

IN THE MATTER OF : **BEFORE THE FAIRVIEW TOWNSHIP**
THE APPLICATION OF : **ZONING HEARING BOARD**
JOHN and BRENDA ROSSI : **YORK COUNTY, PENNSYLVANIA**
: **DOCKET NO. 2021-07**

**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 AND A
VARIANCE TO SECTION 300.76.A.3 FOR THE MAXIMUM SQUARE FOOTAGE OF
THE APARTMENT**

The Applicants applied for a special exception pursuant to Section 300-76.A of the Fairview Township Zoning Ordinance, and a variance to the maximum square footage requirements of Section 300-76.A.3 for the purpose of constructing an accessory apartment at their residence 436 Marsh Run Road, New Cumberland, PA 17070, located in the Rural Living Zoning District of the Township. The hearing on the application was held on July 22, 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 John and Brenda Rossi, 436 Marsh Run Road, New Cumberland, PA 17070. 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 22.76 acres in area.
3. Testifying in support of the application was Dr. John Rossi, Applicant, and Jim Mumper, 315 Pennington Drive, Mechanicsburg, PA, the 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 as an attached expansion of the existing single-family home to provide 920 square feet of living space which will be occupied by Dr. Rossi's parents. 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. There will be no driveway or other exterior alterations to affect the exterior appearance of the residence. The special exception is necessary solely because the addition will include a kitchenette and bathroom facilities which bring it within the apartment definition of the Ordinance. Otherwise, no special permit would be needed for this addition to the existing home.

6. Dr. Rossi testified in support of the application and to their compliance with the requirements of Section 300-76.A of the Ordinance for the accessory apartment. He indicated the purpose of the addition was to accommodate his elderly parents. It will be constructed with handicap accommodations to meet their present or future needs. Mr. Mumper testified and explained that the square footage in excess of the Ordinance limit was a result of the wider passageways, doorways, and related handicap-useable facilities of the apartment.

7. Stephen Waller, Zoning Officer and Codes Administration Director for Fairview Township testified that the Ordinance defined the proposed construction as an apartment thereby necessitating the special exception. 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 excepting the square footage limitation. The testimony of both Dr. Rossi and Mr. Mumper established that this limited dimensional deviation from the strict requirements of the Ordinance was necessary under the circumstances.

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, with the exception of the square footage limitation. The special exception for the proposed Accessory Apartment should, therefore, be granted along with a dimensional variance allowing the apartment to be 920 square feet in area.

3. In granting the dimensional variance, the Board interprets the square footage requirement under the Ordinance to mean the “net floor area” as defined in Section 300-11 of the Zoning Ordinance to be “The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms, and closets.”

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 436 Marsh Run Road, New Cumberland, PA 17070 and further grants a dimensional variance for the apartment to be 920 square feet in area.

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

FAIRVIEW TOWNSHIP ZONING HEARING
BOARD

Dated: August 24, 2021

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

Distribution:
Applicants

2021-7



ZONING HEARING BOARD APPLICATION
YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER
Name: JOHN & BRENDA ROSSI
Address: 436 MARSH RUN RD
NEW CUMBERLAND, PA 17070
Phone: 717-903-4342

EXISTING OWNER OF PROPERTY:
Name: JOHN & BRENDA ROSSI
Address: 436 MARSH RUN RD
NEW CUMBERLAND, PA 17070
717-903-4342

PROPERTY LOCATION:
Address: 436 MARSH RUN RD
NEW CUMBERLAND, PA 17070
Lot Size: 22.76 ACRES
Date Purchased: OCT 14, 2008
Location: _____

PRESENT USE OF PROPERTY:
RESIDENTIAL

EXISTING ZONE: RURAL
RESIDENTIAL

❖ Part 2:

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

- () SUBSTANTIVE CHALLENGE
- () SPECIAL EXCEPTION
- () VARIANCE
- () APPEAL OF THE ZONING OFFICERS DECISION

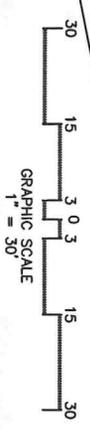
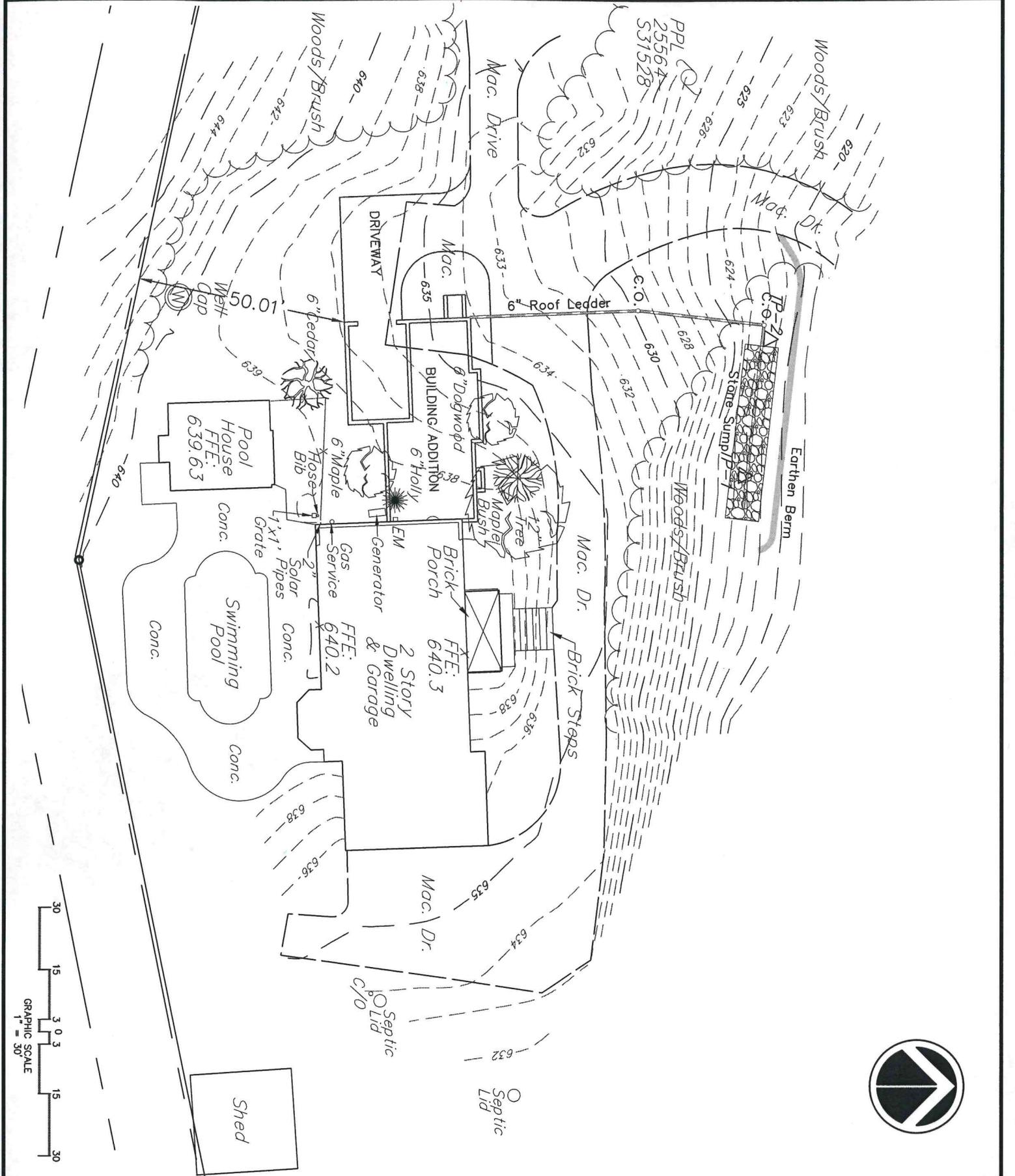
SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the specific section(s) of the Zoning Ordinance involved in the request:

300-76 A
300-76 A-3

❖ Part 3:

DESCRIPTION OF REQUEST:

SPECIAL EXCEPTION TO ALLOW AN ACCESSORY APARTMENT
300-76 A
VARIANCE TO EXCEED 800 SQUARE FEET 300-76 A (3)



PROJECT NO. 521501
 SURVEY BOOK : 2 VARIATION
 SCALE : 1" = 30'
 DATE : 06-09-2021
 SHEET 1 of 1

ADDITION EXHIBIT
 FOR
ROSSI ADDITION
 FAIRVIEW TOWNSHIP
 YORK COUNTY, PENNSYLVANIA

ALPHA
 ALPHA CONSULTING ENGINEERS, INC.
 PLANNING • ENGINEERING • SURVEYING
 115 LIMEKILN RD., P.O. BOX 'G'
 NEW CUMBERLAND, PA 17070
 PHONE: (717) 770 - 2500
 FAX: (717) 770 - 2400
 WWW.ALPHACEI.COM

DESIGN : -
 DRAWN : BJB
 CHECKED : JKM
 DATE : 06-09-2021

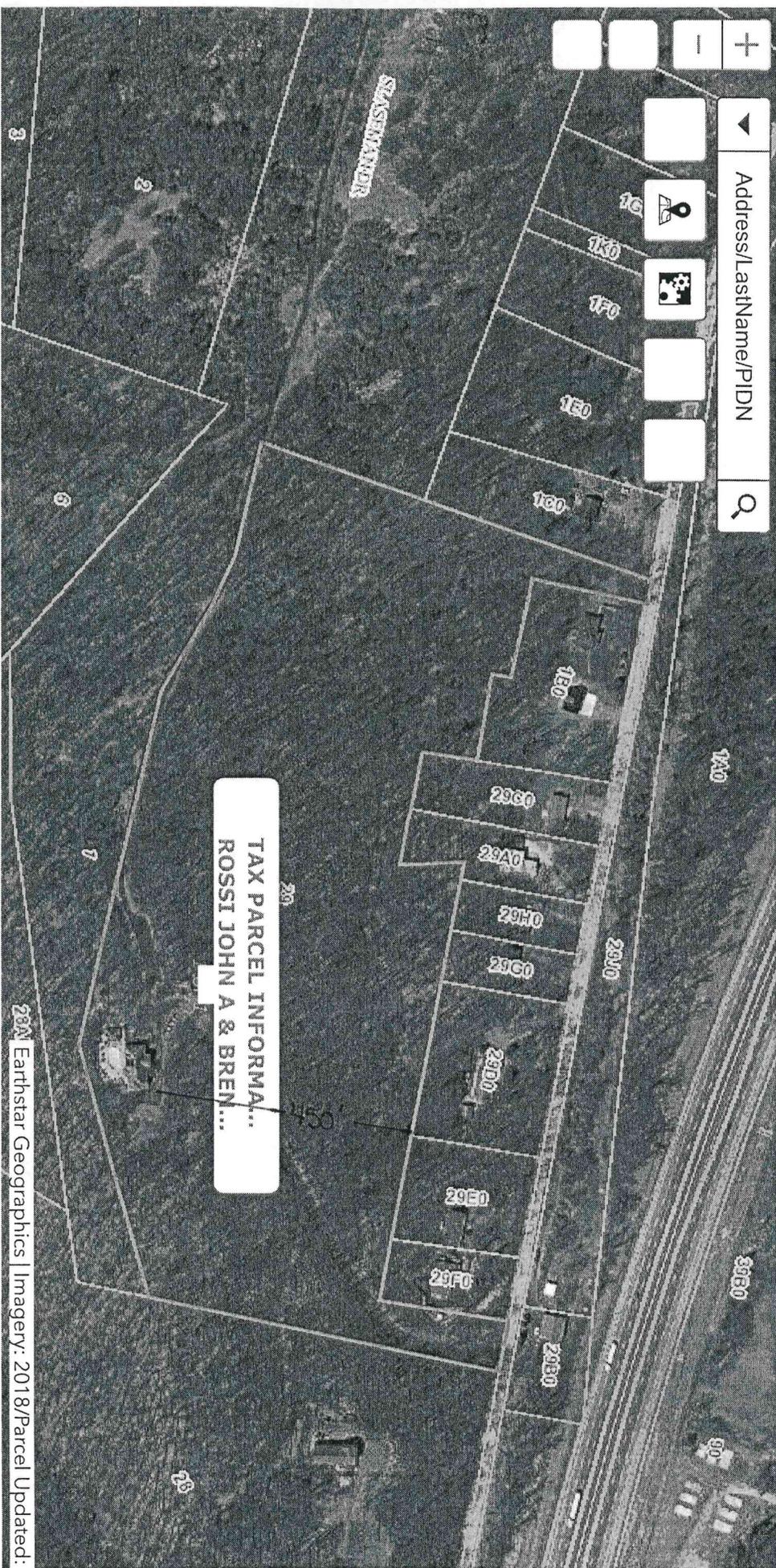


York County Property Viewer

York County Assessment Office

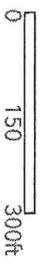


Address/LastName/PIDN

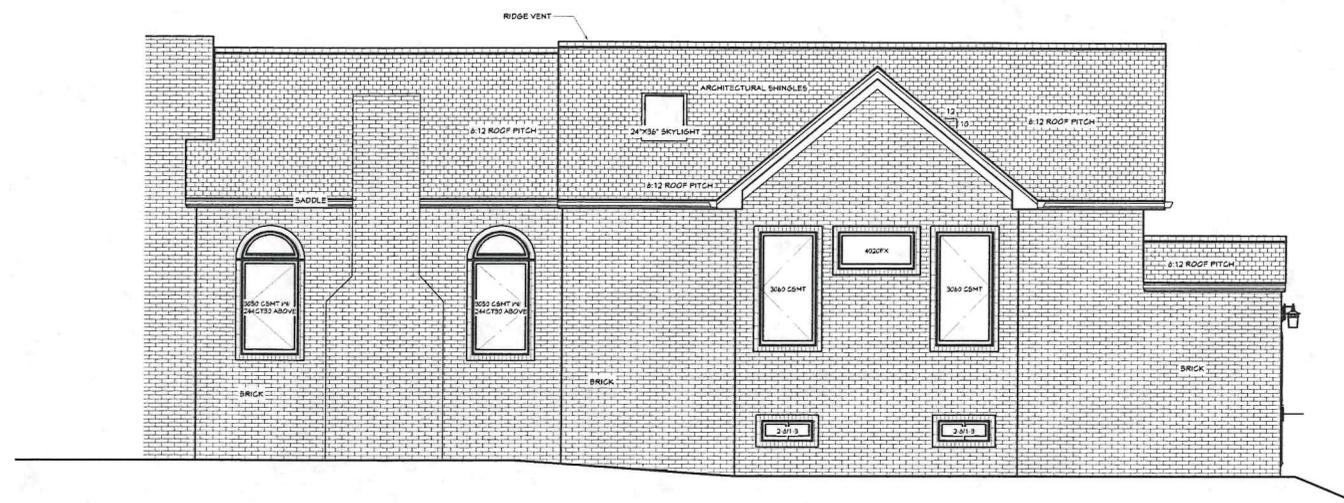


TAX PARCEL INFORMA...
ROSSI JOHN A & BREN...

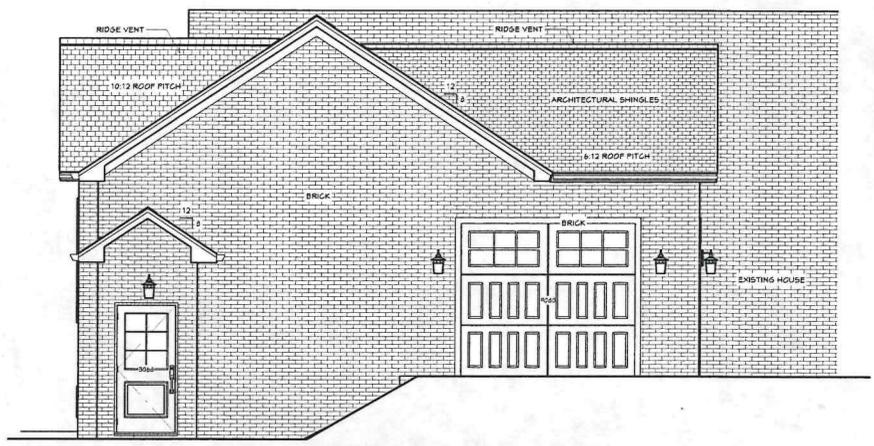
20M Earthstar Geographics | Imagery: 2018/Parcel Updated:



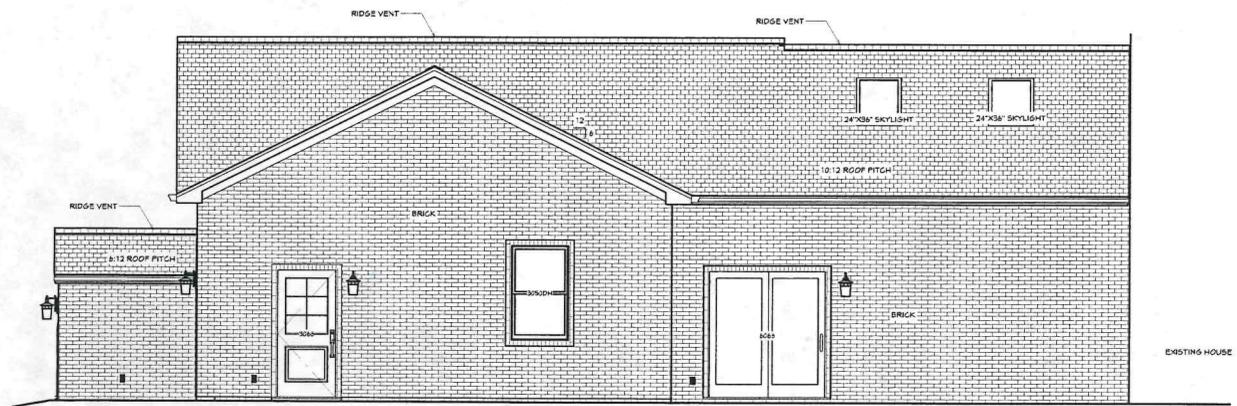
-76.836 40.197 Degrees

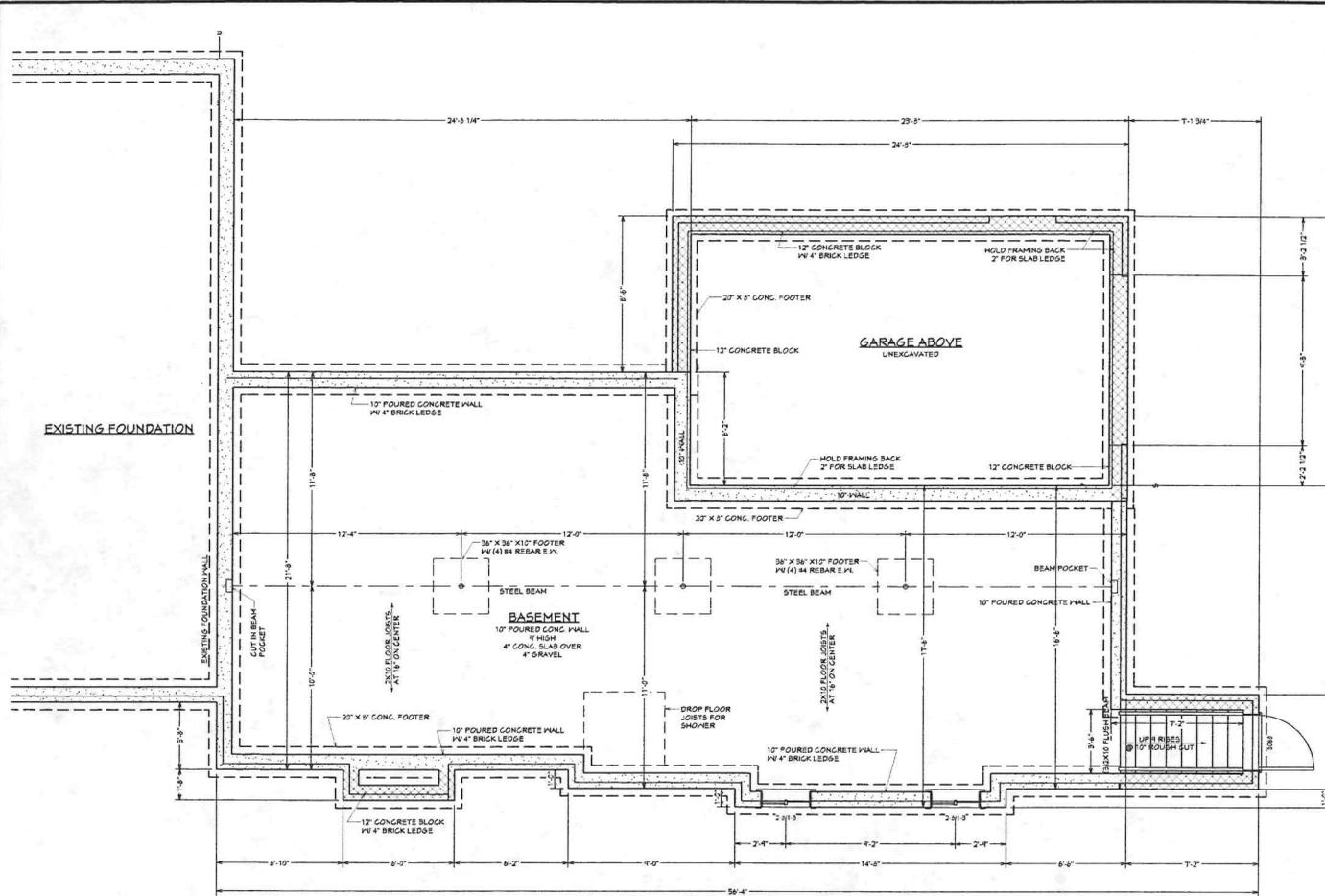


