

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
JODY and DARLENE MCCLYMONT : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2021-01**

**DECISION GRANTING A SPECIAL EXCEPTION FOR AN ACCESSORY
APARTMENT IN THE RURAL LIVING ZONING DISTRICT
PURSUANT TO SECTION 300-76.A OF THE ZONING ORDINANCE**

The Applicants applied for a special exception for an accessory apartment pursuant to Section 300-76.A of the Fairview Township Zoning Ordinance for the purpose of constructing an accessory apartment above the detached garage at their residence 930 Oak Hill Road, Lewisberry, PA 17339, located in the Rural Living Zoning District of the Township. The hearing on the application was held using virtual hearing technology on March 18, 2021, at 6:30 p.m., with the Board members in person at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

FINDINGS OF FACT

1. The Applicants are Jody and Darlene McClymont, 930 Oak Hill Road, Lewisberry, Pennsylvania 17339. The premises, which is the subject of the application, is the Applicants' residence.
2. The Applicants' residence is in the Rural Living Zoning District of Fairview Township. It is 2.3 acres in area.
3. Testifying in support of the application were the Applicants, Jody and Darlene McClymont; and Jonathon High, 7429 Sterling Road, Harrisburg, PA 17112, their contractor for the apartment construction.
4. 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. This public notice included special notification to the public and the other recipients of the notice that the hearing would be conducted in accordance with Act 15 providing for participation via electronic video and audio connections.

5. The proposed accessory apartment will be constructed over the existing attached garage to provide 799 square feet of living space which will be occupied by a family relative. The accessory apartment will consist of a bedroom, bathroom, full kitchen, and living area. The apartment will use the existing home's electric, well water, and on-site septic system. A private entrance for the apartment and emergency egress to comply with building code requirements will be provided. There will be no driveway or other exterior alterations to affect the exterior appearance of the residence.

6. Mr. and Mrs. McClymont testified in support of the application. They testified to their compliance with each requirement of Section 300-76.A of the Ordinance for the accessory apartment.

7. Stephen Waller, Zoning Officer and Codes Administration Director for Fairview Township testified that the on-site septic system would be tested to confirm its adequacy for the additional apartment residence and that compliance would be required before an occupancy permit would be issued by the Township. His testimony also confirmed that the proposed accessory apartment met the enumerated requirements of Section 300-76.A of the Ordinance.

8. Accessory apartments require a special exception pursuant to Section 300-76.A of the Zoning Ordinance. Each of the detailed specifications were addressed at the hearing and the Applicants demonstrated that the proposed accessory apartment will comply in all respects with these Ordinance requirements.

9. The Applicants further demonstrated that the proposed accessory apartment will meet all the general requirements for special exceptions enumerated in the Fairview Township Zoning Ordinance Section 300-99.E(3).

CONCLUSIONS

1. Pursuant to Section 300-76.A of the 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.A and 300-99.E(3) of the Zoning Ordinance.

2. The application meets all of the standards established under Section 300-76.A 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 special exception for the proposed Accessory Apartment should, therefore, be 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 at the Applicants' residence at 930 Oak Hill Road, Lewisberry, PA 17339

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

FAIRVIEW TOWNSHIP ZONING HEARING
BOARD

Dated: April 15, 2021

By: Mark A. Perry
Mark A. Perry, Vice-Chairman

Distribution:
Applicants



ZONING HEARING BOARD APPLICATION
YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Jody McClymont
Address: 930 Oak Hill Rd
Lewisberry PA 17339
Phone: _____

EXISTING OWNER OF PROPERTY:

Name: Jody & Darlene McClymont
Address: _____

PROPERTY LOCATION:

Address: 930 Oak Hill Rd
Lewisberry PA 17339
Lot Size: 2.3 acres
Date Purchased: Aug. 2010
Location: _____

PRESENT USE OF PROPERTY:

Residence

EXISTING ZONE: 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):

