

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF: : **ZONING HEARING BOARD**
JACOB and LINDSEY HELMICK : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2020-06**

DECISION GRANTING A VARIANCE TO §300-30(C)(1)(b) OF THE ZONING ORDINANCE IN THE SINGLE FAMILY RESIDENTIAL DISTRICT

The Applicants applied for a dimensional variance to the Fairview Township Zoning Ordinance, under Section 300-30(C)(1)(b) in order to construct a 3,600 square foot pole building on their property located at 503 Big Spring Road, New Cumberland, Pennsylvania 17070, in the Single Family Residential District of the Township. The hearing on the application was held on September 17, 2020, at 6:30 p.m. at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

FINDINGS OF FACT

1. The Applicants are Jacob and Lindsey Helmick with an address of 503 Big Spring Road, New Cumberland, Pennsylvania, 17070.
2. The Applicants' property is located in the Single Family Residential (RS) District of Fairview Township. The lot is 3.5 acres in area and is improved with multiple existing accessory buildings.
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. Testifying for the Applicants were Jacob Helmick and Lindsey Helmick, the Applicants; Michael C. D'Angelo, PLS, 725 Elkwood Drive, New Cumberland, PA. Also

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testifying was Joan Baker, 426 Old York Road, New Cumberland, PA, an adjoining property owner.

5. The Applicants wish to construct a 3,600 square foot pole building, which will be utilized as a three-car garage and storage area for personal belongings of the Applicants and not for any business use. The proposed building exceeds the square footage of the primary residence, which is the dimensional limit for accessory structures in the RS District under the Ordinance.

6. Mr. D'Angelo presented a plot plan of the existing 3.5-acre property, showing existing small accessory buildings, the location of the proposed building, and the prior location of a 2,749 square foot barn which was on the property for many years but was removed prior to the purchase by the Applicants.

7. The Applicants testified that the existing accessory structures would be removed prior to the construction of the proposed pole building.

8. Stephen M. Waller, Zoning Officer for Fairview Township, testified that the footprint of the primary residence is 1,601 square feet. Mr. Waller also testified that if the property were in the adjoining Residential Living (RL) District, there would be no need for a variance relating to size of the accessory building in this lot. Mr. Waller further testified that it was his opinion that the allowance of the requested variance would not conflict with the general intent of the Ordinance given the size of this parcel and its location. The dimensional limit is primarily tailored to smaller one (1) acre or less sized lots.

CONCLUSIONS

1. The Applicants have the burden of establishing their entitlement to the requested dimensional variance to Ordinance Section 300-30(C)(1)(b).

2. On the basis of the testimony and documentary evidence presented, the Board hereby concludes that the request for a dimensional variance should be granted, subject to the following conditions: (1) the building shall be no greater than 2,800 square feet in area; and (2) the existing accessory buildings shall be removed within twelve (12) months.

DECISION

On the basis of the foregoing findings and conclusions, and on the basis of all testimony and evidence presented at the hearing, the Board hereby concludes that the request for a dimensional variance under Section 300-30(C)(1)(b) of the Zoning Ordinance should be granted subject to the following conditions: (1) the building shall be no greater than 2,800 square feet in area; and (2) the existing accessory buildings shall be removed within twelve (12) months.

The application was approved upon motion made by Mr. Perry, seconded by Mr. Mader, and adopted 2-1, with Mr. Bashore dissenting.

