

APPLICATION FOR ZONING HEARING
FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA

APPLICANT(S)/EQUITABLE OWNER

Name: DENNIS FRITZI
Address: 7 CRESCENT DR
NEW CUMBERLAND PA 17070
Phone: 717 817 4907

EXISTING OWNER OF PROPERTY:

Name: SAME
Address:

FILE COPY

PROPERTY LOCATION:

Address: 7 CRESCENT DR
Lot Size: .48
Date Purchased: 3/08
Location: SAME

PRESENT USE OF PROPERTY:

RESIDENTIAL

EXISTING ZONE:

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

I WOULD LIKE TO INSTALL A 6' WHITE VINYL PRIVACY FENCE.
MY BACKYARD BORDERS CRESCENT DR AND IS CONSIDERED
A FRONT YARD PER FAIRVIEW TWP. I HAVE CONSTANT ROAD +
PEDESTRIAN TRAFFIC ON CRESCENT AND WOULD ENJOY THE PRIVACY

ZONING REQUEST (circle the applicable request or requests):

- (1) VARIANCE
- (2) SPECIAL EXCEPTION
- (3) APPEALS:
 - 1 ZONING OFFICERS DECISION
 - 2 INTERPRETATION (MAP)
 - 3 OTHER

2015-07

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): 300-37 FENCES + WALLS

COMMENTS: E. FENCES + WALLS LOCATED IN FRONT YARD SHALL NOT EXCEED
48". AS I STATED ABOVE, WE ARE ASKING TO INSTALL 72" WHITE VINYL
FENCE FOR PRIVACY. THE FENCE IS SETBACK FROM ALL PROPERTY LINES
AND MY NEIGHBORS HAVE NO PROBLEMS WITH MY PROPOSED FENCE

FOR ZONING OFFICERS USE:

CASE NUMBER No: HEARING DATE:
FEE PAID: RECEIPT ISSUED:
NOTICE MAILED: PROPERTY ZONED:
PROPERTY POSTED: SPECIAL EXCEPTION:
ZBH PACKETS MAILED: VARIANCE:

ZHB DECISION: APPROVED DENIED DATE OF DECISION:



IN THE MATTER OF : BEFORE THE FAIRVIEW TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
DENNIS P. FRIZZI, JR. : YORK COUNTY, PENNSYLVANIA
: DOCKET NO. 2015-07

**DECISION GRANTING VARIANCE FROM
THE HEIGHT AND OPACITY REQUIREMENTS FOR FENCING IN DOUBLE FRONT
YARDS IN A SINGLE FAMILY RESIDENTIAL DISTRICT
UNDER SECTION 333-37(E)(1) OF THE ZONING ORDINANCE**

The Applicant applied for variances from the height and opacity requirements for fencing in defined front yards in the Single Family Residential district. A hearing was held on the application on November 19, 2015 at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

FINDINGS OF FACT

1. The Applicant is Dennis P. Frizzi, Jr., of 7 Crescent Drive, New Cumberland (Fairview Township), PA 17070.
2. The property which is the subject of the application is the Applicant's residence at 7 Crescent Drive, New Cumberland (Fairview Township), PA 17070, in the Single Family Residential district of the township.
3. The Applicant wishes to erect a privacy fence six (6) foot in height and without openings around the residence in order to have full privacy in the yard of his home. The application involves a double front yard situation: the Applicant's house sits on a corner which gives it front yards on two sides. In this case, the "front" yards are in the front of the house which is located on Vista Drive and in the back of the house which is located on Crescent Drive. Because this is a double front yard situation, the criteria for front yard fences under Section 300-37(E) of the Zoning Ordinance are applicable to the fencing in both areas.

4. There have been multiple situations in Fairview Township where variances have been requested for yards in the back of a house which are “front” yards under the Zoning Ordinance. A recent case, for example, Docket No. 2014-16, involved a residence where the rear yard fronted Limekiln Road and raised similar variance issues under the Ordinance.

5. Under the Zoning Ordinance, a proposed fence located in a front yard must be of an open type with a minimum ratio of 50% open area to 50% structural area, and must not exceed four (4) feet in height. The Applicant wishes to install a white, vinyl fence measuring six (6) feet in height within the property boundary. Section 300-37(E)(3) of the Ordinance encourages the use of vinyl materials that resemble wood or historic-style metal post fences. Without full opacity, the Applicant testified there is no functional privacy from the public roads in the double front yards.

6. The Applicant testified that the proposed fence would be constructed of solid vinyl and that the fence would be erected no closer to Crescent Drive than 2 feet from the edge of right-of-way at its closest point and would be no closer than 22 feet from the rear yard lot line.

7. 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 inasmuch as there is no rear yard set back requirement for fences. He further testified that the Crescent Drive right-of-way is 50 feet wide, and thus the edge of the right-of-way is 25 feet from the centerline of Crescent Drive.

8. 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.