

APPLICATION FOR ZONING HEARING
FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA

APPLICANT(S)/EQUITABLE OWNER

Name: Wesley Grover
Address: 460 Pleasantview Rd.
New Cumberland PA 17070
Phone: (717) 856-4592

EXISTING OWNER OF PROPERTY:

Name: SAME
Address: SAME

PROPERTY LOCATION:

Address: 460 Pleasantview Rd.
New Cumberland, PA 17070
Lot Size: 28,183.32 sq ft Approx
Date Purchased: Closing Date: 11/26/2008
Location: East side of Pleasantview Rd.
Between Locust Dr. and Greenwood Dr.

PRESENT USE OF PROPERTY:

Owner Occupied Residence

EXISTING ZONE: RS Single-Family Residential Zoning District

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

Install a carport against the house, in the driveway, on the side of our house, so that our vehicles are protected during inclement weather.

ZONING REQUEST (circle the applicable request or requests):

(1) VARIANCE

(2) SPECIAL EXCEPTION

(3) APPEALS: ① ZONING OFFICERS DECISION
 ② INTERPRETATION (MAP)
 ③ OTHER

2015-08



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): § 300-21

COMMENTS: See Attached Document

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:

Name	Address	Use Type
Thompson William D & Betty Jane Trustees	209 Locust Dr	Residential
Duncan Terrance A & Marcia A	208 Locust Dr	Residential
Ulrich Ryan G	206 Locust Dr	Residential
Smith Angela M	204 Locust Dr	Residential
Cramer Carl J & Christina M	202 Locust Dr	Residential
Brosius Darwin K	205 Locust Dr	Residential
Delaney William C & Laura R	203 Locust Dr	Residential
Hudak Warren Jr & Denise D	207 Locust Dr	Residential
Spracklen E Wayne & Karen A	201 Locust Dr	Residential
Bishop Ruth A	200 Locust Dr	Residential
Dillow Daniel A & Stephanie A	468 Pleasant View Rd	Residential
Goheen Russel E II & Linda R	305 Sharon Dr	Residential
Evans William H & Lynn M	311 Sharon Dr	Residential
Clifton Willam H & Linda R	303 Sharon Dr	Residential
Minium Theron Micha & Ulsh Jessica M	301 Sharon Dr	Residential
Massal Ronald P & Linda R	302 Sharon Dr	Residential
Walter Leon R & Marie	304 Sharon Dr	Residential
Roth Rob E	457 Pleasant View Rd	Residential
Kane Mary E	455 Pleasant View Rd	Residential
Weller Lester A& Mary L	453 Pleasant View Rd	Residential
Porter Luke S & Susanna	110 Greenwood Dr	Residential
Notbohm Mark E	402 Longview Ave	Residential
Maclay David Michael	404 Longview Ave	Residential
Magaro David W & Brenda F	406 Longview Ave	Residential
Mowery Samuel R & Donna A	212 Greenwood Dr	Residential
Kurtz Nancy L	210 Greenwood Dr	Residential
Lechleitner Richard C	208 Greenwood Dr	Residential
Potter Lawrence E	206 Greenwood Dr	Residential
Fleet Joshua Allen & Samantha J	204 Greenwood Dr	Residential
Marshall Thomas A	202 Greenwood Dr	Residential
Smith Elissa A	211 Greenwood Dr	Residential
Quigley Alfred E Jr	209 Greenwood Dr	Residential
Mcartney Terrence E & Susan L	207 Greenwood Dr	Residential
Flores Maureen E	205 Greenwood Dr	Residential
Long Duke E & Ellen M	201 Greenwood Dr	Residential
Stambaugh Stanley & Flick Betsy	469 Pleasantview Rd	Residential
Gill Warren C Jr & Brenda M	328 Sharon Dr	Residential
Rudy James E & Lois E	207 Fetrow Ln	Residential
Lauck Brittany E	209 Fetrow Ln	Residential
Hoffman Tyler C & Stickle Amy E	211 Fetrow Ln	Residential
Miller Ronald L & Mildred M Cassatt	205 Fetrow Ln	Residential
Heffelfinger William E & Lori K	203 Fetrow Ln	Residential
Bromley Daniel N & Patricia E	401 Longview Ave	Residential
McBride Barbara	403 Longview Ave	Residential
* APPLICANT		

