

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
ANDREW and DEBORAH SHULTZ : **YORK COUNTY, PENNSYLVANIA**
 : **DOCKET NO. 2019-01**

DECISION GRANTING A VARIANCE
TO THE SIDE YARD SETBACK REQUIREMENTS OF
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 at 745 Ridge Road, Lewisberry, Fairview Township, PA 17339. A hearing on the application was held on February 21, 2019, 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 Andrew and Deborah Shultz who reside at 745 Ridge Road, Lewisberry, PA 17339. The Applicants are the owners of the one (1) acre lot which is the subject of this application.

2. The Applicants are requesting a side yard setback variance 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 relief from the required 20 foot side yard setback to allow construction of a 19' x 52' pole barn the same distance from the property line as a 13' x 45' pavilion, which will be replaced, is presently located.

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 wish to demolish the current pavilion on the property which is in a nonconforming location, 10 feet from the side yard property line. They propose to construct a new pole barn, to be used for housing a recreational vehicle (RV), at the same location with the same setback nonconformity.

5. The Applicants presented drawings and photographs which depict the proposed location of the new structure, the slope at the property line to the interior and rear of the property, and the location of existing mature trees on the property.

6. The topography of the lot, as well as the existing tree location, is the basis for the requested dimensional variance. By locating the new, expanded structure the same distance from the property line as the existing structure, the Applicants will avoid building on a steeply sloped area to the interior and rear of the lot which would be involved in relocating in strict conformity to the Ordinance. Locating the new pole barn to the interior of the lot would also require the removal of a large existing shade tree which the Applicants wish to preserve.

CONCLUSIONS

1. The Applicants have the burden of establishing their entitlement to the requested dimensional variance 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 side yard setback requirements. A variance to replace the existing nonconforming pavilion with a larger structure with the same 10 foot side yard setback nonconformity should be granted.

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 the 10 foot side yard setback variance is 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: March 21, 2019

By: 
Keith Bashore, Vice-Chairman

Distribution: *Applicants*



ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: ANDREW J. SHULTZ
Address: 745 RIDGE RD
LEWISBERY, PA 17339
Phone: 717-329-2030

EXISTING OWNER OF PROPERTY:

Name: ANDREW J & DEBORAH L. SHULTZ
Address: 745 RIDGE RD.
LEWISBERY, PA 17339

PROPERTY LOCATION:

Address: 745 RIDGE RD
LEWISBERY, PA 17339
Lot Size: 1.00 ACRES (43,560 sq ft)
Date Purchased: OCTOBER 2000
Location: WOODED LOT AT THE EASTERN
END OF THE TOWNSHIP ON RIDGE
OF MOUNTAIN.

PRESENT USE OF PROPERTY:

SINGLE FAMILY DWELING

EXISTING ZONE: RL - RURAL LIVING

❖ 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):

ARTICLE IV (RURAL AREA ZONING DISTRICTS), SUB SECTION 300-16 (AREA AND DESIGN REQUIREMENTS)

❖ Part 3:

DESCRIPTION OF REQUEST:

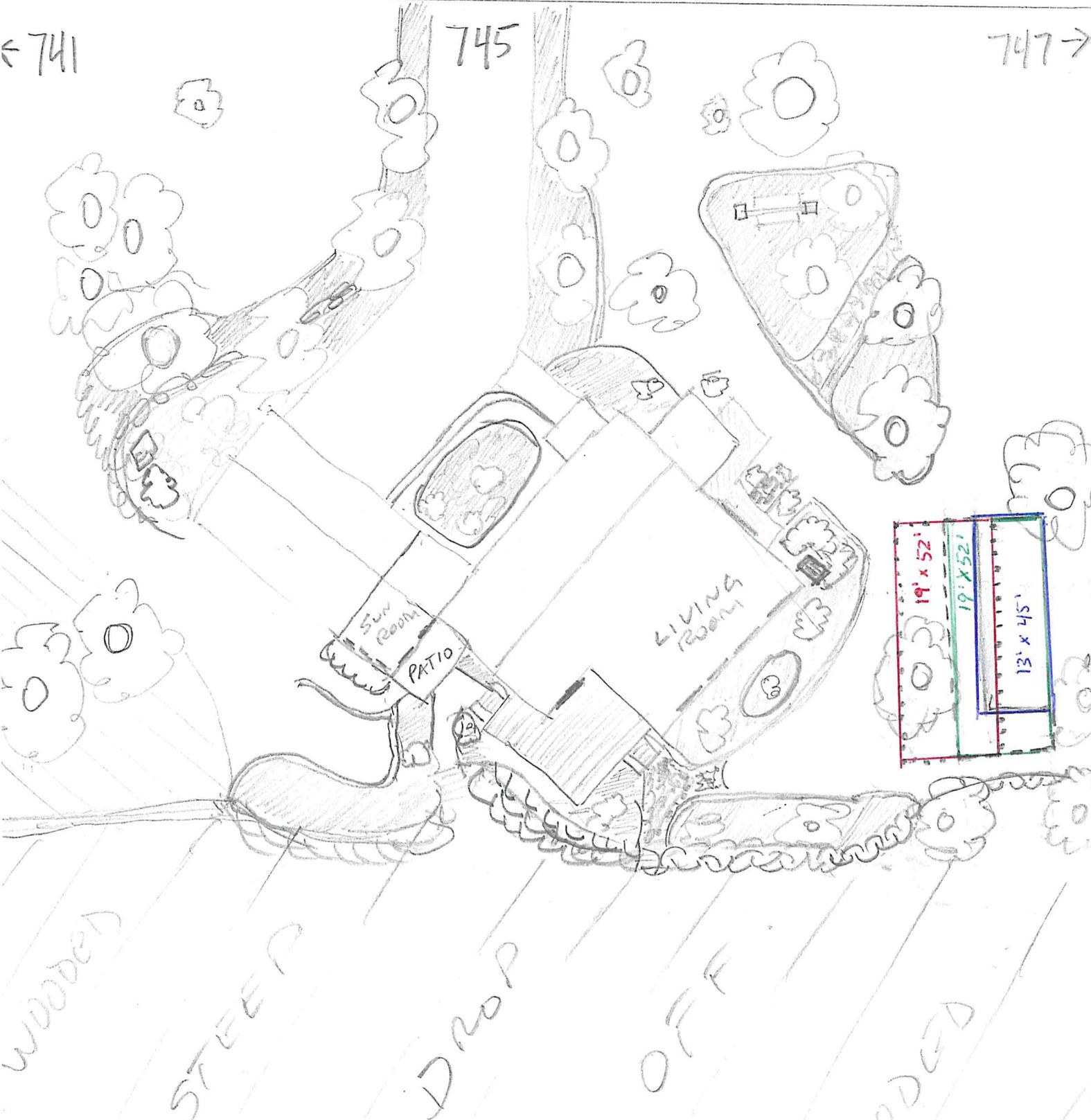
THIS REQUEST IS TO REPLACE AN EXISTING ACCESSORY BUILDING THAT IS 10 FEET FROM THE PROPERTY LINE WITH A NEW BUILDING IN THAT SAME LOCATION MAINTAINING THE SAME 10-FOOT SETBACK. SUB SECTION 300-16 TABLE 4.3 INDICATES A NEW DISTANCE OF 20 FEET. MOVING THE BUILDING FURTHER FROM THE PROPERTY LINE WOULD MEAN REMOVAL OF LARGE BEAUTIFUL TREES AND ALSO CREATE AN UNSAFE DROPOFF AT THE REAR OF THE BUILDING.