FAIRVIEW TOWNSHIP ZONING HEARING
BOARD

Dated: October 30, 2020

By: _____

Timothy C. Mader, Chairman

Distribution: *Applicants*

2020-06



ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Jacob & Lindsey Helmick
Address: 503 Big Spring Rd.
New Cumberland, PA 17070
Phone: 717-979-9745

EXISTING OWNER OF PROPERTY:

Name: Jacob & Lindsey Helmick
Address: 503 Big Spring Rd.
New Cumberland, PA 17070

PROPERTY LOCATION:

Address: 503 Big Spring Rd.
New Cumberland, PA 17070
Lot Size: 156,380 sq. ft.
Date Purchased: 7-1-2019
Location: _____

PRESENT USE OF PROPERTY:

Residential

EXISTING ZONE: RS-Single Family Residential

APD/Conical Surface Zone

❖ 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:

300-30 "C" (1)(b)

❖ Part 3:

DESCRIPTION OF REQUEST:

Applicant wishes to construct 3600 square foot pole building on this 3.12 acre property. The proposed structure exceeds primary residence/use square footage or gross floor area. Please see attached sketch plans and photograph projections of the existing conditions and proposed conditions.

❖ Part 4

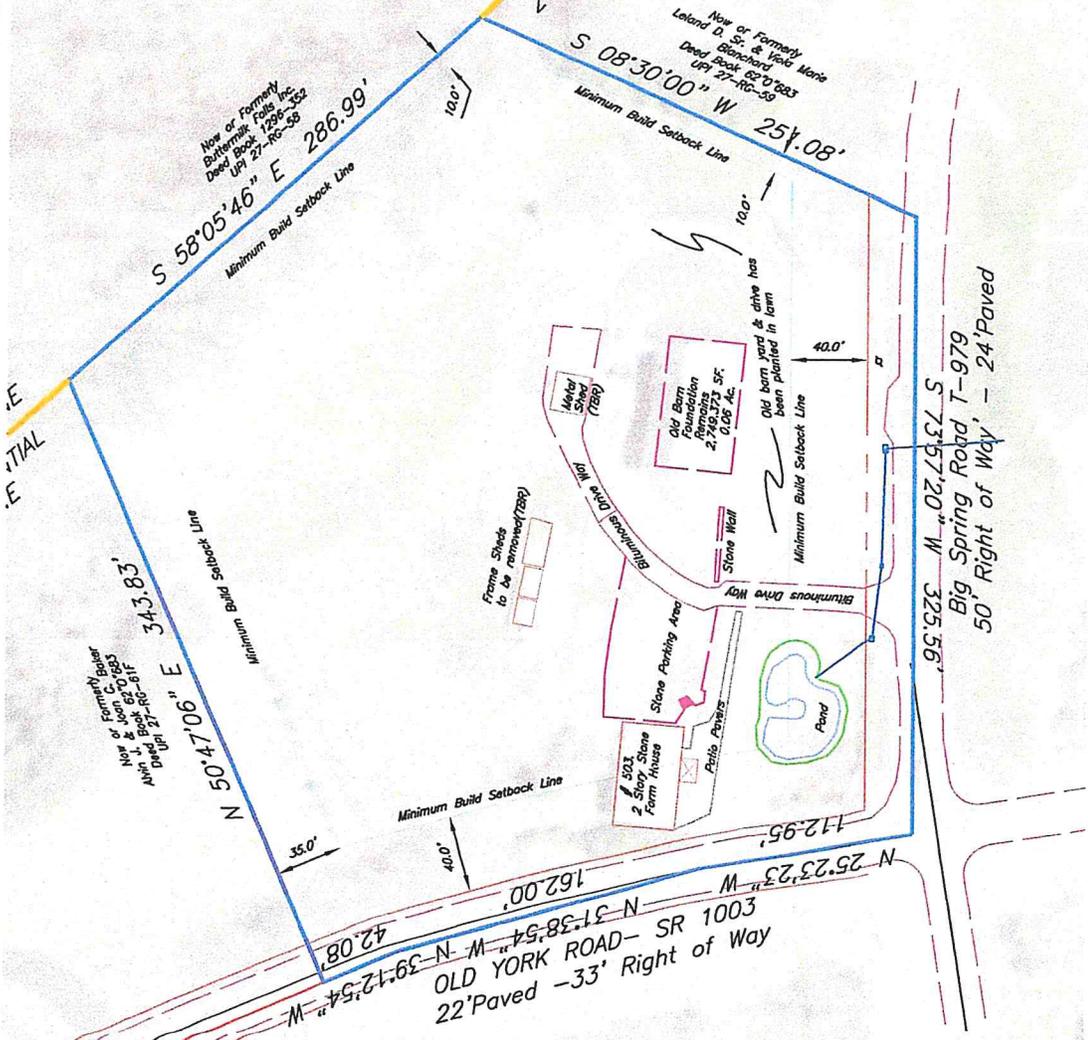
LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 200 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
Blanchard, Leland & Viola	497 Big Spring Rd.	Residential
Pace, Russell & Jackie	493 Big Spring Rd.	Residential
Paul Shearer Trust	Big Spring Rd.	Vacant Agricultural
Baker, Alvin & Joan	426 Old York Rd.	Residential
Vassallo, Patricia	301 Lafayette Dr.	Residential
Perry, Neal & Jessica	300 Lafayette Dr.	Residential
Morgan, Phillip & Jason	Old York Rd.	Vacant Residential
Millar, Venita	459 Big Spring Rd.	Residential
Pillman, Darrin & James	461 Old York Rd.	Residential
Buttermilk Farms, Inc.	Big Spring Rd.	Vacant Agricultural
Bailor, Charles & Laken	494 Big Spring Rd.	Residential

