

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
BRADLEY PARFITT : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2020-04**

**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 in a single-family residence pursuant to Section 300-15 of the Fairview Township Zoning Ordinance. The property is located at 1022 Pinetown Road, Lewisberry, PA 17339 and is in the Rural Living Zoning District of the Township. A hearing on the application was held on June 18, 2020, at 6:30 p.m., at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.¹

FINDINGS OF FACT

1. The Applicant is Bradley Parfitt, 2318 Abbey Lane, Harrisburg, PA 17112.
2. The premises which is the subject of the hearing is a vacant lot located at 1022 Pinetown Road, Lewisberry, PA. The lot is 2.99 acres in area according to the York County Tax Assessment Office.
3. The Applicant's daughter and son-in-law wish to build a 4-bedroom residence with an attached accessory apartment of approximately 795 square feet which will be occupied by the Applicant. The accessory apartment will consist of a bedroom, bathroom, kitchen/dining

¹ The hearing was originally scheduled, and public notice was made for May 21. The hearing could not be held at that time, however, in view of the coronavirus pandemic and the Emergency Orders of the Governor and the Fairview Township Board of Supervisors limiting public meetings. The Board therefore continued the hearing until the June 18 date when it could be held in accordance with the Governor's modified emergency orders and pursuant to Act 15 of 2020 which authorized local governmental meetings using approved telecommunications devices. A supplemental public notice, providing for the Act 15 procedures, was made for the June 18 hearing date and time.

area, and a garage. The apartment will use the primary residence's electric service, well water, and on-site septic system.

4. Mr. Parfitt testified with respect to the criteria required under Section 300-76 for the accessory apartment. He confirmed that the accessory apartment will be compatible with the neighborhood. He further testified to the apartment's intended use, the facilities included in it, and its dimensions.

5. Stephen M. Waller, Zoning Officer and Code Administrator for Fairview Township, testified that he saw no Ordinance issues with the request.

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 are permitted pursuant to Section 300-15 of the Zoning Ordinance with a special exception. The specific Ordinance requirements for accessory apartments are delineated in Section 300-76 and are applicable to this application. Each of those specifications were addressed by the Applicant's testimony at the hearing and he demonstrated that the proposed accessory apartment will comply in all respects with the specific Ordinance requirements of Section 300-76.

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

CONCLUSIONS

1. Pursuant to Section 300-15 of the Fairview Township 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 and 300-99.E(3) of the Zoning Ordinance.

2. This application meets all of the standards established under Section 300-76 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 proposed accessory apartment should, therefore, be permitted and the special exception granted.

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 not to exceed 800 square feet in area at the Applicant's property at 1022 Pinetown Road, Lewisberry, PA 17339.

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

FAIRVIEW TOWNSHIP ZONING HEARING
BOARD

Dated: July 16, 2020

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

NOTICE

The Fairview Township Zoning Hearing Board will meet on Thursday, June 18, 2020 at 6:30 p.m. All members of the Zoning Hearing Board will not be physically present at the Fairview Township Building located at 599 Lewisberry Road, New Cumberland, PA 17070, but instead will conduct a virtual meeting utilizing authorized telecommunications devices. The format is authorized by Act 15 of 2020 as a result of the state of emergency in Pennsylvania regarding COVID-19 (Coronavirus). The Zoning Hearing Board, its Solicitor, the Zoning Officer and the stenographer will meet electronically via "GoToMeeting" with the applicants, their attorneys and witnesses. The meeting will be live-streamed for public viewing on the Fairview Township website (<https://twp.fairview.pa.us/Links>) beginning at 6:30 p.m. At the beginning of the broadcast and on the notice posted at the entrance to the Township Building and on the Township website, a telephone number will be provided for interested parties to call in to ask questions or make a statement regarding each case. Any persons other than the Applicants who may wish to testify are requested to notify the Zoning Officer no later than June 15. In addition, any questions concerning the applications may be emailed to stephenw@twp.fairview.pa.us or mailed to the attention of the Zoning Officer at the Township building address provided the questions are received no later than June 15, 2020. The Zoning Hearing Board will hear the following applications:

Docket No. 2020-02: William L. and Kristen M. Holjes, 8 Cypress Place, Camp Hill, PA 17011. The Applicants are requesting a Variance to Fairview Township Zoning Ordinance §300-20 – Permitted Uses, Residential Mixed Use District or a Special Exception pursuant to Ordinance §300-4 – Interpretation and uses not otherwise provided for, for the purpose of operating a landscaping service business at the property located at 844 Fishing Creek Road, New Cumberland, PA 17070, which is in the Residential Mixed Use Zoning District.

