

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
MATTHEW and AMANDA BITNER : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2021-04**

**DECISION GRANTING A VARIANCE TO SECTION 300-21 OF THE
FAIRVIEW TOWNSHIP ZONING ORDINANCE**

The Applicants applied for a variance to Section 300-21 of the Fairview Township Zoning Ordinance (the “Ordinance”) for the property located in the Single Family Residential (RS) District at 321 Lamp Post Lane, Etters, PA 17319. A hearing on the application was held on May 20, 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 Matthew and Amanda Bitner, 321 Lamp Post Lane, Etters, PA. They are owners of the property which is the subject of the application, and it is their primary 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 requested a variance to the rear yard setback requirement of 35 feet under Section 300-21.A of the Zoning Ordinance which establishes setback distances in the

Single Family Residential (RS) Zoning District. The Applicants wish to construct a covered deck/patio area. The proposed deck would be 38' x 17'3" and encroach seven (7) feet into the rear setback area. In addition, the Applicants wish to construct a roof (38' x 19'3") that will extend two (2) feet over the deck. A nine (9) foot variance is required with respect to the roof.

4. The justification for the variance is the topography of the lot. The rear yard is steeply sloped upward in the rear to the extent that there is a six (6) foot high retaining wall across the back yard. The retaining wall is several feet inside the rear property line. The deck is proposed to extend within 10 feet of the retaining wall.

5. Stephen M. Waller, Codes Administration Director for Fairview Township, testified and confirmed the steepness of the grade and the circumstances of this request. He also testified that the only variance required would be in relation to the roof since that is the greater variance. If approved, any structure within that nine (9) foot variance area would be allowable eliminating the need for any variance relating to the deck itself.

CONCLUSIONS

1. The Applicants have the burden of establishing their entitlement to the requested variance and demonstrating that all requirements of the Fairview Township Zoning Ordinance are met.

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 a dimensional variance to the rear yard setback

requirements. The nine (9) foot variance for the proposed deck/patio should, therefore, be granted.

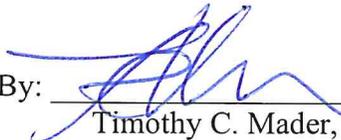
DECISION

On the basis of the foregoing findings and conclusion and on the basis of the testimony and evidence presented to the Board at the hearing, the request for a nine (9) foot variance to the rear yard setback of 35 feet to construct a deck (38' x 17'3") with a covered roof extending two (2) additional feet (38' x 19'3") over the deck, nine (9) feet into the rear yard setback area should be granted.

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

FAIRVIEW TOWNSHIP ZONING HEARING BOARD

Dated: June 30, 2021

By:  _____
Timothy C. Mader, Chairman

Distribution: Applicants



2021-04

ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Matthew & Amanda Bitner
Address: 321 Lamp Post Ln
Etters, PA 17319
Phone: 717-514-5150 & 717-919-1065

EXISTING OWNER OF PROPERTY:

Name: Matthew & Amanda Bitner
Address: 321 Lamp Post Ln
Etters, PA 17319

PROPERTY LOCATION:

Address: 321 Lamp Post Ln
Etters, PA 17319
Lot Size: 13,064 sq. ft.
Date Purchased: May 17th, 2016
Location: Center of property

PRESENT USE OF PROPERTY:

Single family dwelling - Primary Residence
EXISTING ZONE: Residential

❖ 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):

300-53-A-2 Yard and setback exceptions and alterations
300-21-A-Table 5-3 Area and design requirements; Table 5-3, Area and Design Requirements, RS Single-Family Residential Zoning District

❖ Part 3:

DESCRIPTION OF REQUEST:

See Description Attachment

Description:

We are respectfully requesting a relief from two (2) sections of the Fairview Township Code of Ordinances for the installation of a covered deck attached to our single-family residence at 321 Lamp Post Ln, Etters. We are seeking relief from Section 300-53 A (2) of 2 feet and relief from Section 300-21A-Table 5-3 of 9 feet for our RS Single-Family Residential home for a 38'x17'3" deck that will remain under 3 feet, with a 38'x19'3" covered patio erected over the same deck. Both of these relief requests would be into the rear setback of both ordinances. We have a 6'8" retaining wall installed across the entire back yard of our home and the construction of both the deck and patio into the setback would have very little impact on our surrounding neighbors as the grade of our home is much lower than our rear neighbors. We've included pictures of from the rear property corners as well as pictures of the corners of our back yard. We have also included our plot plan from the builder showing offsets in relation to our home as well as plot plans for the proposed deck and patio and how they relate to those offsets. There is also a graphical representation of the deck and patio included from two angles.