TAX ID. 27-RG-61G
DEED BOOK 2524, PAGE 5868683
CONTAINING 3.59 ACRES

ZONING LINE-RL RESIDENTIAL LIVING
APO (CSZ) CONICAL SURFACE ZONE

ZONING LINE-RS SINGLE FAMILY RESIDENTIAL
APO (CSZ) CONICAL SURFACE ZONE



New or Formerly
Blutner, Falls, Inc.
Deed Book 2524-552
Ltr 27-RG-58

New or Formerly
Blanchard
Deed Book 6270-023
Ltr 27-10-35

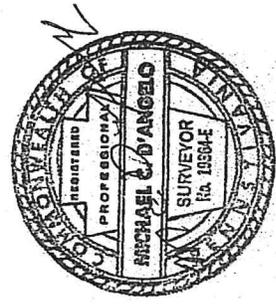
New or Formerly
Blutner, Falls, Inc.
Deed Book 2524-552
Ltr 27-RG-58

Old Barn
Foundation
Remains
2,748.373 SF.
0.05 Ac.

Old barn yard & site has
been planted in lawn

SKETCH PLAN OF PROPERTY
**JACOB H. HELMICK &
LINDSEY N. HELMICK**
EXISTING CONDITIONS - PASDA IMAGE
503 BIG SPRING ROAD
TOWNSHIP OF FAIRVIEW
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA

SCALE: 1" = 100'	DRAWN BY: MCD	FIELD BOOK: 100
DATE: 08/042020		DWG. NO. 100-55 EC



I HEREBY CERTIFY THIS PLAN
TO BE CORRECT AS INDICATED.

MICHAEL C. D'ANGELO, PLS
CONSULTING LAND SURVEYOR
725 Elkwood Drive
New Cumberland, PA. 17070
Telephone 717-774-0489