Docket No. 2020-04: Bradley Parfitt, 2318 Abbey Lane, Harrisburg, PA 17112. The Applicant is requesting a special exception pursuant to the Fairview Township Zoning Ordinance §300-15 for an accessory apartment in a single-family detached dwelling. The property is owned by the Applicant, located at 1022 Pinetown Road, Lewisberry, PA 17339, and is in the Rural Living District.

Persons with disabilities may contact the Township office at (717) 901-5200 or stephenw@twp.fairview.pa.us during regular office hours to discuss how best to accommodate your needs.



ZONING HEARING BOARD APPLICATION

MAR 23 2020

YORK COUNTY, PENNSYLVANIA

MAR 23 2020

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: BRADLEY PARFITT / ANDREW & COURTNEY CERJANIC

Address: 2318 ABBEY LANE
HARRISBURG, PA 17112

Phone: 717-439-9081

EXISTING OWNER OF PROPERTY:

Name: BRADLEY PARFITT

Address: 2318 ABBEY LANE
HARRISBURG, PA 17112

PROPERTY LOCATION:

Address: 1022 PINETOWN RD
LEWISBERRY, PA

Lot Size: 3.06 ACRES (133,386 ft²)

Date Purchased: MAY 22, 2017

Location:

Tax Parcel 27-000-0F-0074-B0-00000

PRESENT USE OF PROPERTY:

VACANT

EXISTING ZONE: RL

RURAL LIVING ZONING DISTRICT

❖ Part 2:

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

- () SUBSTANTIVE CHALLENGE
- (X) 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):

300-76A, 300-15 TABLE 4.2 SECTION C, 300-30, 300-11

❖ Part 3:

DESCRIPTION OF REQUEST:

BUILDING A 4 BEDROOM HOME OF APPROXIMATELY 2500 SQ FT. WITH AN ACCESSORY APARTMENT OF 800 sqft FLOOR AREA NET, ATTACHED WITH A COVERED BREEZEWAY, TO BE WITHIN THE PRINCIPAL SINGLE-FAMILY DETACHED BUILDING. SEE ATTACHED DRAWINGS FOR ADDITIONAL DETAIL.

THE ACCESSORY APARTMENT WILL BE AN IN-LAW QUARTERS FOR BRADLEY PARFITT

❖ Part 4

LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 200 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
BRADLEY PARFITT	1018 PINETOWN RD, LEWISBERRY PA 17339	VACANT LOT RESIDENCE RL
+KIRA JASON PARFITT	1014 PINETOWN RD, LEWISBERRY PA 17339	SINGLE FAMILY RESIDENCE RL
JEREMY + SABRINA STERNER	1026 PINETOWN RD, LEWISBERRY, PA 17339	SINGLE FAMILY RESIDENCE RL
ROBERT AND ANDREW RICH CREEK	970 PINETOWN RD, LEWISBERRY, PA 17339	SINGLE FAMILY RESIDENCE RL
BRENT + BRITNEY MILLER	1007 PINETOWN RD, LEWISBERRY, PA 17339	SINGLE FAMILY RESIDENCE RL
GREGORY + JUDY	_____	_____
DAWN CLARK	997 PINETOWN RD LEWISBERRY, PA 17339	SINGLE FAMILY RESIDENCE RL
ROBERT SHOLLEY	TRAVER DR, LEWISBERRY, PA 17339	SINGLE FAMILY RESIDENCE RL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER QUALITY PROTECTION

SITE INVESTIGATION AND PERCOLATION
TEST REPORT FOR ON-LOT DISPOSAL OF SEWAGE

Application No. **Z004243** Municipality **FAIRVIEW** County **YORK**
 Site Location **PINETOWN RD** Subdivision Name **TRAVER**
 SUITABLE Soil Type _____ Slope % _____ Depth to Limiting Zone _____ Ave. Perc. Rate **22.1**
 UNSUITABLE Mottling Seeps or Pondered Water Bedrock Fractures Coarse Fragments
 Perc. Rate Slope Unstabilized Fill Floodplain Other

SOILS DESCRIPTION:

Soils Description Completed by: **BOB WHITMORE**
 Description of Horizon

Date:

inches
 0 TO
 TO
 TO
 TO
 TO
 TO

PROBE 44 & 45
SEE ATTACHED

Depth to limiting Zone:
 inches

PERCOLATION TEST:

Percolation Test Completed by: **BOB WHITMORE**

Date: **6/25/08**

Weather Conditions: Below 40° 40° F or above
 Soil Conditions: Wet Dry Frozen

Dry Rain, Sleet, Snow (last 24 hours)

Hole No.	***		Reading Interval	Reading No. 1: Inches Of drop	Reading No. 2: Inches Of drop	Reading No. 3: Inches Of drop	Reading No. 4: Inches Of drop	Reading No. 5: Inches Of drop	Reading No. 6: Inches Of drop	Reading No. 7: Inches Of drop	Reading No. 8: Inches Of drop
	Yes	No									
1	X		10 / (30)	1 4/8	1 4/8	1 2/8	1 1/8	1 1/8	1		
2	X		10 / (30)	2 1/8	2	2	2				
3	X		10 / (30)	1 5/8	1 5/8	1 4/8	1 4/8				
4	X		10 / (30)	2 3/8	2 3/8	2 3/8	2 2/8				
5	X		10 / (30)	1 2/8	1 1/8	1 1/8	1				
6	X		10 / (30)	1 3/8	1 3/8	1 2/8	1 2/8				

*** Water remaining in the hole at the end of the final 30-minute presoak? Yes, use 30-minute interval; No, use 10-minute interval.