NAME	ADDRESS	USE TYPE
TERRY DAVIS	319 WOODBRIDGE DR , ETTERS, PA 17319	R - Two Story House
JAMES & ANNA MESSIMER	321 WOODBRIDGE DR , ETTERS, PA 17319	R - Two Story House
WILLIAM JR & MAUREEN SPARVIERI	323 WOODBRIDGE DR , ETTERS, PA 17319	R - Two Story House
JASON & CHRISTINA DERR	325 WOODBRIDGE DR , ETTERS, PA 17319	R - Two Story House
WAYNE ELVIDGE	326 WOODBRIDGE DR , ETTERS, PA 17319	R - One Story House
KEITH & BONITA MYERS	324 WOODBRIDGE DR , ETTERS, PA 17319	R - One Story House
CATHY & TIMOTHY NEFF	322 WOODBRIDGE DR , ETTERS, PA 17319	R - Two Story House
CHRISTOPHER & LINDA KAZAR	320 WOODBRIDGE DR , ETTERS, PA 17319	R - Two Story House
AARON & THERESA MCBRIDE	319 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
JAY HESS & AMANDA LONG	323 LAMP POST LN , ETTERS, PA 17319	R - One Story House
MATTHEW & TRACY KAYE	325 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
ALEXANDER RAMIREZ & YAZMIN GONZALEZ	327 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
STEVE & JULIE KPAKIWA	328 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
JESSICA JENISON	326 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
KEVIN & JULIE CAMASI	324 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
ALDO & VICTORIA MORELLI	322 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
TIM & GEORGIA ROGERS	320 LAMP POST LN , ETTERS, PA 17319	R - One Story House
MARK & DIANE BALLOCK	582 YATES FORD DR , ETTERS, PA 17319	R - Two Story House
JOHN & KRYPELL FOX	317 BRAEBURN DR , ETTERS, PA 17319	R - Two Story House
NATHAN & TRACEY SHANK	319 BRAEBURN DR , ETTERS, PA 17319	R - Split-level House
DOUGLAS KLINGER	321 BRAEBURN DR , ETTERS, PA 17319	R - Split-level House
BARBARA PERDON-WOODS	318 WOODBRIDGE DR , ETTERS, PA 17319	R - Two Story House
CALEB & CASEY KITCHEN	317 LAMP POST LN , ETTERS, PA 17319	R - Two Story House
KEVIN & KRISTEN SCHUSSLER	318 LAMP POST LN , ETTERS, PA 17319	R - Two Story House

NOTES:

- 1- Basement: Standard
- 2- Minimum distance between water & sewer connect:
- 3- Driveway requirements:
- 4- All location dimensions shown here are subject to change due to field conditions.
- 5- Not used
- 6- 8' Porch Walls, 6' Garage Walls
- 7- Foundation walls: 8' Poured walls - (6' B.T.W.) G-F2.1,B-C4.7
- 8- Nothing should be placed, planted or erected in the easement areas.
- 9- Electric transformer location: 226xxx-C30xxx < 100ft
- 10- Fairview Township - Driveway to Property line minimum 5 ft.
- 11- Cut to Basement Subgrade: From Upper Drill Hole 0.1 FT

