

# FAIRVIEW TOWNSHIP

## ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

FILE COPY

### ❖ Part 1:

#### APPLICANT(S)/EQUITABLE OWNER

Name: THOMAS D. HENSON  
Address: 893 Siddonsburg Rd  
Lewisberry Pa-17339  
Phone: 717 216 3193

#### EXISTING OWNER OF PROPERTY:

Name: THOMAS D. HENSON  
Address: 893 Siddonsburg Rd  
Lewisberry Pa 17339

#### PROPERTY LOCATION:

Address: 893 Siddonsburg Rd.  
Lewisberry Pa 17339  
Lot Size: 233, 207.48 Sq. Ft. 5.35 acres  
Date Purchased: NOV 1993, September 2011  
Location: to the rear & side of Markham  
Court. 1.4 miles from Rt 382

#### PRESENT USE OF PROPERTY:

Single Family

#### EXISTING ZONE: R-Residential

### ❖ Part 2:

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

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

2016-09

#### 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 Article IV 300-15 Permitted uses Rural Living Zoning District  
300-76 Additional Supplemental Standards & Requirements  
Table 8-7 Parking Schedule - Accessory

### ❖ Part 3:

#### DESCRIPTION OF REQUEST:

Special exception to use exposed basement of single family home as accessory apartment.  
minimal to no impact to surrounding property owners. Meets square ft. requirement 748 Sq. Ft.  
private outside entrance. Separate kitchen & bath. Septic System upgraded capacity  
1992. original drainfield still in use. Homeowner directs sewage through use  
of valve to rotate between 2 drainfields every 2 years. Building permit  
forthcoming to install egress windows

❖ Part 4

LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 300 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
SUSAN M. SEITZ TRUSTEE SUSAN M. SEITZ REVOCABLE TRUST	897 Siddonsburg Rd. Lewisberry, Pa. 17339	F - CROPS * General Farming Single Family
Jeri A. & Debra K. Donadee	765 Markham Court - Lewisberry, Pa 17339	R - Residential Single Family
Timothy R. Wilcox LAUREN E. BROWN	755 Markham Court Lewisberry, Pa 17339	R - Residential Single Family
DEANIS F. & Cynthia L. WARD	745 Markham Court Lewisberry Pa 17339	R - Residential Single Family
Tyler S. & Sheri L. McQuown	740 Markham Court Lewisberry, Pa. 17339	F - Rural Residential with acreage Single Family
Josephine R. Diebold	735 Markham Court Lewisberry, Pa 17339	F - Rural Residential with acreage Single Family
James A. Diebold	4550 Cona Dr. 3RD Floor Mechanicsburg, Pa 17055	R - Residential Vacant Land
Jeffery Lee Betner	720 Seitz Dr. Lewisberry, Pa 17339	R - Rural Residential with acreage Single Family
John D. & Dianne L. Habel	740 Seitz Dr. Lewisberry, Pa 17339	F - 920 Single Family
DAVEN P. & KRISTEN M. McMahon	760 Seitz Dr. Lewisberry, Pa 17339	F - Rural Residential with acreage Single Family
<b>12 - APPLICANT</b>		

IN THE MATTER OF : BEFORE THE FAIRVIEW TOWNSHIP  
THE APPLICATION OF : ZONING HEARING BOARD  
THOMAS D. HENSON : YORK COUNTY, PENNSYLVANIA  
: DOCKET NO. 2016-09

**DECISION GRANTING A SPECIAL EXCEPTION FOR AN ACCESSORY  
APARTMENT IN THE RURAL LIVING ZONING DISTRICT  
PURSUANT TO SECTION 300-15 OF THE ZONING ORDINANCE**

The Applicant applied for a special exception for an accessory apartment pursuant to Section 300-15 of the Fairview Township Zoning Ordinance at 893 Siddonsburg Road, Lewisberry, PA 17339, located in the Rural Living Zoning District of the Township. Hearings on the application were held on December 15, 2016 and January 19, 2017, 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 Thomas D. Henson, 893 Siddonsburg Road, Lewisberry, Pennsylvania, 17339. The premises, which is the subject of the application, is the Applicant's residence.
2. The Applicant's residence is in the Rural Living Zoning District of Fairview Township. It is 5.35 acres in area.
3. The proposed accessory apartment will be constructed in the existing basement area to provide 748 square feet of living space in the apartment. The accessory apartment will have its own kitchen and bathroom facilities. The apartment will use the existing home's electric, well water, and private septic. There is an existing private entrance, and the bedroom will have an egress window to meet building code requirements. There will be no separate driveway or other exterior alterations to the property.

4. Mr. Henson testified regarding the specifications required under Section 300-76.A for the accessory apartment. He testified that the septic system was upgraded in 1992 and will adequately handle the needs of the proposed accessory apartment and, therefore, no further alterations/upgrades will be needed to the septic system.

5. The Codes Administration Director for Fairview Township testified and confirmed that the proposed accessory apartment as described met the township fire codes and did not raise any other concerns.

6. 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.

7. Accessory apartments require a special exception pursuant to Section 300-15 of the Zoning Ordinance. The specific Ordinance requirements for accessory apartments are delineated in Section 300-76.A and are applicable to this application. Each of the detailed specifications of Section 300-76.A were addressed at the hearings and the Applicant demonstrated that the proposed accessory apartment will comply in all respects with these Ordinance requirements.

8. The Applicant further demonstrated that the proposed accessory apartment will meet all the general requirements for special exceptions enumerated in the Fairview Township Zoning Ordinance Section 300-99.E.3.

## CONCLUSIONS

1. Pursuant to Section 300-15 of the Zoning Ordinance, accessory apartments are permitted in the Rural Living Zoning District by special exception, subject to compliance with the criteria of Sections 300-76.A and 300-99.E.3 of the Zoning Ordinance.

2. The application meets all of the standards established under Section 300-76.A of the Zoning Ordinance, and further meets all of the general criteria for special exceptions set forth in Section 300-99.E.3 of the Zoning Ordinance. The Applicant should therefore be granted a special exception for the accessory apartment.

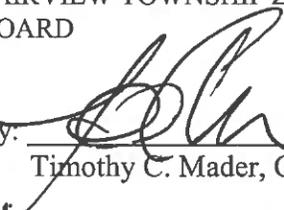
## DECISION

On the basis of the foregoing findings and conclusions and on the basis of all the testimony and evidence presented at the Hearing, the Zoning Hearing Board hereby grants the application for a special exception authorizing an accessory apartment at the Applicant's residence at 893 Siddonsburg Road, Lewisberry, PA 17339.

The application was approved upon the motion made by Mr. Maxwell, seconded by Mr. Bashore and adopted 3-0 by the Board members present and voting.

FAIRVIEW TOWNSHIP ZONING HEARING  
BOARD

Dated: February 16, 2017

By:   
\_\_\_\_\_  
Timothy C. Mader, Chairman

Distribution:  
Applicant