TAX ID. 27-RG-61G
DEED BOOK 2524 PAGE 5866883
CONTAINING 3.59 ACRES

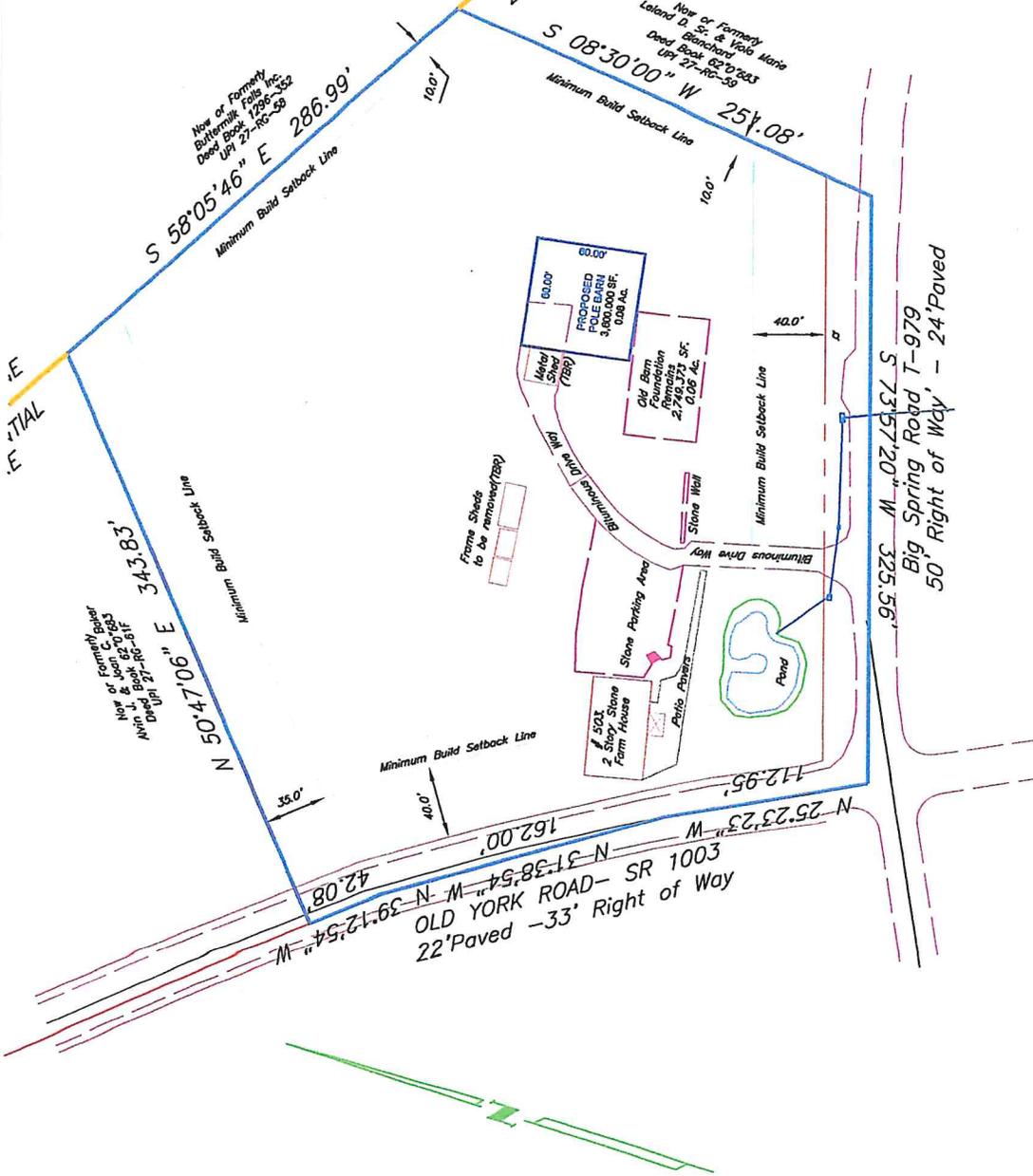
EXISTING IMPERVIOUS
11,164,898 SF.
0.26 Ac. = 7.2%