RIDGE RD

← 741

745

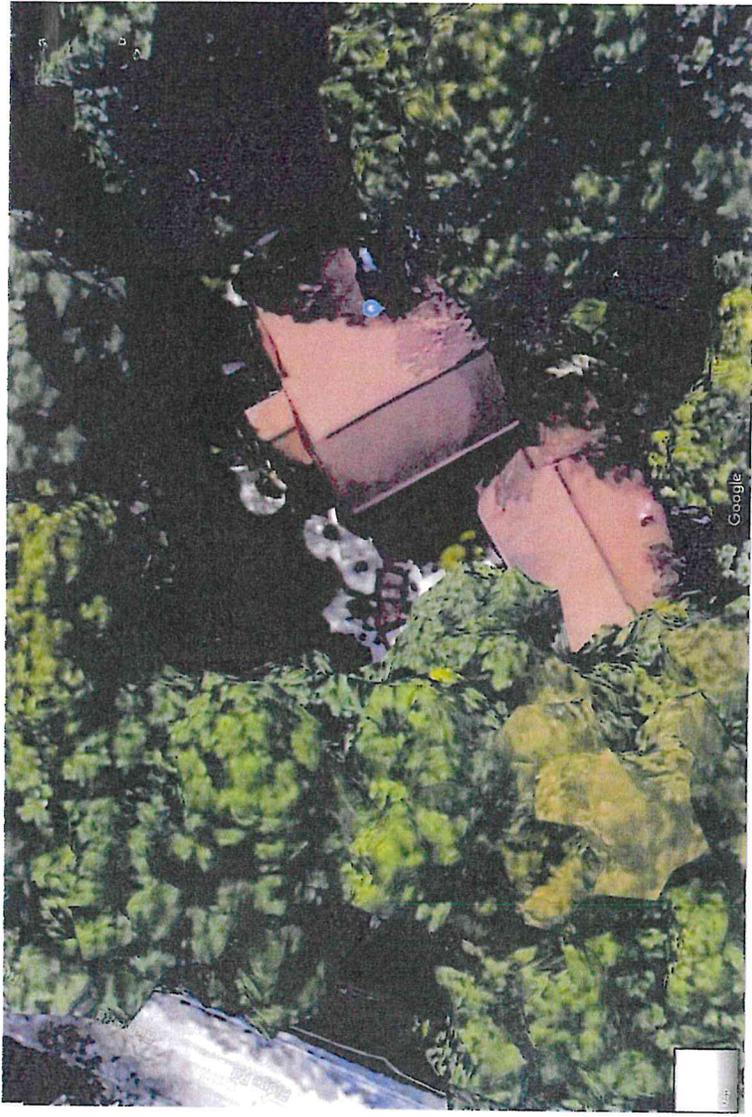
747 →



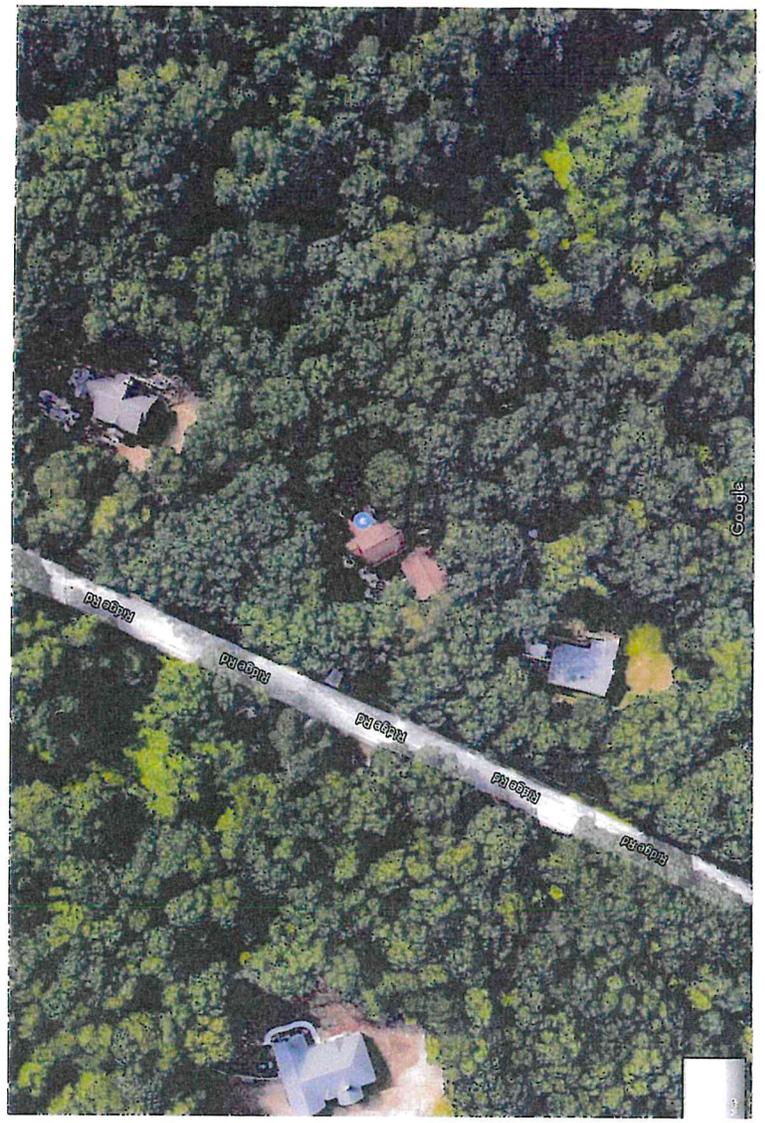
20-FOOT SETBACK	
10-FOOT SETBACK	
CURRENT POSITION	

MARY KEAT PROPERTY

CLOSE AERIAL VIEW OF
PROPERTY FROM GOOGLE EARTH.
CURRENT STRUCTURE IS IN