TABLE 4-2 Part C, #2
Section 300-76

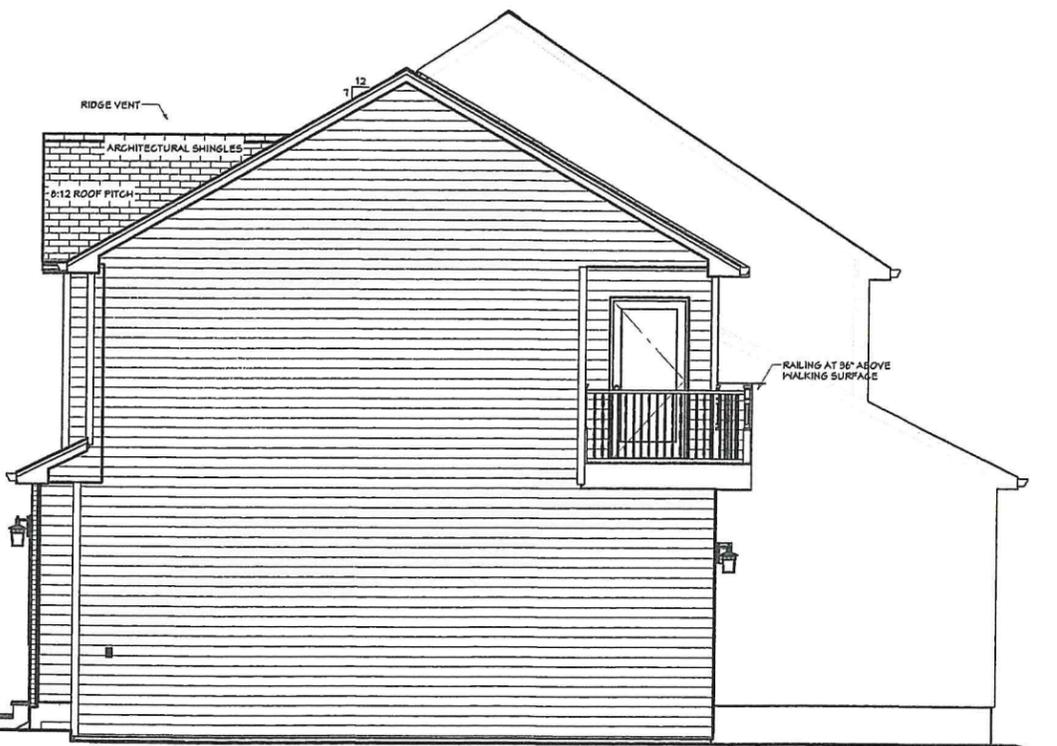
