

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
RICKY and KAREN GRIMM : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2021-03**

**DECISION GRANTING VARIANCE TO SECTION 300-16 OF THE
FAIRVIEW TOWNSHIP ZONING ORDINANCE**

The Applicants applied for a variance to Section 300-16 of the Fairview Township Zoning Ordinance (the “Zoning Ordinance”) for the property located in the Rural Living Zoning District at 601 Harkins Court, Lewisberry, PA 17339. A hearing on the application was held on April 15, 2021, 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 Ricky and Karen Grimm, 601 Harkins Court, Lewisberry, PA 17339. They are owners of the property which is the subject of the application which is their residence.
2. 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.
3. The Applicants request a variance to Section 300-16, Area and Design Requirements of the Zoning Ordinance which establishes setback distances in the Rural Living Zoning District.

4. The Applicants wish to construct a 40' x 48' detached garage within the required setback area of 150 feet along Old Quaker Road which is an arterial street. The yard adjoining Old Quaker Road is functionally a side yard for this lot since the residence faces Harkins Court. However, because of the road frontage it is considered a front yard under the Ordinance. If a side yard, the setback requirement would be thirty (30) feet from the adjoining property line.

5. While the Applicants' property is 1.3138 acres in area, the ability to locate the accessory structure is constrained by a drainage swale, a retention pond, and the drainage area for the on-site septic system. These characteristics of the lot were testified to by Mr. Grimm and confirmed by the Fairview Township Zoning Officer.

6. The proposed location of the detached garage is set back one hundred ten (110) feet from Old Quaker Road, a location which is no closer to Old Quaker Road than the existing driveway for the residence.

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 topography and other characteristics of the lot, entitlement to the dimensional variance to the setback requirements from Old Quaker Road to allow construction of a 40' x 48' detached garage no closer than one hundred ten (110) feet from the right-of-way for Old Quaker Road.

DECISION

On the basis of the foregoing findings and conclusion and on the basis of all the testimony and evidence presented to the Board at the hearing, the request for the variance to construct a 40' x 48' detached garage in the front yard setback area, no closer than one hundred ten (110) feet from the right-of-way for Old Quaker Road should be granted.

The Application was approved as stated upon the motion of Mr. Bashore, seconded by Mr. McElhenie and adopted 3-0 by the Board Members present and voting.

FAIRVIEW TOWNSHIP ZONING HEARING
BOARD

Dated: May 20, 2021

By: 

Timothy C. Mader, Chairman

Distribution:
Applicants



ZONING HEARING BOARD APPLICATION
YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Ricky L. + Karen S. Grimm
Address: 601 Harkins Court
Lewisberry, PA 17339
Phone: 717-226-3146

EXISTING OWNER OF PROPERTY:

Name: Ricky L. + Karen S. Grimm
Address: 601 Harkins Ct
Lewisberry, PA 17339

PROPERTY LOCATION:

Address: 601 Harkins Court
Lewisberry, PA 17339
Lot Size: 1.3128 ACRES
Date Purchased: April 5, 2005
Location: 601 Harkins Court
Lewisberry, PA 17339

PRESENT USE OF PROPERTY:

RESIDENTIAL

EXISTING ZONE: RL - 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):

Fairview Township Ordinance 300-16 AREA AND DESIGN REQUIREMENTS, TABLE 4.3, STATES:
"ACCESSORY USE OR STRUCTURES ARE NOT PERMITTED TO BE LOCATED IN THE REQUIRED FRONT SETBACK NOR
WITHIN THE FRONT YARD IF PRINCIPAL BUILDING IS LESS THAN 150 FEET FROM STREET RIGHT-OF-WAY!"