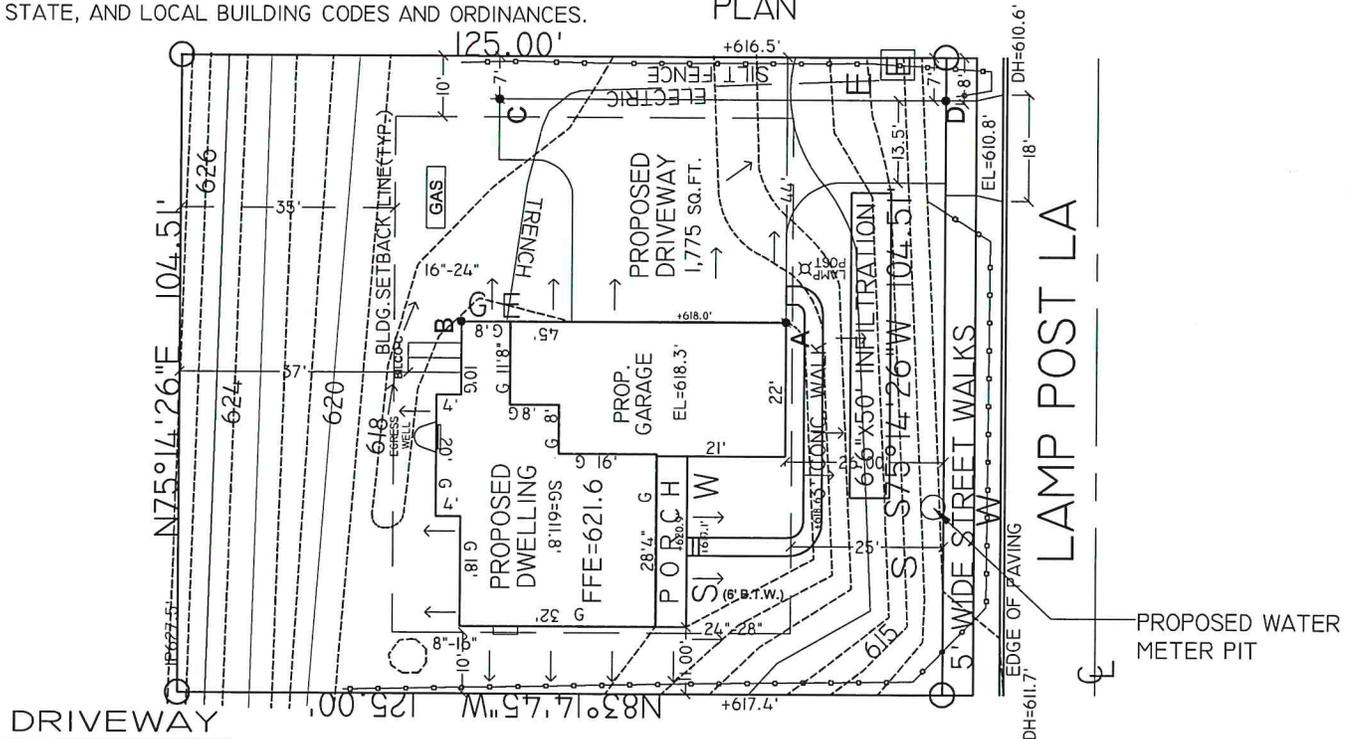
Job Number

WDs082

FINISHED GARAGE FLOOR IS
26" BELOW THE TOP OF THE
REAR FOUNDATION WALL

THE FINAL GRADING CONTOURS SHOWN ON THIS PLAN ARE CONCEPTUAL ONLY. EVERY EFFORT WILL BE MADE TO FLOW WATER EFFICIENTLY AWAY FROM NEW AND EXISTING STRUCTURES WHILE FOLLOWING THE APPROVED STORM WATER MANAGEMENT PLAN, AND STATE, AND LOCAL BUILDING CODES AND ORDINANCES.

PLEASE SEE THE POST-CONSTRUCTION STORM-WATER MANAGEMENT PLAN



POINT "C"	DISTANCE
A to C	59.5'
B to C	37.0'
POINT "D"	
A to D	44.8'
B to D	87.0'

PAUL B. ELSEY, P.E.
54 MAVERICK STREET
MARBLEHEAD, MA 01945
(781) 639-0615

KEYSTONE CUSTOM HOMES, INC.
227 GRANITE RUN DRIVE, SUITE 100
LANCASTER, PENNSYLVANIA 17601
PHONE: (717) 464-9060 FAX: (717) 735-2034
www.keystonecustomhome.com

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DATE	HISTORY	REVISION BY
03/23/16	DRIVEWAY	PBE
02/19/16	ELEVATIONS	PBE
02/19/16	OFFSET DIMS	DEB
1/28/16	LEGAL	PBE
01/26/16	PLOT	PBE
01/08/16	HFOPLOT	PBE

TITLE	SCALE	DRAWN BY	CHK'D / DATE
PLOT PLAN	1"=30'	PBE	PBE / 01/09/16
© 2016 Keystone Custom Homes, Inc.		MODEL	FILENAME
		APK30	WDs082.dwg

BUILT FOR:
MATTHEW & AMANDA
SITE ADDRESS: **BITNER 321 LAMP POST LA**

Subdivision: WOODBRIDGE FARMS
Municipality: FAIRVIEW TOWNSHIP
Tax Map No: GG - 54A
Bldg. Cover (XLR%): 17.5%
Imp. Cover (40.0%): 32.5%
Sov - 448 Dow - 190

Zoning: RS
Lot Size: 13,064 sf
Building Permit: XX
YORK COUNTY PENNSYLVANIA

3 Time Winner of NAHB's "America's Best Builder" Award

104' 6 1/8"

38'

28'

56' 1/8"

30' 300-53-A-2
Yard and setback
exceptions

Retaining Wall

45' 3"

Proposed Deck
17'x38'
22" off grade

10'

12x14
Shed

House