TOP LEFT CORNER BUT
NOT VISIBLE UNDER
TREE COVER.



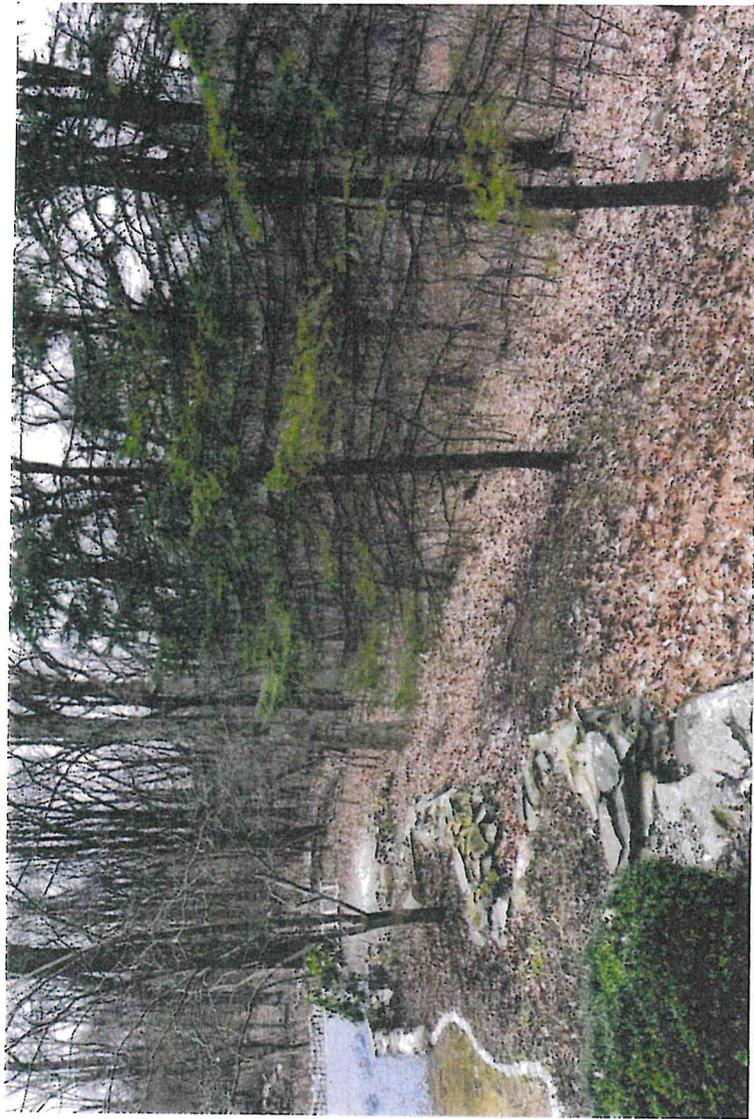
- WIDE AERIAL VIEW FROM
GOOGLE EARTH.
- SHOWS PROXIMITY TO 741.
- 4 747 ADDRESSES.
- LARGER SEPARATION FROM
747 w/ WOODED AREA
IN BETWEEN.



