, according to Applicants, has substantial topographic features which support the request for the lot size variance. Specifically the lot is very steep - "almost cliff-like" in the area to the side and rear of the dwelling house. They wish to sever this steep area of the lot from the residence portion.

5. The portion of the lot which will be severed from the residence is proposed to be further divided and added to two properties along School House Lane with the effect that no additional nonconforming lots will be created. The requested variance will retain one nonconforming lot, but the nonconforming lot will be more useable in the view of the applicants.

6. The applicants are not requesting any dimensional variances (such as side yard or front yard setbacks) from the Ordinance requirements other than the lot size variance.

### CONCLUSIONS

1. The Applicants have the burden of establishing their entitlement to the requested lot size variance.

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicants have demonstrated support for the requested dimensional variance to allow the creation of a lot no less than 40,000 square feet in area at 613 Ridge Road. This

variance will not create any additional nonconforming lots and will arguably improve the overall configuration of the lots in the area. The variance is subject to the condition that the new lot meet all other dimensional requirements of the Ordinance, in particular those relating to setback distances for the buildings from adjoining property lines.

**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 requested variance should be granted to permit the subdivision of the property at 613 Ridge Road to create a new non-conforming lot no less than 40,000 square feet in area subject to the condition that the new lot meets all other dimensional requirements of the Ordinance, in particular, but not limited to, those relating to setback distances for the buildings from adjoining property lines.

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

Dated: AUGUST 20, 2015

By:   
David Guy, Chairman

Distribution: Applicant