Calculation of Average Percolation Rate:

Hole No.	Drop during final period	Perc. Rate as Minutes/inch	Depth of Hole
1	1"	30	24"
2	2"	15	24"
3	1 4/8"	20	24"
4	2 2/8"	13.3	24"
5	1"	30	24"
6	1 2/8"	24	24"
TOTAL OF MIN / IN →		132.3	Min
TOTAL NO. OF HOLES →		6	Inch
		=	22.1

The information provided is the true and correct result of tests conducted by me, performed under my personal supervision, or verified in a manner approved by the Department.

(S) *Bob Whitmore*
 Sewage Enforcement Officer

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER QUALITY PROTECTION

SITE INVESTIGATION AND PERCOLATION
TEST REPORT FOR ON-LOT DISPOSAL OF SEWAGE

Application No. **Z004243** Municipality **FAIRVIEW** County **YORK**
 Site Location **PINETOWN RD** Subdivision Name **TRAYER**
 SUITABLE Soil Type _____ Slope % _____ Depth to Limiting Zone " _____ Ave. Perc. Rate **35.9**
 UNSUITABLE Mottling Seeps or Pounded Water Bedrock Fractures Coarse Fragments
 Perc. Rate Slope Unstabilized Fill Floodplain Other

SOILS DESCRIPTION:

Soils Description Completed by: **BOB WHITMORE**
 Description of Horizon _____

Date: _____

Inches
0 TO

TO **PROBE 45 & 46**

TO ***SEE ATTACHED***

TO

TO

TO

Depth to limiting Zone:
inches

PERCOLATION TEST:

Percolation Test Completed by: **BOB WHITMORE**

Date: **6/25/08**

Weather Conditions: Below 40° 40° F or above
 Soil Conditions: Wet Dry Frozen

Dry

Rain, Sleet, Snow (last 24 hours)

Hole No.	***		Reading Interval	Reading No. 1: Inches Of drop	Reading No. 2: Inches Of drop	Reading No. 3: Inches Of drop	Reading No. 4: Inches Of drop	Reading No. 5: Inches Of drop	Reading No. 6: Inches Of drop	Reading No. 7: Inches Of drop	Reading No. 8: Inches Of drop
	Yes	No									
1	X		10 / (30)	1 3/8	1 3/8	1 3/8	1 3/8				
2	X		10 / (30)	2 2/8	2 1/8	1 7/8	1 7/8	1 6/8	1 6/8		
3	X		10 / (30)	6/8	6/8	4/8	4/8				
4	X		10 / (30)	3/8	4/8	3/8	3/8				
5	X		10 / (30)	2 1/8	2	2	1 7/8				
6	X		10 / (30)	1 4/8	1 3/8	1 3/8	1 4/8				

*** Water remaining in the hole at the end of the final 30-minute presoak? Yes, use 30-minute interval; No, use 10-minute interval.

Calculation of Average Percolation Rate:

Hole No.	Drop during final period	Perc. Rate as Minutes/Inch	Depth of Hole
1	1 3/8"	21.8	24"
2	1 6/8"	17.1	24"
3	4/8"	60	24"
4	3/8"	80	24"
5	1 7/8"	16	24"
6	1 4/8"	20	24"

TOTAL OF MIN / IN → $\frac{214.9}{6} = 35.9$ ^{Min} / Inch

The information provided is the true and correct result of tests conducted by me, performed under my personal supervision, or verified in a manner approved by the Department.