View of Property from Ridge Rd.
Current Structure to the
Left of House



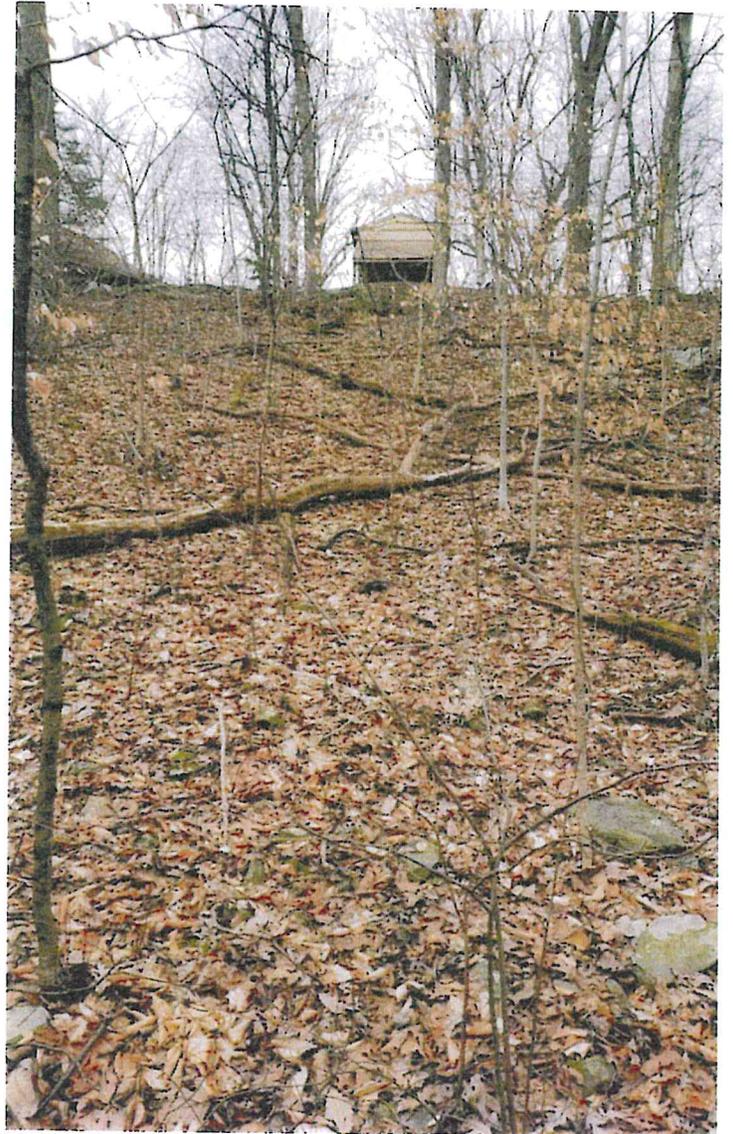
Drop off @ Corner of Property



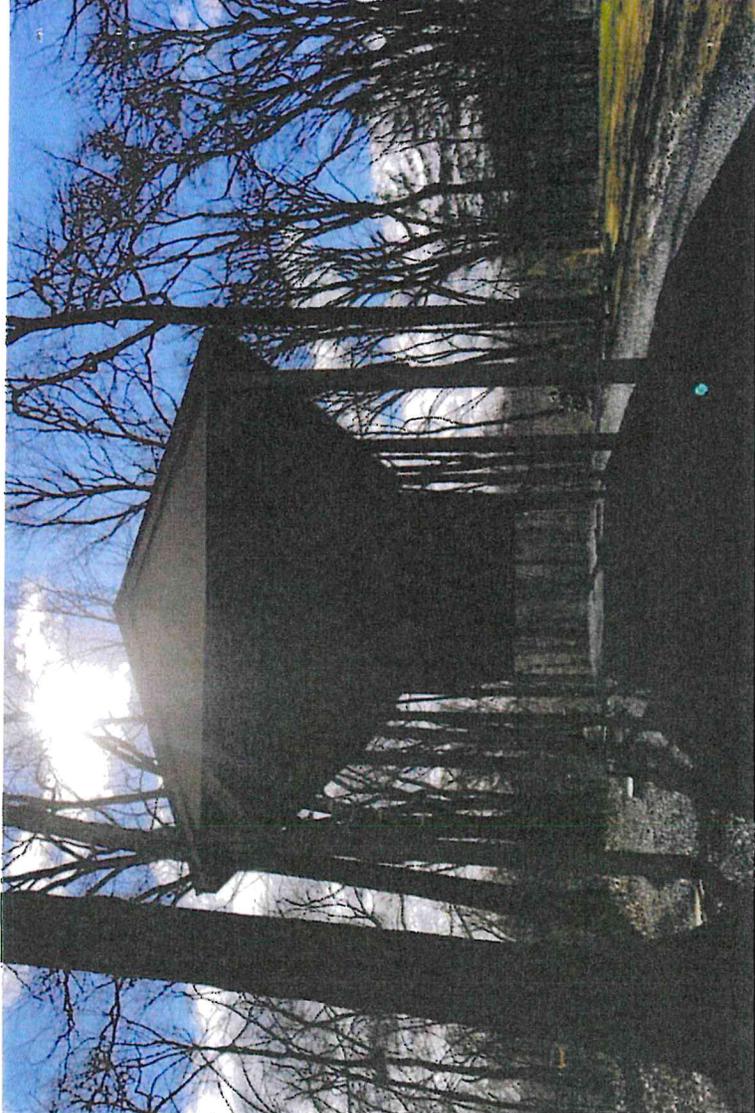


DROP-OFF @ NEAR OF PROPERTY

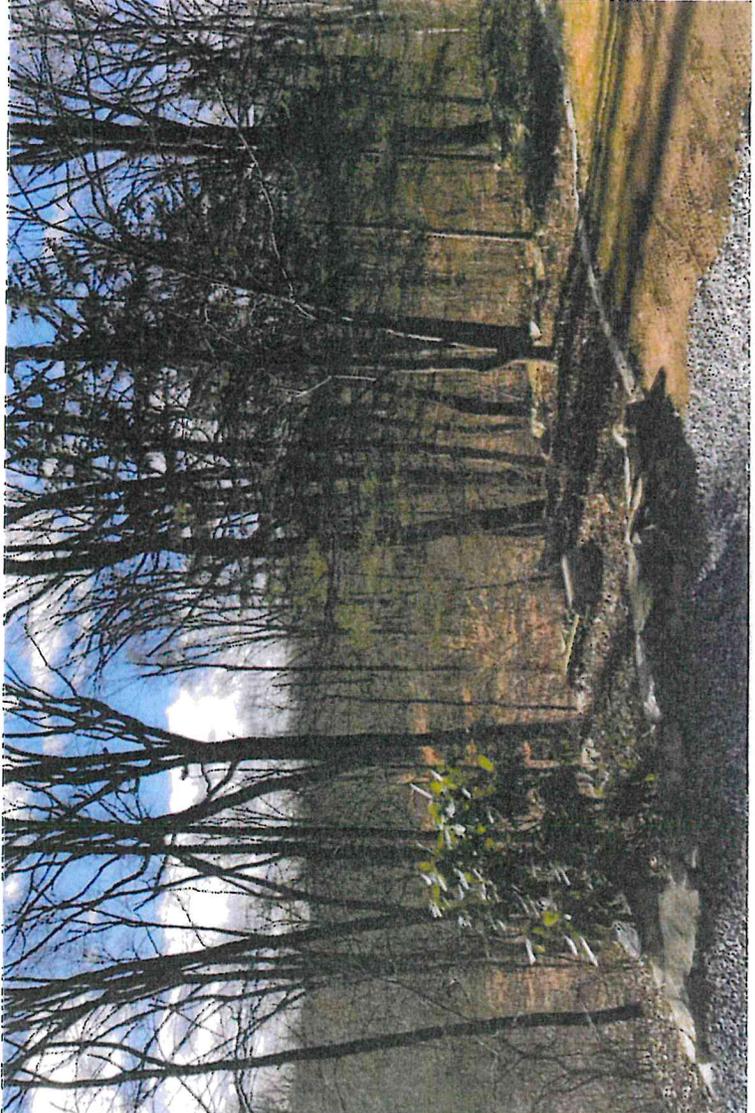