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**IN THE MATTER OF
THE APPLICATION OF
WESLEY GROVER**

**: BEFORE THE FAIRVIEW TOWNSHIP
: ZONING HEARING BOARD
: YORK COUNTY, PENNSYLVANIA
: DOCKET NO. 2015-08**

**DECISION GRANTING A VARIANCE TO SECTION 300-21
OF THE FAIRVIEW TOWNSHIP ZONING ORDINANCE**

The applicant applied for a variance to the Fairview Township Zoning Ordinance, Section 300-21, for the erection and location of an accessory structure (carport) at his residence, 460 Pleasant View Road, New Cumberland, PA 17070. A hearing was held on the application on January 21, 2016, at 7:00 p.m. at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, Pennsylvania 17070.

FINDINGS OF FACT

1. The applicant and owner of the property is Wesley Grover, with a current address of 460 Pleasant View Road, New Cumberland, PA 17070.
2. The property that is the subject of the hearing is the residence at 460 Pleasant View Road, located in the Single Family Residential Zoning District of Fairview Township. The lot is 100 feet wide along Pleasant View Road and is about 274 feet deep, approximately 28,132 square feet in area.
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. The front entrance of the residence does not face Pleasant View Road; but faces north. The portion of the property facing Pleasant View Road has a paved driveway for off-street parking. The driveway is about 30 feet wide on Pleasant View Road from a retaining wall on the northern side to within approximately eight feet of the southern property line and is 51 feet deep

from the cartway of Pleasant View Road to the existing deck of the residence.

5. The applicant wishes to construct an 18' x 21' x 9' carport in the driveway for shelter for his vehicles. The carport will have a roof but be open on the sides. The applicant requests to locate the carport 30 feet from the cartway of Pleasant View Road; 13.5 feet from the southern property line at the closest point; and less than 10 feet from the home. The paved driveway is the only portion of the lot available for a garage or carport because of the orientation of the lot and home with access to the property only from Pleasant View Road. The driveway area, because it is between Pleasant View Road and the residence, is a front yard under the Ordinance.

6. To locate the carport as requested requires two variances from the requirements of the Ordinance. First, Fairview Township Zoning Ordinance Section 300-21 provides that no accessory structures are permitted in the front yard in the R-S District. Second, under the same Ordinance section, the required set back distance for any structure from the right-of-way line for Pleasant View Road is 25 feet (which is the setback distance applicable at the time the home was built).

7. The applicant requests the variances on the basis of the unique configuration and orientation of the lot and residence which do not allow construction of a carport or garage accessory structure anywhere on the lot in strict compliance with the locational and dimensional regulations of the Zoning Ordinance.

CONCLUSIONS

1. The applicant for a variance has the burden of demonstrating that because of unique topographical or other features of the land, literal compliance with the requirements of the Ordinance would impose an unreasonable and unnecessary hardship upon the applicant in the use of his property. A variance may also be substantiated where it represents a *de minimus* deviation from the dimensional requirements of the Ordinance.

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the applicant established that because of the location and orientation of the home, it would cause an unreasonable and unnecessary hardship in the use of this property if the literal requirements of the Ordinance were imposed. Therefore, the Fairview Township Zoning Hearing Board should grant the requested variances from Section 300-21 of the Zoning Ordinance to (1) allow the erection of an 18' x 21' x 9' carport in the front yard between the right-of-way line and the principal building and (2) allow a variance for the setback of the carport so that it is no closer than twenty (20) feet from the right-of-way line of Pleasant View Road.

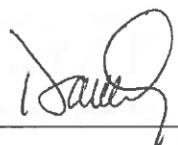
DECISION

On the basis of the foregoing findings and conclusions, and on the basis of all the testimony and evidence presented at the hearing, the application for two variances from the requirements of Section 300-21 of the Fairview Township Zoning Ordinance is granted to allow the erection of an 18' x 21' x 9' carport (accessory structure) in the front yard as requested provided that the placement of the carport is no closer than twenty (20) feet from the right-of-way line of Pleasant View Road.

The application was granted upon the motion of Mr. Guy, seconded by Mr. Maxwell, and adopted 2-0 by the Board members present and voting.

FAIRVIEW TOWNSHIP ZONING HEARING
BOARD

Dated: February 18, 2016

By:  _____

David R. Guy, Chairman

Distribution:
Applicant