

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

APPLICANT:

Name: James Hoffman
Address: 700 Ayers Avenue
Lemoyne, PA 17043
Phone: 717-737-4820

OWNER OF PROPERTY:

Name: Same as Applicant
Address: _____
Phone: _____

PROPERTY LOCATION

Address: 907 Cedar Road

Lot Size 11.82 acres (pre-subdivision)
Date Purchased: _____
Location: Cedar Road -
Cedar View Est. Sub. Plan

PRESENT USE OF PROPERTY

Property Use: Vacant/Residential

Existing Zone: RL, Rural Living

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

The applicant wishes to recombine the six (6) lots of the prior approved and recorded subdivision plan for Cedar View Estates into two lots. Lot 1 will contain the existing home located on the parcel, while the remaining land will be used for the creation of one new residential home.

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 350 feet measured at the street right of way line, and required minimum front yard of 150 feet

Comments: _____

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
JAMES HOFFMAN : **YORK COUNTY, PENNSYLVANIA**
 : **DOCKET NO. 2016-05**

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

NOV 21 PM 1:54

The Applicant applied for lot width variances to Section 300-16.A, Area and Design Requirements, of the Fairview Township Zoning Ordinance for the property in the Rural Living Zoning District at 907 Cedars Road, Lewisberry, PA 17339. A hearing on the application was held on October 20, 2016, 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 James Hoffman, 700 Ayers Avenue, Lemoyne, PA 17043, the owner of the property, 11.82 acres in area, at 907 Cedars Road which is the subject of the application.
2. The Applicant is requesting dimensional 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 Applicant wishes to re-combine the existing 11.82 acres, which is presently sub-divided into 6 lots, known as the Cedar View Estates subdivision, into two (2) single family residential lots. One of the new lots would be approximately 80,000 square feet in area and be the lot on which there is an existing home. The remaining 9.95 +/- acres would be combined into a single parcel, eligible for construction of one single family residence. The Applicant is

requesting zoning relief from the required minimum lot width of 350 feet for each of the new lots.

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

4. 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.

5. The Applicant's six-lots in aggregate have total frontage on Cedars Road of 170.75 feet. Cedars Road is an arterial road pursuant to the Township Ordinances. Therefore, Section 300-16.A of the Fairview Township Zoning Ordinance requires 350 feet of lot width at the street right-of-way line. The current subdivision plan was approved under prior Ordinance requirements and the existing residential lot which fronts on Cedars Road has only 67 feet of frontage, making it a nonconforming lot. The balance of the frontage currently provides for a road to be constructed to access the five (5) additional approved lots, the frontage for which would be on the new road, not on Cedars Road.

6. The Applicant's proposal would eliminate the road and four (4) of the six (6) current lots. It would also increase the width at the road right-of-way of the current residential lot from 67 feet to 100 feet, reducing that nonconformity somewhat while establishing a new nonconforming lot with only 70.75 feet of width at the right-of-way line of Cedars Road.

7. The Applicant could use the total area almost as desired without any variances from the Zoning Hearing Board by *de facto* combining five (5) of the existing parcels into one. However, use of the property without formal re-subdivision would retain interior lot lines which

would constrain development in quite unusual fashion. Therefore, the request for the lot width, dimensional variances has been presented.

8. The two lot width variances -- one for each lot -- are *de minimus* variances from the requirements of the Ordinance under the circumstances of this application. In one case, a nonconformity will be reduced. In the other case, logical development of a large single family residential lot will be accommodated.

CONCLUSIONS

1. The Applicant has the burden of establishing entitlement to the requested dimensional variances.

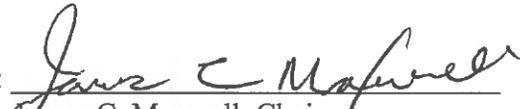
2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicant has established his entitlement with respect to the lot width dimensional variances requested, providing for two lots with lot width on Cedars Road of 100 feet and 70.75 feet respectively.

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 providing for two lots with lot width on Cedars Road of 100 feet and 70.75 feet respectively.

The Application was granted as stated upon the motion of Mr. Maxwell, seconded by Mr. Bashore and adopted 3-0 by the Board Members present and voting.

Dated: November 17, 2016

By: 
James C. Maxwell, Chairman

Distribution:

Applicant

Chris Hoover, P.E., Hoover Engineering, Inc.