PROPOSED IMPERVIOUS
3,600,000 SF.
0.08 Ac. = 2.2%

TOTAL IMPERVIOUS
AFTER CONSTRUCTION
14,765 SF.
0.34 Ac. = 9.4%

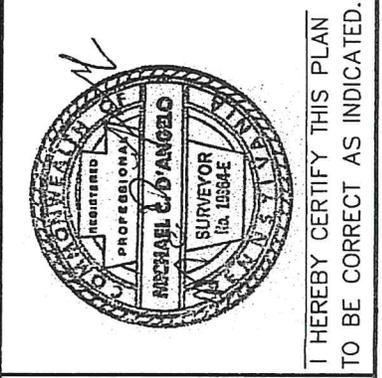
ZONING LINE-RL RESIDENTIAL LIVING
APO (CSZ) CONICAL SURFACE ZONE

ZONING LINE-RS SINGLE FAMILY RESIDENTIAL
APO (CSZ) CONICAL SURFACE ZONE



SKETCH PLAN OF PROPERTY
**JACOB H. HELMICK &
LINDSEY N. HELMICK**
PROPOSED CONDITIONS
503 BIG SPRING ROAD
TOWNSHIP OF FAIRVIEW
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA

SCALE: 1" = 100'
DATE: 08/04/2020
DRAWN BY: MCD
FIELD BOOK: 100
DWG. NO.: 100-55 PC



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CONSULTING LAND SURVEYOR
725 Elkwood Drive
New Cumberland, PA. 17070
Telephone 717-774-0489

I HEREBY CERTIFY THIS PLAN
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003