❖ Part 3:

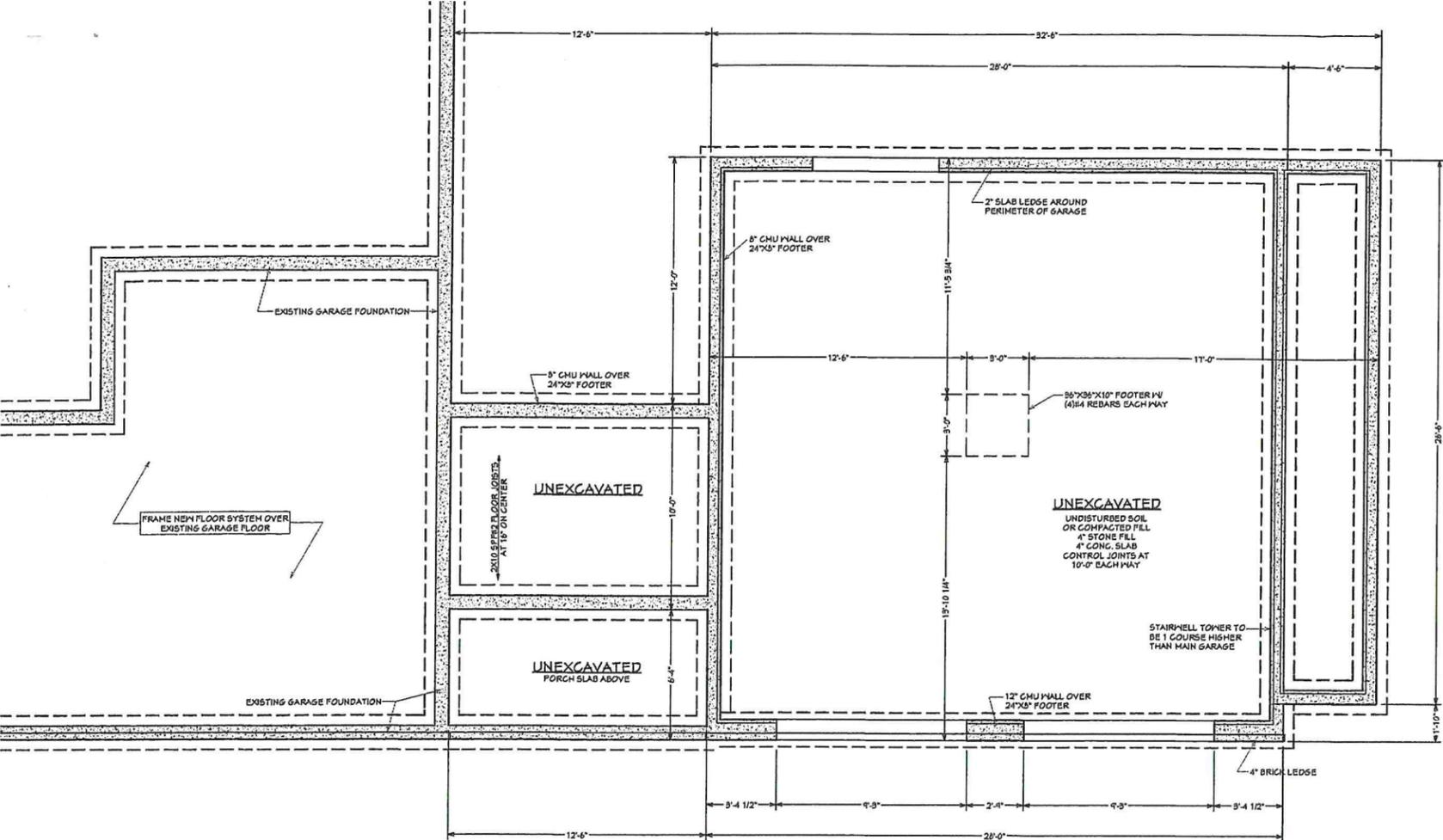
DESCRIPTION OF REQUEST:

Seeking to add one bedroom living space
above garage for the purpose of
aunt being able to age in place

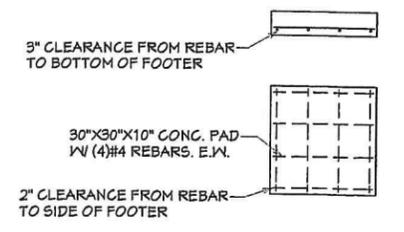


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

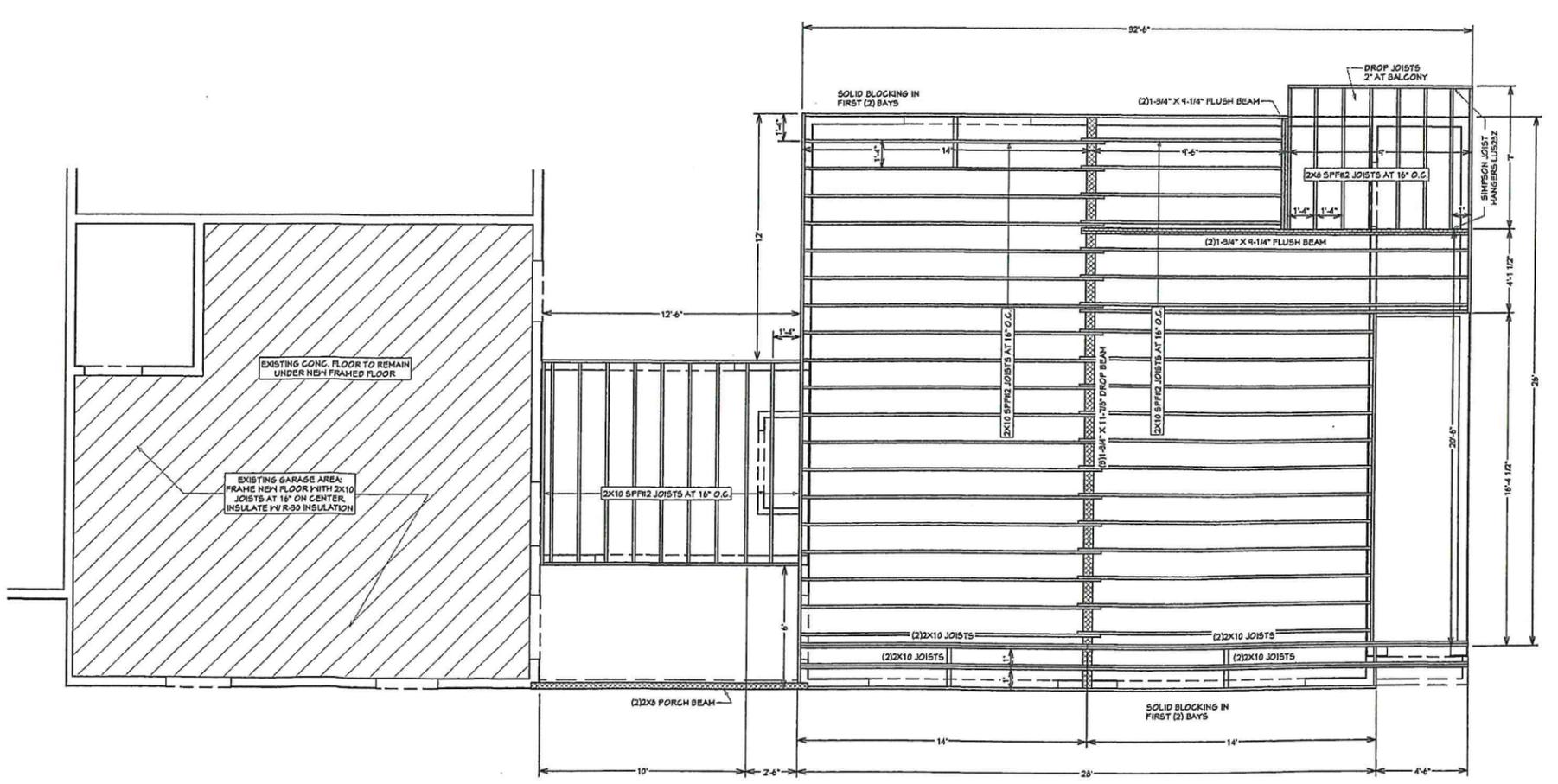
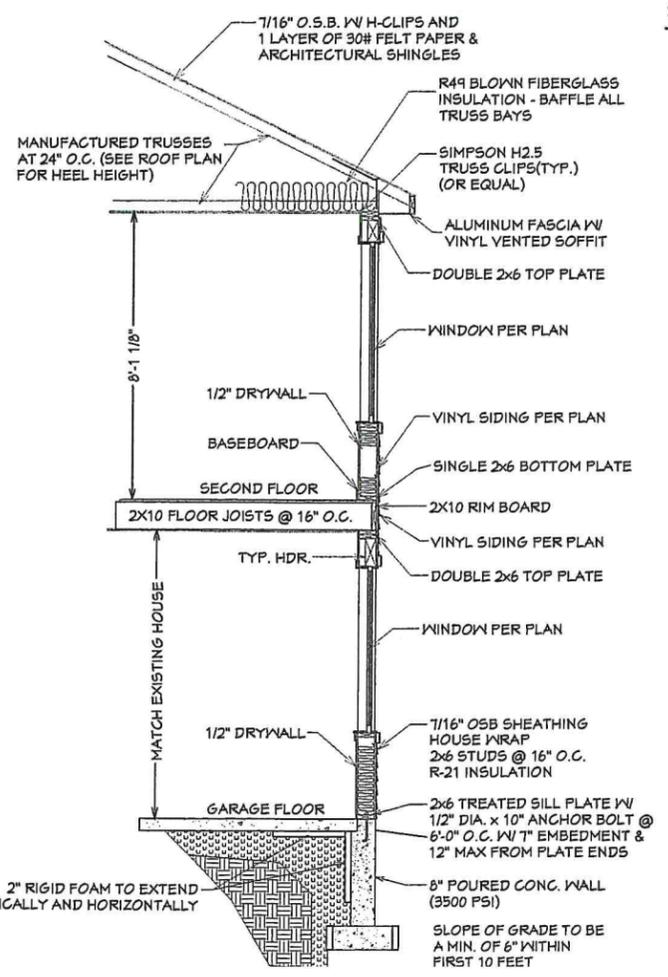