PICTURE FROM
BOTTOM OF
THE SLOPE @
THE PROPERTY
LINE.



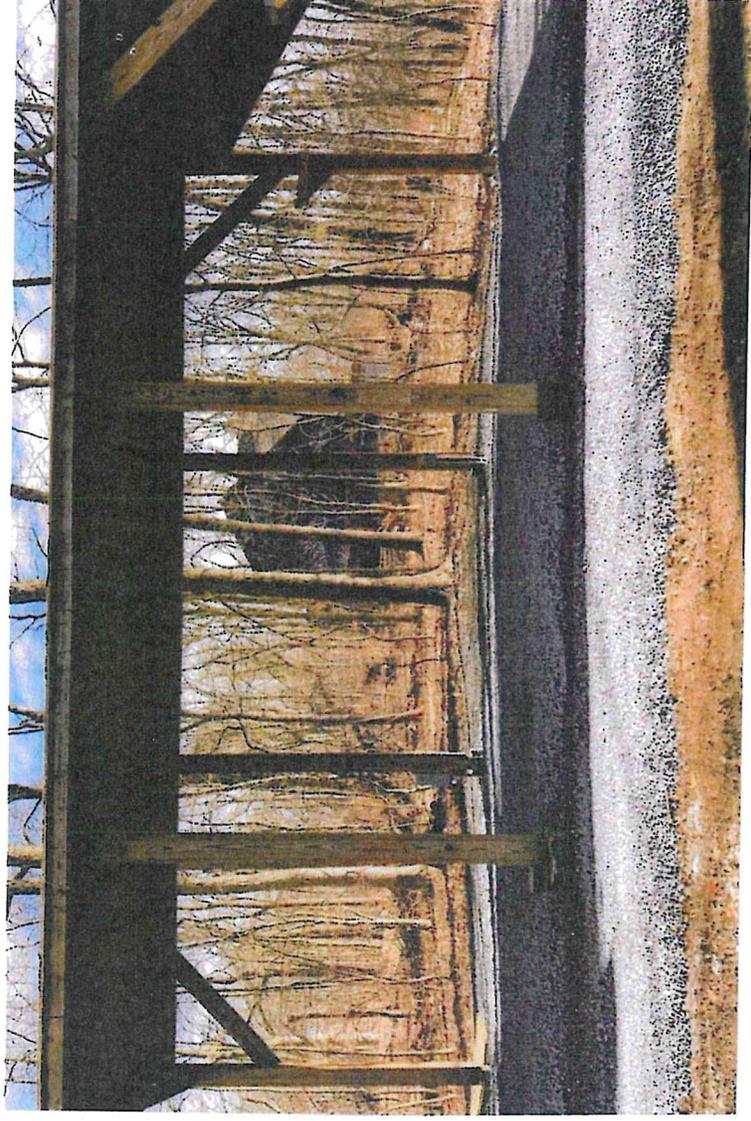
- PICTURE OF CURRENT STRUCTURE.
- NEW STRUCTURE WOULD BE 6 FT WIDER AND 7 FT LONGER.
- WOULD LIKE TO NOT CUT DOWN THE HICKORY TREE TO THE RIGHT OF THE STRUCTURE.



