

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
ALAN R. BENSON : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2018-04**

DECISION GRANTING A VARIANCE TO SECTION 300-21
OF THE FAIRVIEW TOWNSHIP ZONING ORDINANCE

The Applicant applied for a variance to the Fairview Township Zoning Ordinance (“the Ordinance” or “the Zoning Ordinance”) Section 300-21, for the erection of an accessory building (pole shed) in the front yard area at his residence, 261 Valley Road, Etters, PA 17319. A hearing was held on the application on July 19, 2018, at 7:00 p.m., at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, Pennsylvania 17070.

FINDINGS OF FACT

1. The Applicant and owner of the property is Alan R. Benson, with a current address of 261 Valley Road, Etters, PA 17319.
2. The property that is the subject of the hearing, 261 Valley Road, Etters, is located in the Single-Family Residential Zoning District of Fairview Township. The lot is 9.71 acres in area with the existing home set back more than 300 feet from Valley 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. The Applicant wishes to construct an 30’ x 40’ x 12’ pole frame building on his property for storage of lawn care and snow removal equipment, and recreational vehicle(s) . The proposed location is in the area between the residence and Valley Road, which is the defined “front yard” area under the Zoning Ordinance Section 300-11.

5. Zoning Ordinance Section 300-21.A, Table 5-3, sets out the area and design requirements for structures in the R-S District. That section provides that accessory structures “are not permitted to be located in the front yard.” Therefore, in order for the Applicant to locate the pole frame building as desired, a variance from the requirements of Zoning Ordinance Section 300-21 is required.

6. While there is substantial area to the rear of the home on this 9.71 acre lot, that location would require removal of numerous mature trees and considerable excavation. Further, the area to the rear of the home serves as a forested buffer along Big Spring Run which runs along the eastern side of the property.

7. The Applicant requests the variance on the basis of the disturbance of soil and vegetation required for location in the rear which could impact the watershed of Big Spring Run. Furthermore, the existing residence is located far beyond the minimum setback (40 feet) required from the public road, allowing an ample area to the front of the home for location of the building without intruding near the road or adjoining residences.

CONCLUSIONS

1. The Applicant has demonstrated that because of unique features of the lot, including the location of the residence, literal compliance with the requirements of the Ordinance would impose an unreasonable and unnecessary hardship in the use of his property.

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicant established that because of the location and orientation of the home on the lot and the characteristics of the rear yard area where the Ordinance would allow the building, the literal requirements of the Ordinance should not be imposed. Therefore, the Fairview Township Zoning Hearing Board should grant the requested variance from Section 300-21 of the Zoning Ordinance to allow the erection of an 30’ x 40’ x 12’ pole frame building in the front yard area of this lot provided that it is no closer than 180 feet from the right-of-way line of Valley Road.

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 application for variance from the requirements of Section 300-21 of the Fairview Township Zoning Ordinance is granted to allow the erection of an 30' x 40' x 12' pole frame building (accessory structure) in the front yard as requested, provided that its placement is no closer than 180 feet from the right-of-way line of Valley Road.

The application was granted 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: August 16, 2018

By: 
Keith Bashore, Vice-Chairman

Distribution:
Applicant



BOARD of SUPERVISORS
Dr. Larry Cox, *Chairman*
Korey Leslie, *Vice-Chairman*
Christopher L. Allen, *Supervisor*
John W. Jones, *Supervisor*
Mario D. Pirritano, *Supervisor*

MANAGER
Donald F. Martin, III

The Fairview Township Zoning Hearing Board will hold a Public Hearing on Thursday, **July 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. 2018-04: Alan R. Benson, 261 Valley Rd., Etters, PA 17319. The Applicant is requesting a Variance to the Fairview Township Zoning Ordinance, §300-21 Table 5-3, "Area and Design Requirements RS Single-Family Residential Zoning District". The Applicant is proposing to build an accessory structure in the front yard. The property is located at 261 Valley Road, Etters, PA 17319, and is in the Single-Family Residential Zoning District.



