

IN THE MATTER OF : BEFORE THE FAIRVIEW TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
ROGLIANO-LUPINETTI : YORK COUNTY, PENNSYLVANIA
INVESTMENT GROUP, LLC : DOCKET NO. 2018-01

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

The Applicant applied for lot width variances to Section 300-16.A, Area and Design Requirements, of the Fairview Township Zoning Ordinance for two lots in the Rural Living Zoning District at 630 Old Quaker Road, Lewisberry, PA 17339. A hearing on the application was held on April 19, 2018, at 7:00 p.m. at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

FINDINGS OF FACT

1. The named Applicant for this hearing was Dr. Vincent Rogliano, 501 Pawnee Road, Mechanicsburg, PA, 17050. However, the record owner of the property which is the subject of the hearing is Rogliano-Lupinetti Investment Group, LLC.¹ Dr. Rogliano's representative at the hearing testified that he is the sole member of the Rogliano-Lupinetti Investment Group, LLC, and he agreed to amend the application to be in the name of the record owner of the property. Therefore, this decision is made in the name of the record owner which holds the legal entitlement to the requested variance.

¹ Deed dated December 28, 2004, from Gerald F. Kendall and Patricia M. Kendall, his wife, to Rogliano-Lupinetti Investment Group, LLC, Record Book 1699, Page 4949, Instrument Number - 2005089750, Office of the Recorder of Deeds, York County.

2. The subject property is a 53.6 acre tract of land, currently subdivided into fifteen (15) undeveloped parcels, access to which would be provided by a road from Old Quaker into the interior of the property.² The Applicant now wishes to re-subdivide the property into three (3) large lots, of 5.00 acres, 6.14 acres, and 41.37 acres with each lot fronting onto Old Quaker Road.

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. David Weihbrecht of Advantage Engineering Services, LLC, 700 Ayers Avenue, Lemoyne, PA 17043, appeared and testified on behalf of the Applicant.

5. The Applicant is requesting dimensional, lot width 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 variances for proposed Lots 1 and 2 are required in order to create driveway access for each lot to Old Quaker Road.

6. Old Quaker Road is designated a “collector” road under the current Fairview Township Zoning Ordinance. The required lot width for collector roads is 300 feet in the Rural-Living Zoning District. While the total lot has more than 1,100 feet of frontage on Old Quaker Road, there is significant wetlands area on the parcel which narrows significantly the usable frontage and necessitates the requested variances. Without invading the wetlands area – an environmentally impermissible intrusion – it is not possible to have 3 separate 300 foot lot frontages on Old Quaker Road.

² The subdivision plan was approved in 2008, but no development of the property has occurred and it remains owned in full by the Applicant.

7. The Applicant proposes that Lot 1 will have 142.73 feet of road frontage while Lot 2 will have 150.01 feet of road frontage, with the remainder of the frontage being a part of Lot 3.

8. Under the circumstances of this application, the two lot width variances should be approved. The circumstances of the location of the wetlands on the property make it a unique circumstance justifying the variances. The Applicant has not created the hardship; but has demonstrated that the reduced frontages are necessary to allow for the rather limited subdivision of the 53.6 acre parcel into 3 lots.

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 under the circumstances, the Applicant has established his entitlement to the lot width dimensional variances as requested.


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.

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

FAIRVIEW TOWNSHIP ZONING HEARING BOARD

Dated: May 23, 2018

By: 

Timothy C. Mader, Chairman

Distribution: Applicant



BOARD of SUPERVISORS
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MANAGER
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The Fairview Township Zoning Hearing Board will hold a Public Hearing on Thursday, **April 19, 2018**, at 7:00 p.m., at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070, to discuss the following:

Docket No. 2018-01: Vincent Rogliano, 501 Pawnee Drive, Mechanicsburg, PA 17050. The Applicant is requesting a variance to the Fairview Township Zoning Ordinance, § 306-16.A, "Minimum Lot Width along a Collector Road". The Applicant is proposing a subdivision which will contain two lots of width less than the 300 foot requirement for minimum lot width at lot frontage on Old Quaker, a collector street. The property is located at or around 630 Old Quaker Road, Lewisberry, PA 17339, and is in the Rural Living Zoning District.



ZONING HEARING BOARD APPLICATION
YORK, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: _____

Address: _____

Phone: _____

PROPERTY LOCATION:

Address: 630 Old Quaker Road

Lewisberry, PA 17339

Lot Size: 52.51 acres

Date Purchased: 12/28/2004

Location: _____

EXISTING OWNER OF PROPERTY:

Name: Vince Rogliano

Address: 501 Pawnee Drive

Mechanicsburg, PA 17050

Phone: (717) 319-8059

PRESENT USE OF PROPERTY:

Vacant 15 lots - Undeveloped

Existing Zone: Rural Living

❖ Part 2:

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

() SUBSTANTIVE CHALLENGE

() SPECIAL EXCEPTION

(X) VARIANCE

() 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)

§306-16.A – Minimum Lot Width along a Collector Road

❖ Part 3:

DESCRIPTION OF REQUEST:

Allow for one lot to have a frontage width of 142.73 feet and also a lot frontage to be 150.01 feet

