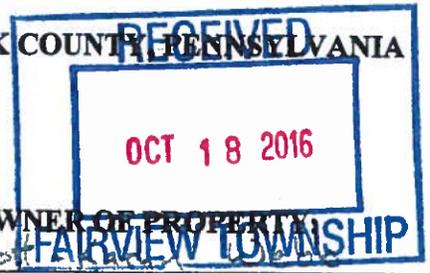




ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA



❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Scott and Kathy Webb
Address: 43620 Lees Mill Sq
Leesburg VA 20176
Phone: 703.798.1167

EXISTING OWNER OF PROPERTY

Name: Scott and Kathy Webb
Address: 43620 Lees Mill Sq
Leesburg VA 20176

PROPERTY LOCATION:

Address: 801 West St
Lewisberry PA 17339
Lot Size: .119 acres / 5,183 Sqft
Date Purchased: 10/14/16
Location: 27000 25 0091000 000

PRESENT USE OF PROPERTY:

Residential
summer only cottage

EXISTING ZONE: Residential Single

❖ Part 2:

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

- SUBSTANTIVE CHALLENGE
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL OF THE ZONING OFFICERS DECISION

2016-08

SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the specific section(s) of the Zoning Ordinance involved in the request:

Chapter 300-77 Continuation of nonconformities

❖ Part 3:

DESCRIPTION OF REQUEST:

(see attached)

❖ Part 4

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

Webb
801 West St, Lewisberry

PART 4

Name	Address	Use Type
Steve Stoffer/Trudy Hamer	780 Siddonsburg Rd, 17339	Single Family Home
Kathi Kunkel	778 Siddonsburg Rd, 17339	Single Family Home
Dana Blakeslee	782 Siddonsburg Rd, 17339	Single Family Home
Dana Blakeslee	780 Siddonsburg Rd, 17339	Single Family Home
Robert and Karen Wetsel	786 Siddonsburg Rd, 107339	Single Family Home
Scott and Michelle Quigley	800 Marie Ave, 17339	Single Family Home
Noel Glunz	802 Marie Ave, 17339	Single Family Home
Eugene Coffey	804 Marie Ave, 17339	Single Family Home
Tom and Debbi Pavlovic	800 West St, 17339	Single Family Home
Mike and Christine Bennett	804 West St, 17339	Single Family Home
Paul and Sarah Hedin	805 West St, 17339	Single Family Home
John Ellington	807 West St, 17339	Single Family Home
Glen Dunbar	809 West St, 17339	Single Family Home
Brenda Himes	770 Siddonsburg Rd, 17339	Single Family Home
Galen Yinger	1254 Lewisberry Rd, 17339	Vacant Land/Clean and
Penrose Strowser *	804 West St, 17339	Single Family Home
Harvey Smiley	805 East St, 17339	Single Family Home

*Penrose Strowser **

*On tax records this is a duplicate address
Believe it should be 804 East St.*

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
SCOTT AND KATHY WEBB : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2016-08**

DECISION GRANTING THE REQUEST FOR DIMENSIONAL VARIANCES TO THE FAIRVIEW TOWNSHIP ZONING ORDINANCE FOR THE CONSTRUCTION OF A REPLACEMENT BUILDING ON A NONCONFORMING LOT

The Applicant applied for dimensional variances to Article XI, Section 300-77 and 300-80, of the Fairview Township Zoning Ordinance for the property located in the Single Family Residential Zoning District at 801 West Street, Lewisberry, PA 17339. 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 Applicants are Scott and Kathy Webb, of 43620 Lees Mill Square, Leesburg, VA 20176, the owners of the property at 801 West Street, Lewisberry, which is the subject of the application.
2. The Applicants are requesting dimensional variances to Section 300-77 and 300-80 to remove and rebuild, on the same footprint, an entirely new residential, single family home which will have the same dimensional nonconformities as does the existing structure. The lot is 0.119 acres in area, lawfully pre-existing and nonconforming in size under the Ordinance. Given the lot's nonconformity, it is not possible to build any conforming single family residence under the current Ordinance setback requirements.

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 Applicants, who also own the adjacent property located at 803 West Street, Lewisberry, purchased the subject parcel in the Silver Lake area in October 2016. The buildings and lots in this area are all nonconforming in multiple respects and dimensional variances are required for most building construction.

5. The Applicants wish to demolish the existing cottage, which is an older structure greatly in need of repair, and construct a new residential dwelling on the same footprint as the existing dwelling. The proposed new dwelling will be similar to other residential buildings in the neighborhood and the cornices, eaves, sills and other similar architectural features of the new construction will not create any additional nonconformities (other than those present with the current structure) from the Ordinance requirements.

6. Were the dimensional variances requested not allowed, the lot could not be used as a practical matter for the permitted single family residential use, which is the primary intended use in this Single Family Residential Zoning District.

CONCLUSIONS

1. The Applicants have the burden of establishing entitlement to the requested dimensional variances for the construction of a replacement building on a nonconforming lot.

2. The size of this pre-existing, nonconforming lot is such that it is not possible to build entirely in conformity with the Ordinance. By agreeing to build the new structure on the

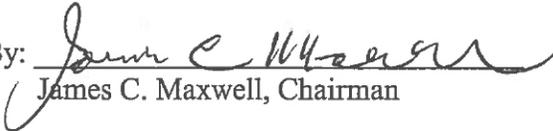
existing footprint, the Applicants are requesting the least feasible variances in order to reasonably use the property for its residential permitted use. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicants have established their entitlement to be granted the dimensional variances requested under Article XI, Sections 300-77 and 300-80 of the Fairview Township Zoning Ordinance.

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 variances should be granted to permit the construction of a new single family residence within the footprint of the current structure on this nonconforming lot in the Silver Lake area.

The Application was granted as stated upon the motion of 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, Chairman

Distribution:
Applicants