❖ Part 3:

DESCRIPTION OF REQUEST:

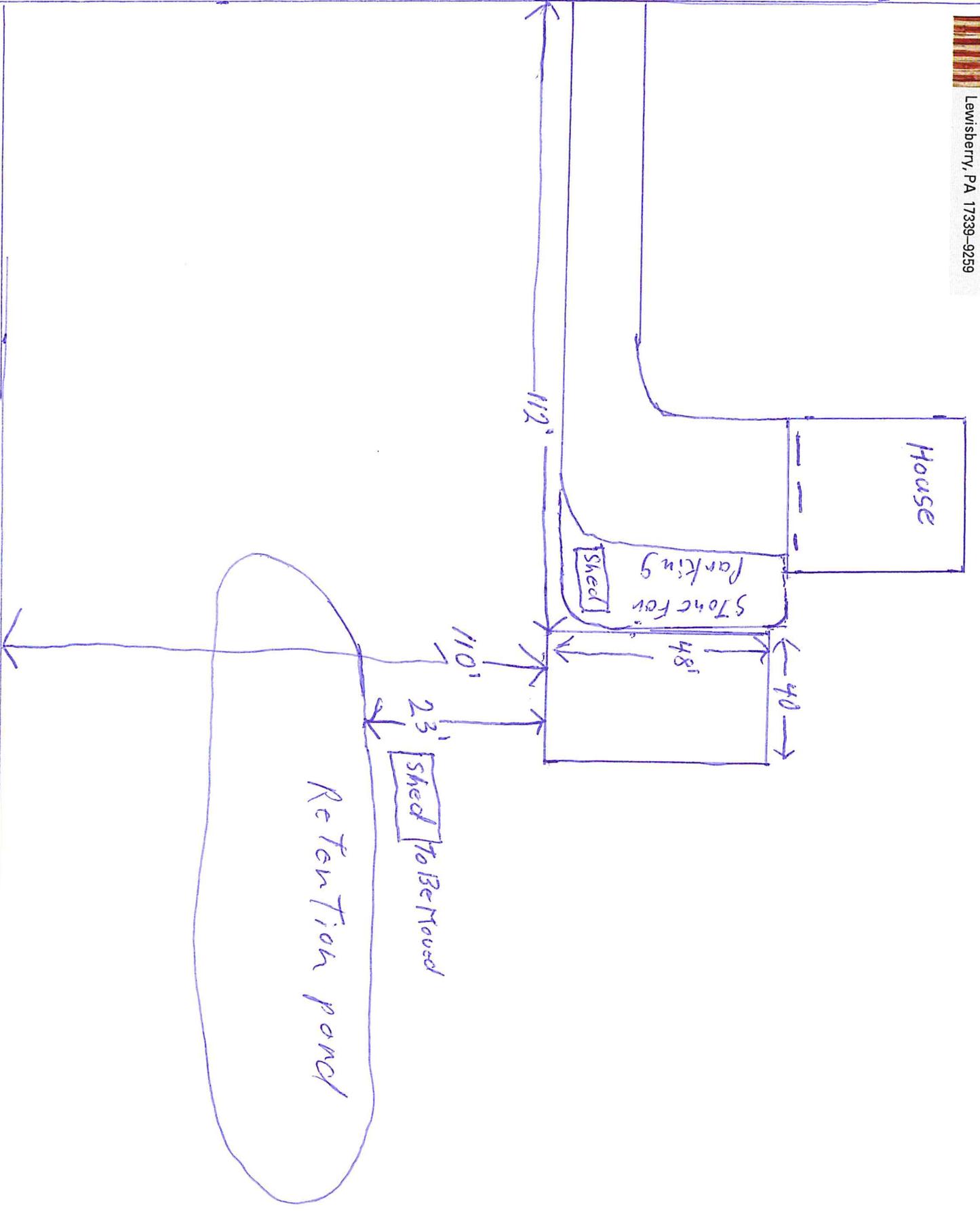
Building of a 40' x 48' GARAGE - SEE ATTACHED



