FAIRVIEW TOWNSHIP

ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

RECEIVED
OCT 12 2016
FAIRVIEW TOWNSHIP

❖ ***Part 1:***

APPLICANT(S)/EQUITABLE OWNER
Name: Emily Chajai
Address: 460 Lewisberry Rd
New Cumberland, PA 17070
Phone: 717-425-0313

EXISTING OWNER OF PROPERTY:
Name: Mohamed Chajai
Address: 460 Lewisberry Rd
New Cumberland, PA 17070

PROPERTY LOCATION:
Address: 460 Lewisberry Rd
New Cumberland PA 17070
Lot Size: 0.42 acre
Date Purchased: Sep 2009
Location: 0.7 mile from I-83
1.0 mile N from Township Bldg.

PRESENT USE OF PROPERTY:
Single Family Home

EXISTING ZONE: RS

❖ ***Part 2:***

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

( ) SUBSTANTIVE CHALLENGE

(X) SPECIAL EXCEPTION

( ) VARIANCE

( ) APPEAL OF THE ZONING OFFICERS DECISION

2016-06

SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the specific section(s) of the Zoning Ordinance involved in the request):
300.20, Table 5-2
300.76 G
306.99. E(3)

❖ ***Part 3:***

DESCRIPTION OF REQUEST:
To allow a daycare in-home Monday-Friday.

❖ ***Part 4***

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

NAME	ADDRESS	USE TYPE
Kenneth & Sally Keim	456 Lewisberry Rd New Cumberland PA 17070	Single family
Jon Jensen	462 Lewisberry Rd New Cumberland PA 17070	Single family
Keith + Paula Williams	461 Lewisberry Rd New Cumberland PA 17070	Single family
Frank Smyser	459 Lewisberry Rd New Cumberland PA 17070	Single family
Kevin, Cecelia + Shawn Anderson	457 Lewisberry Rd New Cumberland PA 17070	Single family
Applicant		

IN THE MATTER OF	**: BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF	**: ZONING HEARING BOARD**
EMILY CHAJAI	**: YORK COUNTY, PENNSYLVANIA**
	: DOCKET NO. 2016-06

DECISION GRANTING THE REQUEST FOR A SPECIAL EXCEPTION TO THE FAIRVIEW TOWNSHIP ZONING ORDINANCE TO CONDUCT A FAMILY DAY CARE

The Applicant applied for a special exception under Section 300-20 of the Fairview Township Zoning Ordinance for the purpose of operating a family day care at her residence, 460 Lewisberry Road, New Cumberland, PA 17070 in the Single Family Residential Zoning District of Fairview Township. A hearing on the application was held on November 17, 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 Emily Chajai, 460 Lewisberry Road, New Cumberland, Pennsylvania 17070.

2. The property is owned by the Applicant's husband, Mohamed Chajai, and is in the Single Family Residential Zoning District of Fairview Township.

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. A family day care, which allows between four (4) and six (6) non-resident children, is permitted as a special exception in the single family residential zoning district under

the Fairview Township Zoning Ordinance provided that certain criteria are met. The criteria specifically applicable to a family day care are listed in Section 300-76.G and include: all principal structures maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood; fire escapes, where required, be located in the rear or side of the building and shall not be located on any wall facing a street right-of-way, excluding alleys; and an outdoor play area for children, meeting certain additional requirements, be provided. These requirements were discussed in detail and the Applicant demonstrated that the proposed family day care will comply in all respects with the Ordinance, subject to the rear yard fence location requirement discussed below.

5. The proposed day care will be operated by Emily Chajai. The children will be cared for completely within the home and the adjoining yard, as required by state regulations. Appropriate yard fencing, as required, will be provided for the safety of the children. There will be no more than six (6) non-resident children being cared for at any one time. Children will be cared for between the hours of 7:30 a.m. and 5:00 pm, Monday through Friday. There is more than sufficient off-street parking area on the premises to meet the Ordinance requirements of three (3) spaces total, two (2) for residents and one (1) for patrons.

6. With respect to the outdoor play area, the Ordinance requires that it shall be provided with a means of shade and any vegetative materials located within the outdoor play area shall be of a non-harmful type. Further, the outdoor play area shall be located at least 20 feet from any abutting property and enclosed with a fence of at least four feet in height, and screening in accordance with Article VII of the Ordinance relating to buffer and screening regulations.

7. There is existing fencing in the rear yard which meets the Ordinance requirements, in part, the exception being the location on the west side of the rear yard where the existing fencing is less than 20 feet from the property line as required by the Ordinance, Section 300.76.G(3)(a).

CONCLUSIONS

1. Pursuant to Section 300-20, Table 5-2 of the Zoning Ordinance, a family day care is permitted in the Single Family Residential Zoning District of Fairview Township by special exception, subject to compliance with the specific requirements of Section 300-76.G and the general requirements for special exceptions.

2. The Applicant demonstrated, with the exception of the present location of the fencing to the west side of the rear yard of the property, that her family day care business will meet all of the specific standards established under the Ordinance, Section 300-76.G, and the general criteria for special exceptions as set for in the Ordinance, Section 300-99.E(3)(b).

3. The proposed family day care should be permitted, subject to the following conditions: (1) the applicant shall obtain and maintain a state license as a child care provider; and (2) the fencing to the west side in the rear yard of the property be provided at least 20 feet from the adjoining property line.

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 Board hereby grants the application for a special exception authorizing a family day care at the Applicant's resident at 460 Lewisberry Road, New Cumberland, PA, subject to these conditions: (1) the Applicant shall

obtain and maintain a state license as a child care provider; and (2) the fencing to the west side in the rear yard of the property be provided at least 20 feet from the adjoining property line.

The Application was approved upon the motion made by Mr. Maxwell, seconded by Mr. Bashore and adopted 2-0 by the Board Members present and voting.

Dated: December 15, 2016

By: James C. Maxwell
James C. Maxwell, Chairman

Distribution:
Applicant