

FAIRVIEW TOWNSHIP

ZONING HEARING BOARD APPLICATION YORK COUNTY, PENNSYLVANIA

REVISED
23 Jan 17

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Jim and Cindy LAWYER
Address: 550 Ridge Road
ETHERS, PA 17319
Phone: (717) 943-4763

PROPERTY LOCATION:

Address: 748 Moores Mtn. Road
Lewisberry, PA 17339
Lot Size: 1 ACRE
Date Purchased: 9/28/90
Location: _____

EXISTING OWNER OF PROPERTY:

Name: Jim and Cindy LAWYER
Address: 550 Ridge Road
ETHERS, PA 17319

PRESENT USE OF PROPERTY:

Residential

EXISTING ZONE: Residential

❖ Part 2:

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

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

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

(CB) collector road 125'

(CB) .300 - 53 (CB) .300 - 99 E - 1

❖ Part 3:

DESCRIPTION OF REQUEST:

Allow a 50' Set back from the Edge of the Road (Moores Mountain Rd)
Because of a deep Ravine that runs through the property. The
exception will allow use of the existing septic system that is
located between the home and the start of the ravine.

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
JAMES AND CINDY LAWYER : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2017-01**

DECISION GRANTING VARIANCES
TO THE FRONT AND SIDE YARD SETBACK REQUIREMENTS UNDER
SECTION 300-16 OF THE FAIRVIEW TOWNSHIP ZONING ORDINANCE

The Applicants applied for variances to Section 300-16, Area and Design Requirements, of the Fairview Township Zoning Ordinance for their property in the Rural Living Zoning District on Moores Mountain Road, Lewisberry, Fairview Township, PA 17339. Hearings on the application were held on February 16 and March 16, 2017, 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 James and Cindy Lawyer with an address of 550 Ridge Road, Etters, PA 17319. The Applicants are the owners of a one (1) acre lot located at 748 Moores Mountain Road, Lewisberry, PA, the property which is the subject of the application.
2. The Applicants are requesting front and side yard setback variances to Section 300-16 of the Zoning Ordinance which establishes the lot area and design requirements in the Rural Living Zoning District. They are requesting zoning relief from the required front yard setback of 125 feet along a collector road, as well as a variance to the 30 foot side yard setback, to allow construction of a replacement home on the property.
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. Craig Baratz, a representative of Clayton Homes, with a business address of 3400 East Lincoln Highway, Paradise, PA 17562, appeared as the only witness for the Applicants. Cindy Lawyer, one of the owners, was present to support the application.

5. The Applicants wish to demolish the current home on the property which is in a nonconforming location, 38 feet from the public road right-of-way, well within the front yard setback area for this district under the current Ordinance. They propose to construct a new home to be erected by Mr. Baratz's company, at a location also within the front yard setback, but further from the right-of-way than the existing structure.

6. The topography of the lot is the primary basis for the requested variances. The lot is fairly level from the road back to a distance of about 125 feet at which point there is a very steep slope described as a ravine. In addition, the existing septic tank and drain field is a limiting factor for the location of the new home as the field is behind the existing home location, essentially between the home footprint and the ravine area.

7. The Applicants presented a drawing (Applicants' Exhibit 3) which depicts the proposed location of the new home, situated to require the least dimensional variances, front and side yard. The new home, to be 28 feet by 68 feet (as compared to the 14 x 72 foot existing home) would be situated 77 feet from the right of way line for Moores Mountain Road with the 68 foot side of the home parallel to the roadway, thereby maximizing the front yard setback. Because the lot is 125 feet in width and the Ordinance requires 30 feet side yard setbacks, the new home will intrude 3 feet into the side yard setback to the south side of the lot.

CONCLUSIONS

1. The Applicants have the burden of establishing their entitlement to the requested dimensional variances in accordance with Fairview Township Zoning Ordinance Section 300-99.E (4).

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicants have established, on the basis of the topography and other characteristics of the lot, entitlement to the dimensional variances related to the front and side yard setback requirements. The front yard variance to allow a 77 foot front yard setback and a variance to allow a 27 foot side yard setback on the south should also be granted to allow location of the new home as depicted on Applicants' Exhibit 3 which is attached hereto and made a part hereof.

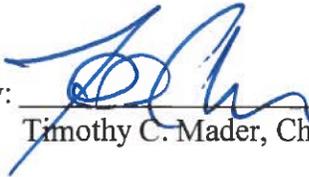
DECISION

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 front yard and side yard setback variances is granted to allow location of the home 77 feet from the front yard and 27 feet from the side yard property line, both as depicted of Applicants' Exhibit 3 which is attached hereto and incorporated herein.