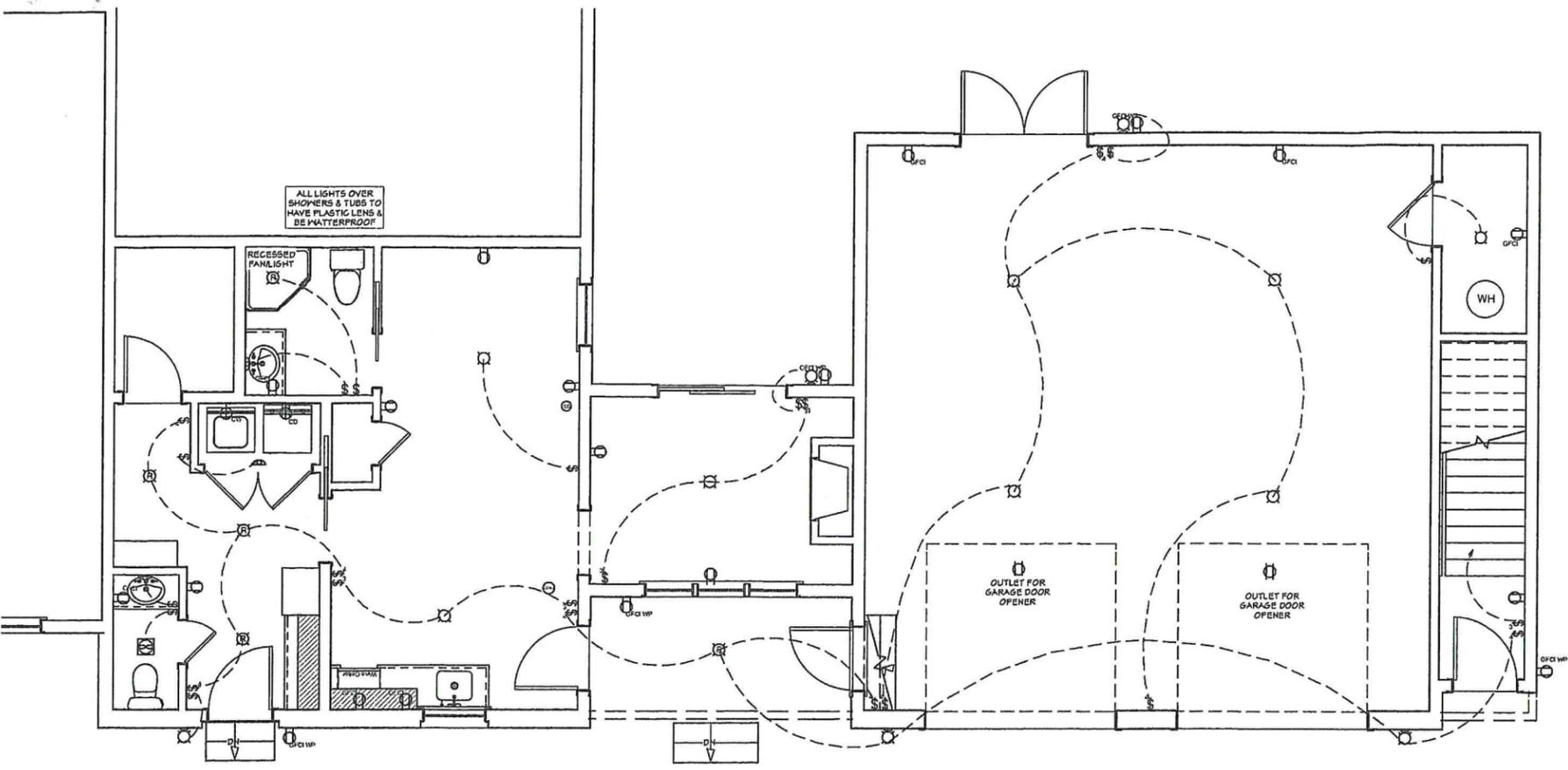


FOUNDATION PLAN
SCALE: 1/4"=1'-0"