ZONING HEARING BOARD APPLICATION
YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Alan R. Benson
Address: 261 Valley Rd
Ethers, PA 17319
Phone: 717-798-5271

EXISTING OWNER OF PROPERTY:

Name: Alan and Donna Benson
Address: 261 Valley Rd Ethers
PA 17319

PROPERTY LOCATION:

Address: 261 Valley Rd
Ethers, PA 17319

Lot Size: 9.71 acres

Date Purchased: 4/05/95

Location: North of Valley Rd, east
of intersection of Valley and Carn Hill Rd

PRESENT USE OF PROPERTY:

Residential, single family

EXISTING ZONE: RS - single family
residential

❖ Part 2:

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

- SUBSTANTIVE CHALLENGE
- SPECIAL EXCEPTION
- 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):

300-21 Area and design Requirements Table 5-3 Accessory
structures not permitted in front yard.

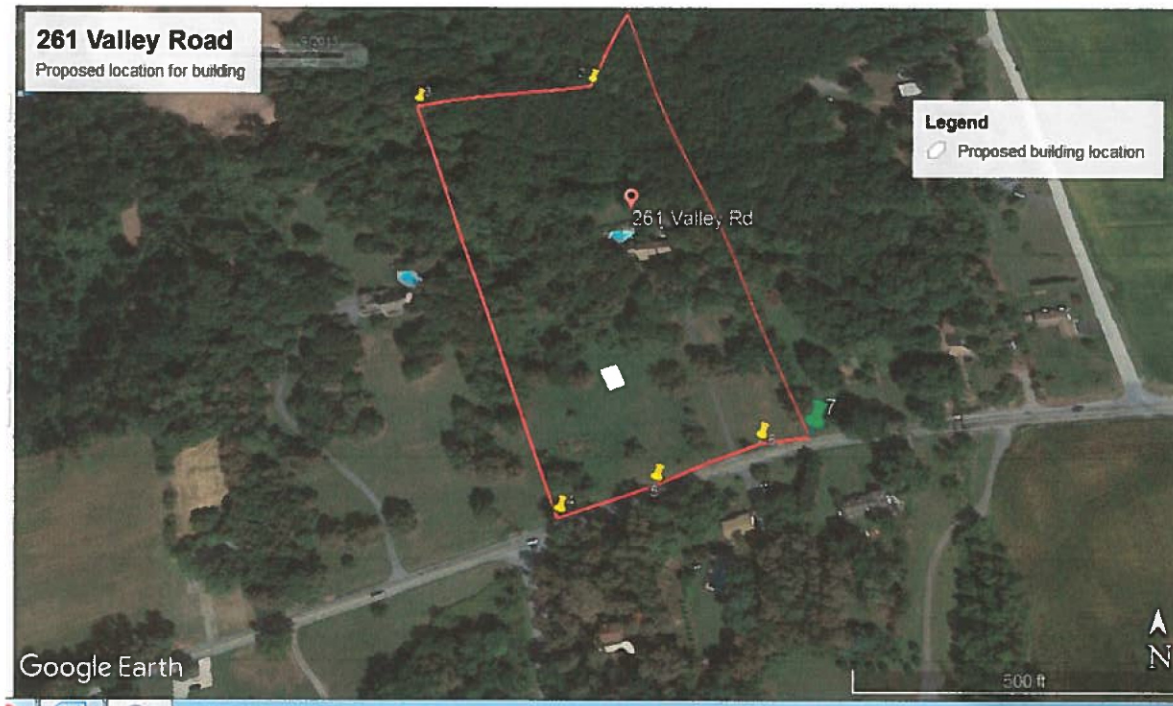
❖ Part 3:

DESCRIPTION OF REQUEST:

Requesting Variance to construct Pole frame building
between residence and Valley Rd. for storage of
lawn care and snow removal equipment, and RV storage.
See attachment for details.

Request for variance – 261 Valley Road, Etters PA

Proposed location for building – Shown in diagram below. (Red lines indicate approximate location of property lines). Building would be located approximately 180 feet from Valley Road.



Reason for Requesting Variance – Constructing a building on the back (north) side of house would require removal of numerous mature trees and considerable excavation to level the building site and provide access. At present, this area serves as a forested buffer along Big Spring Run, which runs along the eastern side of the property. The proposed building site would minimize disturbance of soil and vegetation. The location was chosen to minimize impact on surrounding properties. Due to the topography and existing vegetation around the site, the building won't be visible to neighbors on the eastern, western and northern boundaries of the property, and visual impact to neighbors on the south is minimized.

Building Specifications – Pole frame building, 30x40'x12', steel siding, concrete floor. Gable ends facing north and south. Picture at right shows general layout of doors, will select colors that match/complement house. Building would be used for storage of tractors, lawn and garden equipment and RV storage.