(S) Bob W. Whitmore
Sewage Enforcement Officer

**SOIL PROFILE DESCRIPTION FOR HARRY FOX
 TRAVER FARM SUBDIVISION, PINETOWN ROAD
 FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA
 PROJECT R08-0165**

Test Pit: 46

Date: June 17, 2008

Slope: 6%

Soil Type: Lansdale

Horizon	Depth (Inches)	Description
Ap	0 to 12	Dark yellowish-brown (10YR 4/4) silt loam; moderate, coarse, granular and fine, subangular blocky structure; very friable; 5% coarse fragments; abrupt, wavy boundary.
Bt1	12 to 30	Strong brown (7.5YR 4/6) clay loam; moderate, coarse, subangular blocky structure; friable, moderately sticky, moderately plastic; <5% coarse fragments; clear, wavy boundary.
Bt2	30 to 54	Strong brown (7.5YR 5/8) and yellowish-red (5YR 5/6) clay loam; moderate, medium, subangular blocky structure; friable, moderately sticky, moderately plastic; 10% coarse fragments; clear, wavy boundary.
BC	54 to 74	Variegated strong brown (7.5YR 5/8), brownish-yellow (7.5YR 6/8) and light gray (10YR 7/1) channery loam; moderate, coarse, subangular blocky structure; friable to firm in place, slightly sticky, slightly plastic; 30% coarse fragments, few Mn coatings.
R	74 to 80+	Weathered light gray sandstone bedrock; massive, hard.

Limiting Zone Conditions in this Profile: Massive weathered bedrock at 74 inches.

Note: Adjacent Test Pit 45 had a very similar soil profile with no limiting zone observed to 80+ inches (6% slope).



Description By:

Luke E. Smeltz
 Luke E. Smeltz, CPSSc
 Project Manager/Soil Scientist

**SOIL PROFILE DESCRIPTION FOR HARRY FOX
 TRAVER FARM SUBDIVISION, PINETOWN ROAD
 FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA
 PROJECT R08-0165**

Test Pit: 44
Date: June 17, 2008

Slope: 6%
Soil Type: Lansdale

Horizon	Depth (Inches)	Description
Ap	0 to 10	Dark yellowish-brown (10YR 4/4) silt loam; moderate, coarse, granular and fine, subangular blocky structure; very friable; 5% coarse fragments; abrupt, wavy boundary.
Bt	10 to 30	Strong brown (7.5YR 5/6) clay loam; moderate, medium, subangular blocky structure; friable, moderately sticky, moderately plastic; <5% coarse fragments; clear, wavy boundary.
BC	30 to 48	Strong brown (7.5YR 4/6 and 7.5YR 5/6) sandy loam; moderate, medium, subangular blocky structure; friable, slightly sticky, slightly plastic; <5% coarse fragments; clear, wavy boundary.
C	48 to 80+	Variegated strong brown (7.5YR 5/8) and yellowish-red (5YR 5/6) sandy loam; moderate, coarse, angular blocky structure; friable to firm in place; <5% coarse fragments, few Mn coatings.

Limiting Zone Conditions in this Profile: None observed to a depth of 80+ inches.

Note: Adjacent Test Pit 45 had a very similar soil profile with no limiting zone observed to 80+ inches (6% slope).



Description By:

Luke E. Smeltz
 Luke E. Smeltz, CPSSc
 Project Manager/Soil Scientist

ePermitting - Highway Occupancy Permit (Closed) - 08094401 - 06/27/2018 07:15:46 AM

ePermitting Help <penndotepermittinghelp@pa.gov>
To: <blinsenbach@comcast.net>, <bradparfitt2318@gmail.com>
Cc: <RA-PDEPSPROD@pa.gov>

Wed, Jun 27, 2018, 7:15 AM

Application: 134145		Cycle: 2		Closed	
Applicant Name: Harry H. Fox, Jr.	District: 08	Permit Group: HOP			
Business Partner ID:	County: York	Permit Type: Driveway			
Paper Application No:	Municipality: FAIRVIEW	Permit Sub type: Minimum Use Driveway - No Plan			

Permit: 08094401

PennDOT has performed a final inspection and closed the permit. The Closed Permit is attached.

All work was completed consistent with permit and regulations

Click the link below to log in and view the permit.

[Click here to access the Permit](#)

Or, after logging in, enter the permit number listed above. You will be routed to the Permit window. There you can view the permit, permit securities, inspectors assigned to your permit, and reimbursements.

PENNDOT EPERMIT - PLEASE DO NOT REPLY TO THIS EMAIL

PATA 102.pdf, PATA 107.pdf, Permit-08094401 .pdf

ePermitting - Highway Occupancy Permit (Closed) - 08094400 - 06/27/2018 07:17:01 AM

ePermitting Help <penndotepermittinghelp@pa.gov>
To: <blinsenbach@comcast.net>, <bradparfitt2318@gmail.com>
Cc: <RA-PDEPSPROD@pa.gov>

Wed, Jun 27, 2018, 7:17 AM

Application: 134151	Cycle: 1	Closed
Applicant Name: Harry H. Fox, Jr. Business Partner ID: Paper Application No:	District: 08 County: York Municipality: FAIRVIEW	Permit Group: HOP Permit Type: Driveway Permit Sub type: Minimum Use (< 50 ADT)

Permit: 08094400

PennDOT has performed a final inspection and closed the permit. The Closed Permit is attached.

All work was completed consistent with permit and regulations

Click the link below to log in and view the permit.

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