

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

APPLICANT:

Name: Ronald and Debra Diller
Address: 621 Moores Mountain Road
Mechanicsburg, PA 17050
Phone: 717-766-5538

OWNER OF PROPERTY:

Name: Same as Applicant
Address: _____
Phone: _____

PROPERTY LOCATION

Address: 621 Moores Mountain Road
Mechanicsburg, PA
Lot Size 3.78 acres and 4.33 acres
Date Purchased: _____
Location: 621 Moores Mountain Road
(Parcels PE-81F and PE-80C)

PRESENT USE OF PROPERTY

Property Use: Vacant and Single Family Residential
Exist. Zone: RL, Rural Living

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

The applicant wishes to create Lot 2 as a building lot, instead of a lot addition as indicated on the recorded subdivision plan. Access to Lot 2 will be provided by a variable width access easement across Lot 1. Applicant is willing to pursue all requirements such as obtaining a highway occupancy permit and performing required sewage testing.

ZONING REQUEST FOR:

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

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

Section 300-16.A – Minimum lot width of 250 feet measured at the street right of way line

Comments: _____

IN THE MATTER OF : BEFORE THE FAIRVIEW TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
RONALD AND DEBRA DILLER : YORK COUNTY, PENNSYLVANIA
: DOCKET NO. 2016-04

JAN 23 AM 11:55

**DECISION GRANTING VARIANCES TO
SECTION 300-16.A OF THE FAIRVIEW TOWNSHIP ZONING ORDINANCE FOR
MINIMUM LOT WIDTH IN THE RURAL LIVING ZONING DISTRICT**

The Applicants applied for lot width variances to Section 300-16.A, Area and Design Requirements, of the Fairview Township Zoning Ordinance for two lots in the Rural Living Zoning District at 621 Moores Mountain Road, Mechanicsburg, PA 17050. Hearings on the application were held on October 20, 2016 and December 15, 2016, 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 Ronald and Debra Diller, 621 Moores Mountain Road, Mechanicsburg, PA, 17050, the owners of the property, which is the subject of the application. This property consists of two tracts of land: (1) Tax Parcel No. PE-81F, which is 3.78 acres in area and referred to herein as "Lot 1"; and (2) Tax Parcel No. PE-80C, which is 4.33 acres in area and referred to herein as "Lot 2".

2. The Applicants are requesting dimensional, lot width variances 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 create road access for Lot No. 2 to enable it to be a residential building lot instead of a land-locked parcel located behind, to the west of, Lot No. 1 which is their personal residence and which has 310.7 feet of frontage on Moores Mountain Road.

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. Chris Hoover, P.E., Hoover Engineering Services, Inc., 658 Gaumer Road, New Cumberland, PA 17070, appeared and testified on behalf of the Applicants.

5. The Applicants acquired Lot 2 in 1996 pursuant to the Final Plan of Minor Subdivision of William C. Williams and Janet L. Williams which is recorded in the Office of the Recorder of Deeds of York County in Plan Book NN, Page 719. That Plan, which was signed by the Applicants, states that the newly created Lot 2 was to be an “add-on” to the existing Lot 1 which the Applicants owned at the time and not a separate building lot. Mr. Diller testified, his signature on the Plan notwithstanding, that he was unaware of the limitation imposed by the Board of Supervisors as a condition of the creation of Lot 2.

6. The Applicants now wish to use Lot 2 for a single family residential lot but to do so need a variance, or variances, to provide access in order that the residence to be constructed on the lot has access to the public road. To accomplish this they intend to request from the Board of Supervisors a re-subdivision of the two lots which will add a 0.96 acre portion of what is now the northern side of Lot 1 to Lot 2, providing an access leg addition to Lot 2 which will be 60 feet wide where it adjoins the public right-of-way for Moores Mountain Road. After the proposed re-subdivision, Lot 1 will have 250 feet of road frontage. Since the Zoning Ordinance currently requires a lot in the R-L district to have 300 feet lot width at the public road right-of-way for Moores Mountain Road, a collector road, the re-subdivision plan will require lot width variances for both lots.

7. The two lot width variances -- one for each lot -- are limited variances from the requirements of the Ordinance under the circumstances of this unique application and, as such, should be approved. The application is unique in terms of the size and configuration of the lots and the limitations in use of Lot 2 under the strict terms of application of the Ordinance.

CONCLUSIONS

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

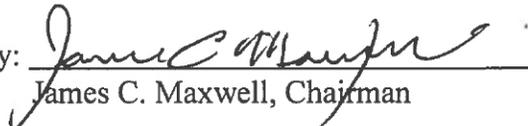
2. On the basis of the testimony and documentary evidence presented, the Board concludes that under the unique circumstances of the case the Applicants have established their entitlement to the lot width dimensional variances requested.

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 dimensional lot width variances should be granted.

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

Dated: January 19, 2017

By: 
James C. Maxwell, Chairman

Distribution:
Applicants
Chris Hoover, P.E., Hoover Engineering, Inc.