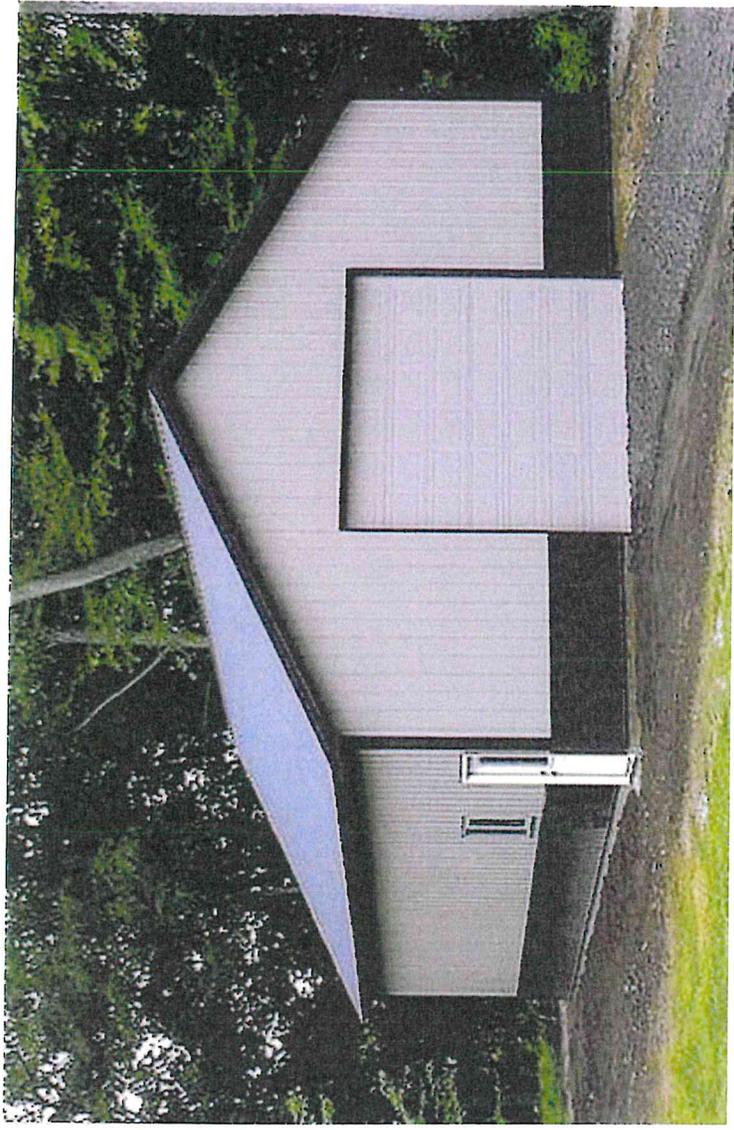
- LANDSCAPED AREA BEHIND THE HICKORY TREE.
- PICTURED ARE A DOGWOOD TREE AND RHODODENDRON THAT WOULD BE IMPACTED BY A 20-FOOT SET BACK.