Old York Rd

503 Big Spring Road

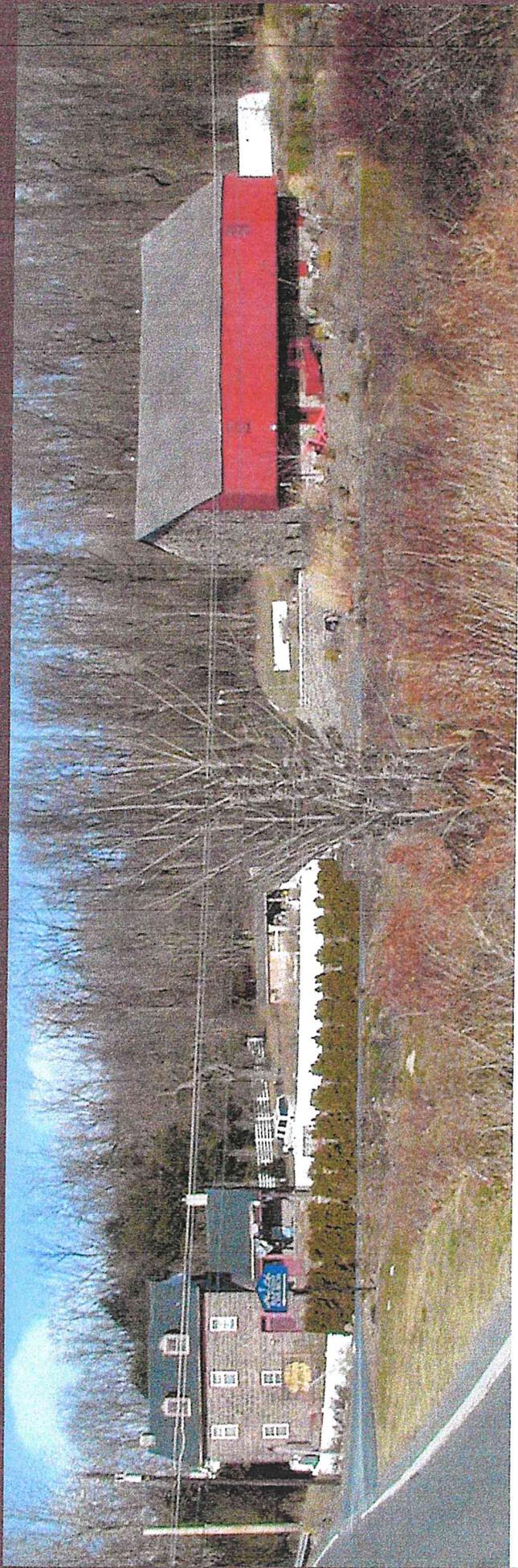
1003

GSM

Big Spring Rd

Big Spring Rd

Big Spring Rd

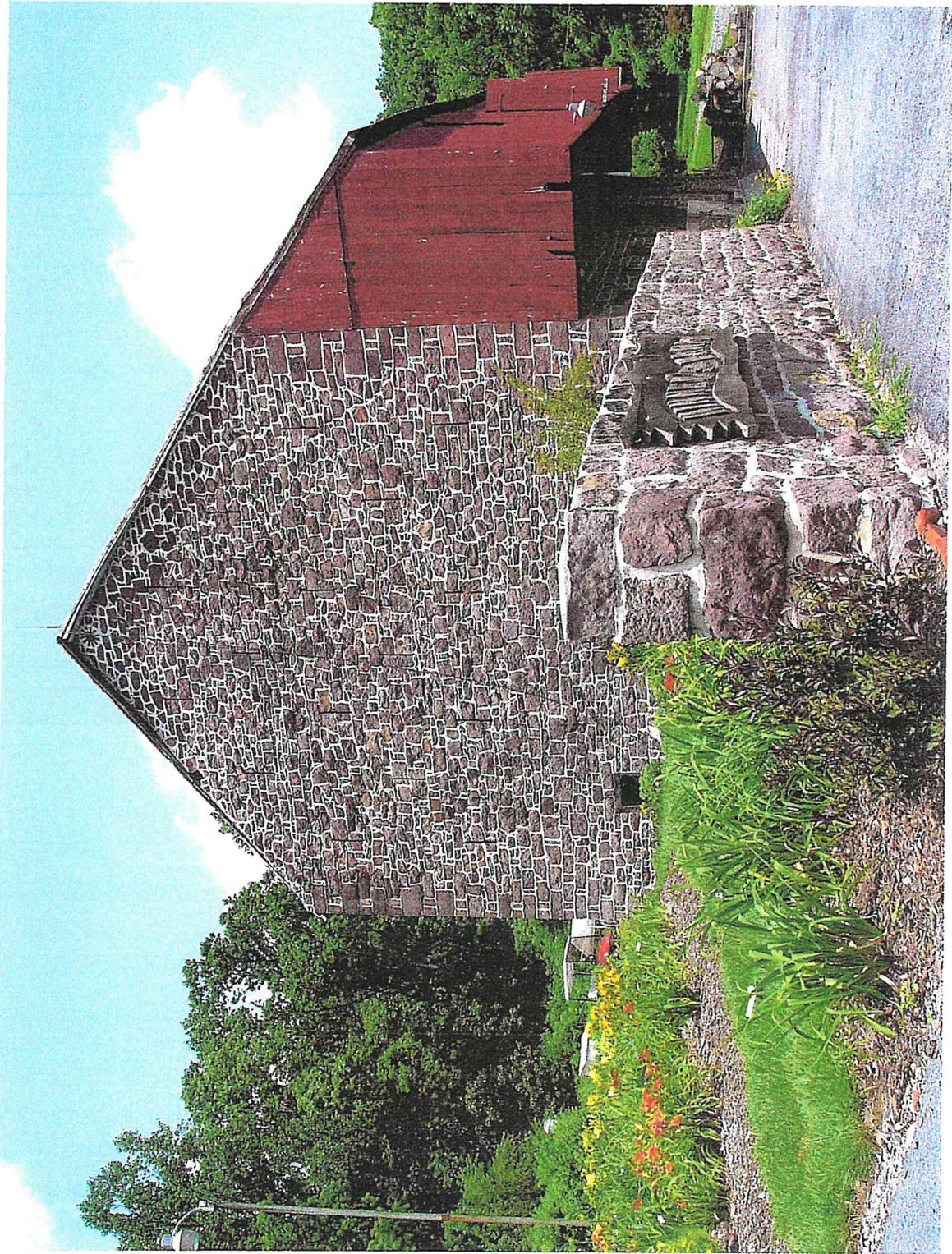


503 big spring road

P-1



P-2



P-3



2-4



P-5