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

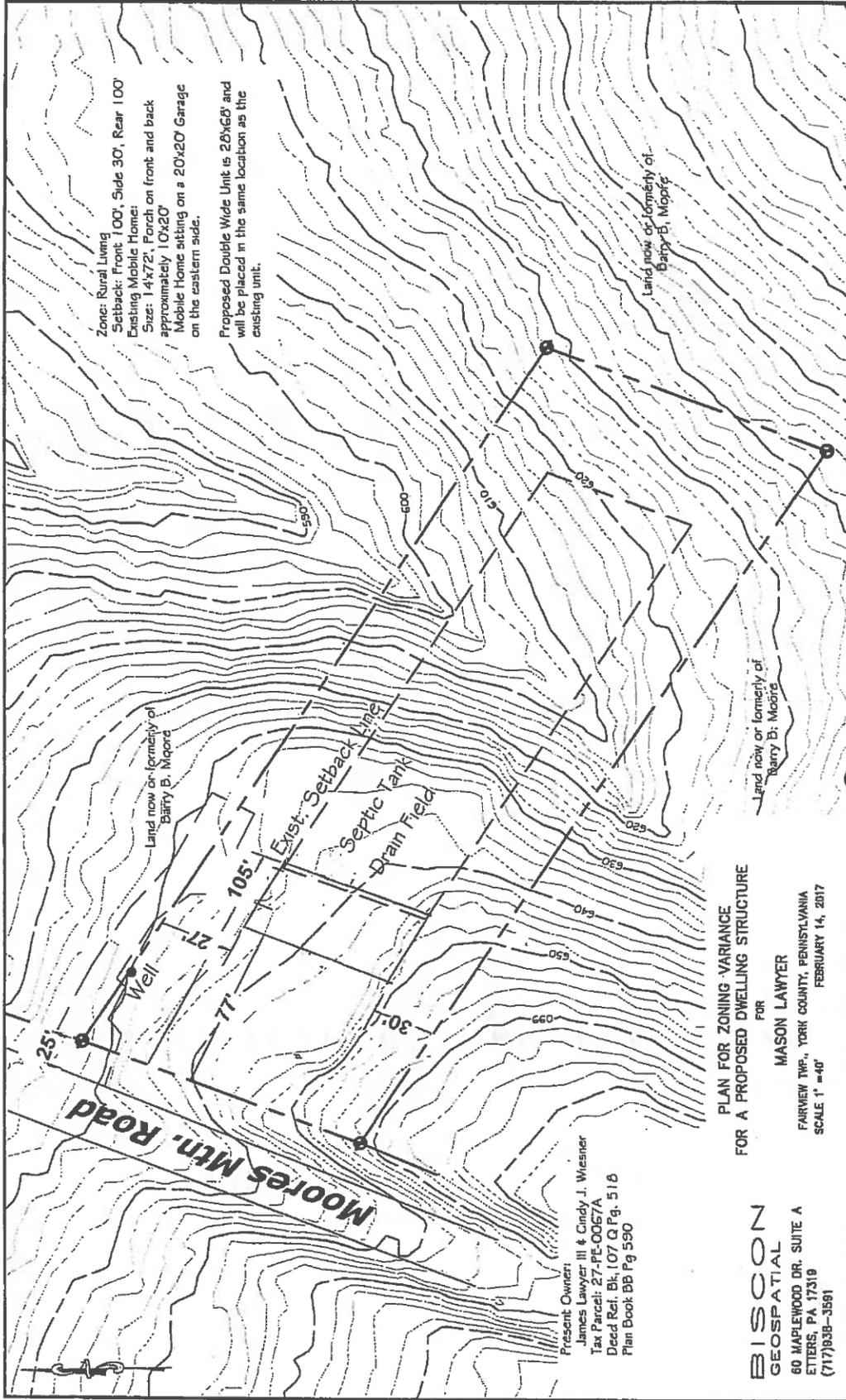
FAIRVIEW TOWNSHIP ZONING HEARING BOARD

Dated: April 20, 2017

By:  _____
Timothy C. Mader, Chairman

Distribution: Applicants

APP. 2



Zone: Rural Living
 Setback: Front 100', Side 30', Rear 100'
 Existing Mobile Home:
 Size: 14'x72', Porch on front and back
 approximately 10x20'
 Mobile Home sitting on a 20x20' Garage
 on the eastern side.
 Proposed Double Wide Unit is 28'x68' and
 will be placed in the same location as the
 existing unit.

Moores Mtn. Road

25'
 27'
 77'
 105'
 30'
 Well
 Septic Tank
 Drain Field
 Exist. Setback Line

Present Owner:
 James Lawyer III & Cindy J. Wiesner
 Tax Parcel: 27-FE-0067A
 Deed Ref. Blk. 107 G Pg. 51 B
 Plan Book BB Pg 590

PLAN FOR ZONING VARIANCE
 FOR A PROPOSED DWELLING STRUCTURE
 FOR
 MASON LAWYER
 FAIRVIEW TWP., YORK COUNTY, PENNSYLVANIA
 SCALE 1" = 40'
 FEBRUARY 14, 2017

BISCON
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