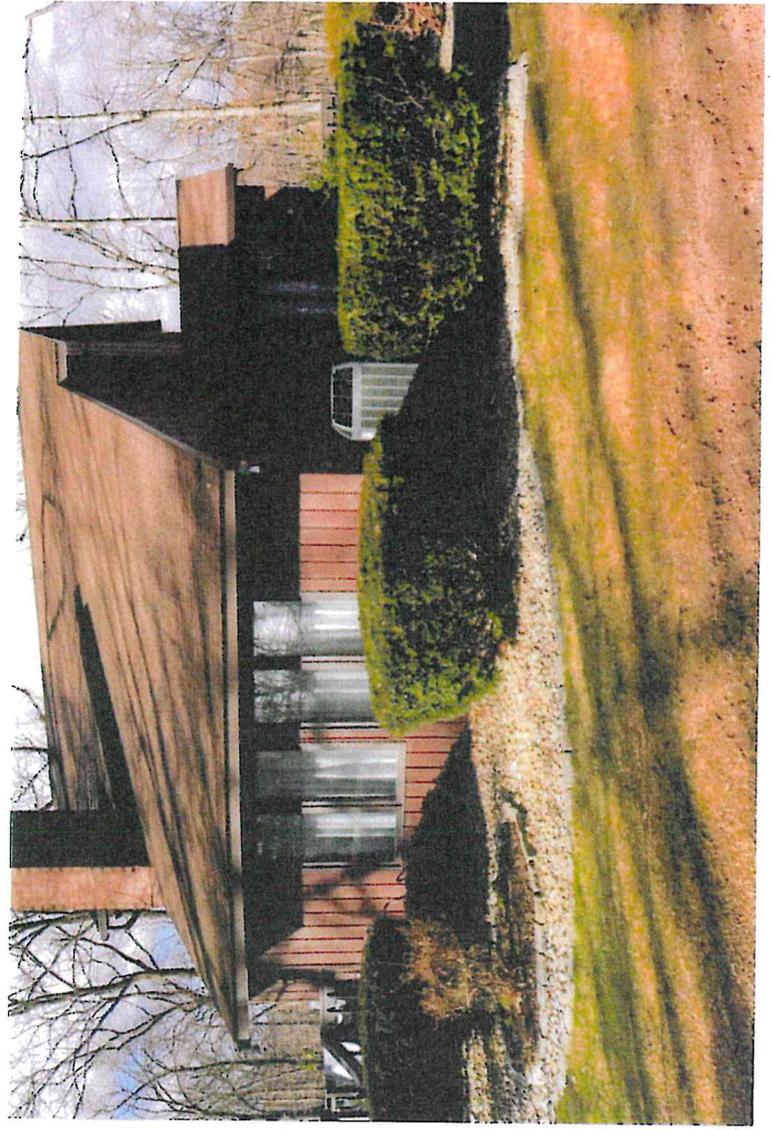
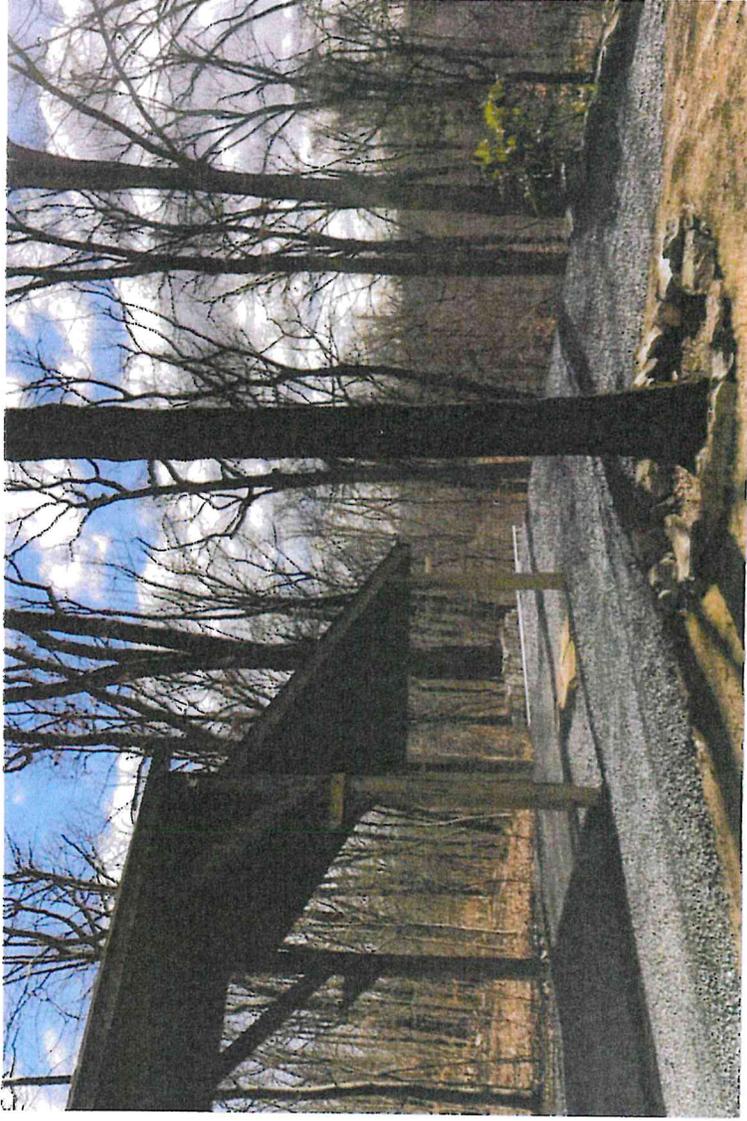
- PICTURED ARE THE CURRENT STRUCTURE
- THE NEW STRUCTURE WOULD BE WITHIN THE GRAVELED AREA IF THE VARIANCE IS APPROVED
- SHOWS WOODED AREA BETWEEN PROPERTIES.



- TYPE OF STRUCTURE WE'D LIKE TO BUILD.
- POLE BARN W/ METAL SIDING AND ROOF.
- COLOR MATCHED TO OUR HOUSE. (REDISH/BROWN W/ BRONZE COLORED TRIM)