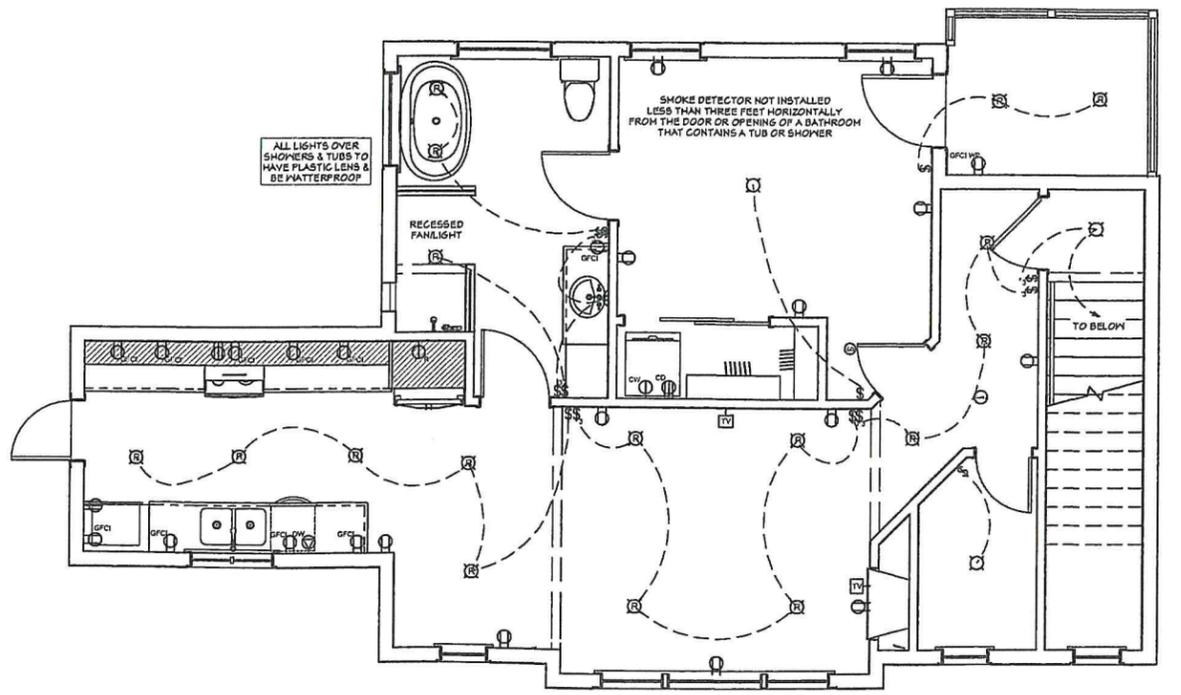


FOOTER PAD DETAIL
SCALE: 3/8" = 1'-0"





FIRST FLOOR LAYOUT
SCALE: 1/4"=1'-0"



- ELECTRICAL NOTES:**
1. SEE FLOOR PLANS FOR NOTES AND DIMENSIONS
 2. ALL LOCATIONS OF MECHANICAL EQUIPMENT ARE SUBJECT TO CHANGE DUE TO SITE CONDITIONS
 3. SMOKE DETECTORS AS REQUIRED BY GOVERNING CODE, ALL DETECTORS TO BE HARD WIRED AND INTERCONNECTED FOR SIMULTANEOUS ACTIVATION (BATTERY BACK-UP). SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH 2015 IRC SECTION R314.3 AND R314.3.1
 4. CARBON MONOXIDE DETECTOR TO BE WIRED WITH SMOKE DETECTOR SYSTEM PER CODE
 5. ALL FAMILY ROOMS, KITCHENS, LAUNDRY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, AND HALLWAYS ARE TO BE PROTECTED BY AFCI FAULT BREAKERS AT THE PANEL
 6. RECEPTACLES TO BE TAMPER PROOF PER CODE
 7. NOTCHED TOP PLATES SHALL BE REINFORCED WITH 16 GAUGE STEEL X 1 1/2"
 8. VENTING OF APPLIANCES SHALL BE RIGID METAL WITH OUT SCREWS
 9. INSTALL OUTLETS AT BASE MOULDING HEIGHT IN AREAS THAT HAVE MAINSCOTING TRIM DETAILS.

ELECTRICAL LEGEND	
DUPLEX RECEPT.	SINGLE POLE SWITCH
GROUND FAULT INTERRUPTER	3-WAY SWITCH
220 VOLT DUPLEX RECEPT.	4-WAY SWITCH
REFRIGERATOR RECEPT.	FLUORESCENT LIGHT FIXTURE
WATERPROOF RECEPT.	FANLIGHT
GARBAGE DISPOSAL	CEILING MOUNT LIGHT FIXTURE
MICROWAVE RECEPT.	RECESSED LIGHT FIXTURE
TELEVISION	WALL MOUNTED LIGHT FIXTURE
TELEPHONE	CEILING FAN
DOOR CHIME	BLANK PLATE
THERMOSTAT	
SMOKE DETECTOR	