Rick Grimm
601 Harkins Ct.
Lewisberry, PA 17339-9259

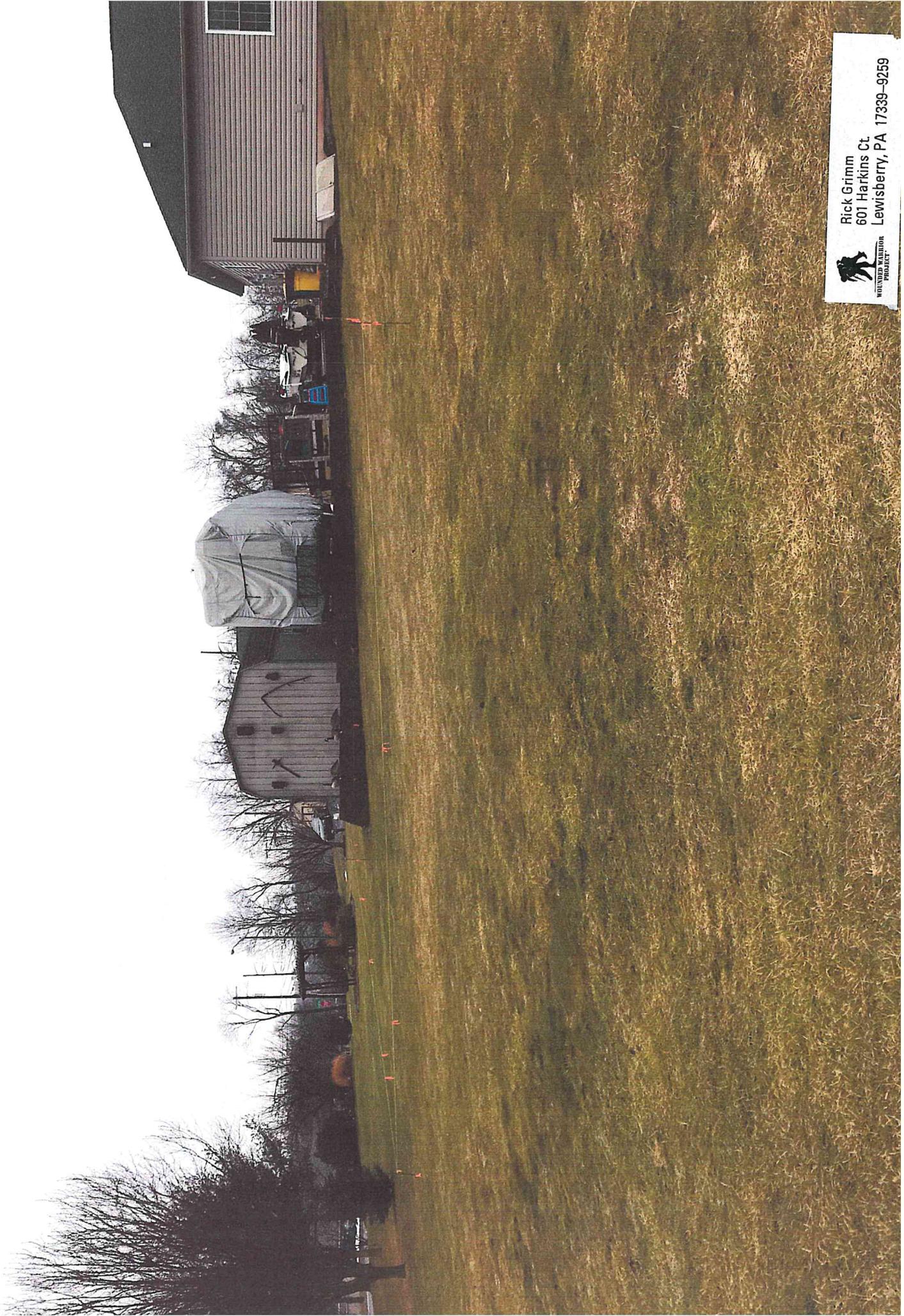
Harkins Ct

Old Quaker Rd

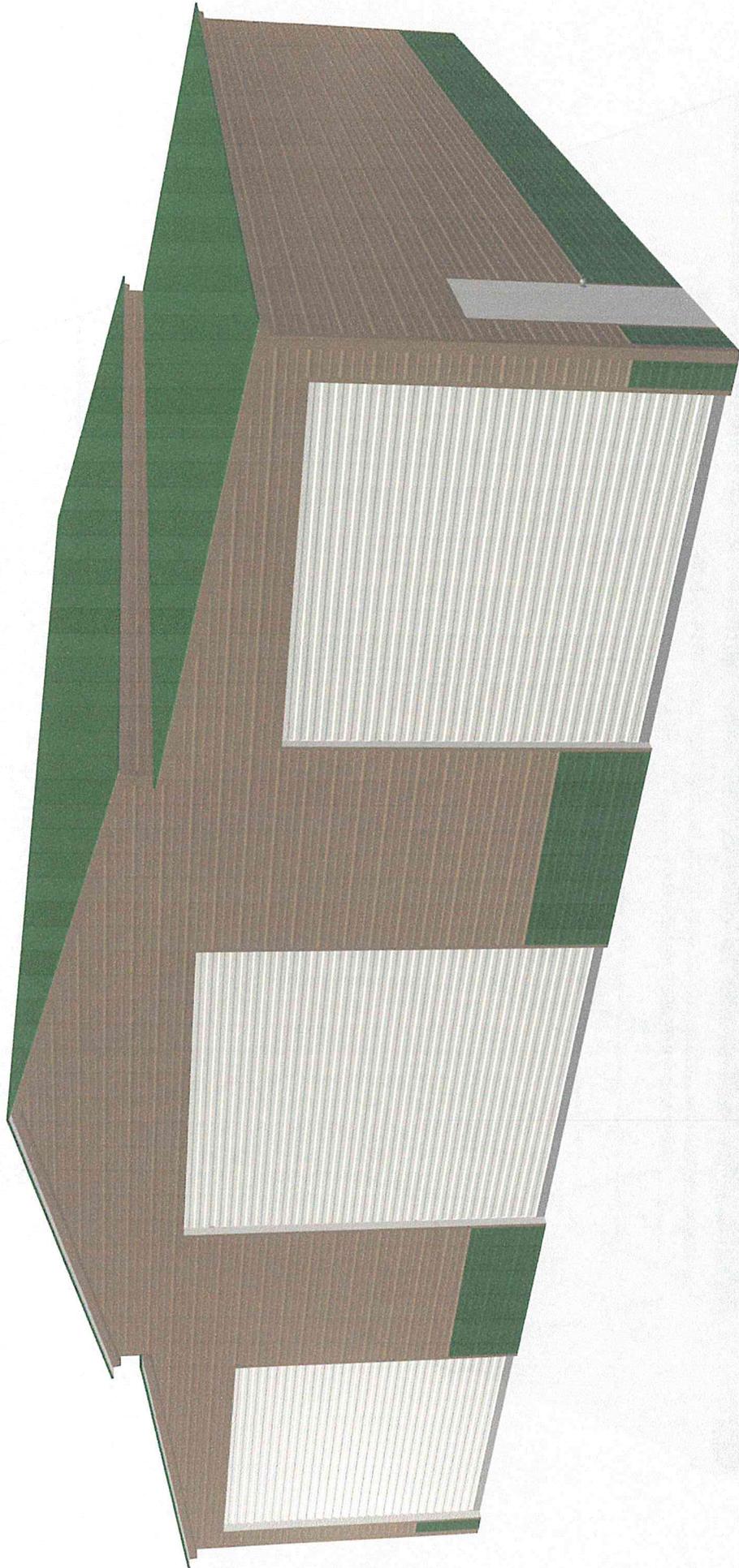




Rick Grimm
601 Harkins Ct.
Lewisberry, PA 17339-9259



Rick Grimm
601 Harkins Ct.
Lewisberry, PA 17339-9259



48' W x 41' L x 14'/11' H

❖ Part 4

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

NAME	ADDRESS	USE TYPE
KIRBY WILSON	602 HARKINS CT LEWISBERRY, PA ¹⁷³³⁹	
Lynn DeMartyn	603 HARKINS CT, Lewisberry Pa ¹⁷³³⁹	Residence
Mary Hecklabery	604 Harkins Ct Lewisberry, PA ¹⁷³³⁹	Residential
Robert Gumphier	607 Old Quaker Rd, Lewisberry Pa. ¹⁷³³⁹	Residential
Laurie Barnes	6030 Old Quaker Rd ^{Lewisberry} PA ¹⁷³³⁹	Residential
Deborah Tillinghast	600 Harkins Court Lewisberry, PA 17339	Residential