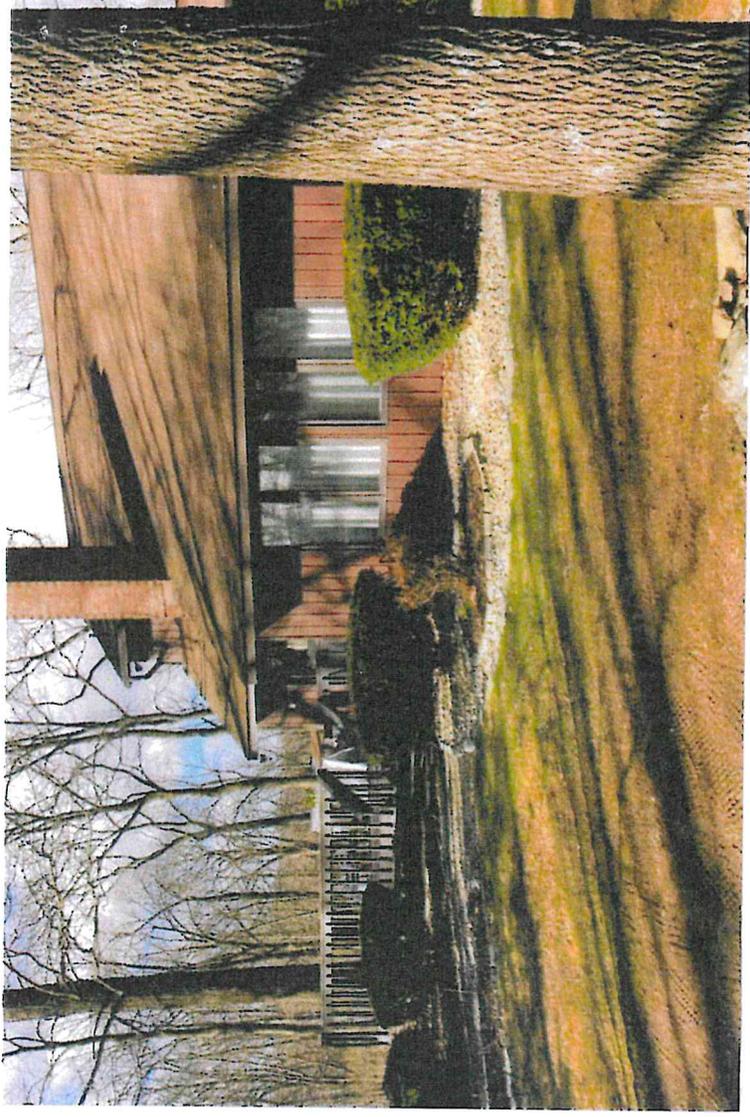


PICTURE OF HICKORY
TREE WOULD LIKE
TO SAVE.

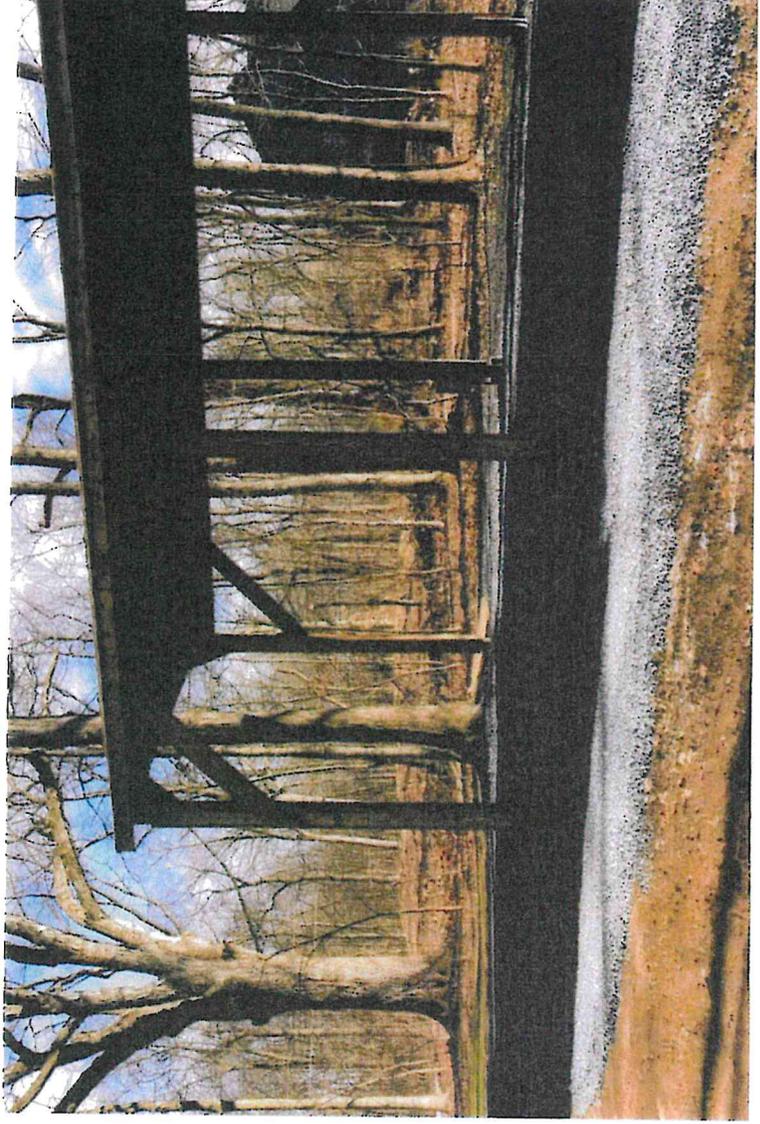


- LIVING ROOM WINDOWS.
- WITH A VARIANCE WE'D
BE ABLE MAINTAIN THE
SCENIC VIEW FROM
THE LIVING ROOM.

- LIVING ROOM WINDOWS
- SHOWS CLOSE UP OF THE HICKORY TREE.



ANOTHER PICTURE OF THE
CURRENT STRUCTURE
SHOWING MORE OF THE
TREES ON OUR PROPERTY
AND OUR NEIGHBORS.



- MAINTAINING A
10 FOOT SET BACK
ALLOWS FOR ACCESS
BETWEEN THE
NEW STRUCTURE
AND THE HOUSE.