FRONT ELEVATION
SCALE: 1/4"=1'-0"

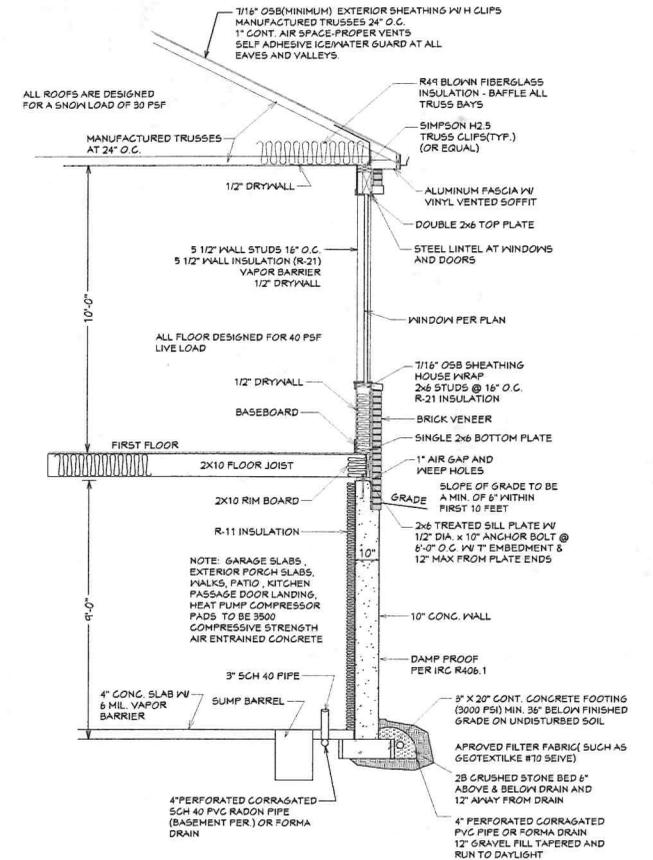


REAR ELEVATION
SCALE: 1/4"=1'-0"

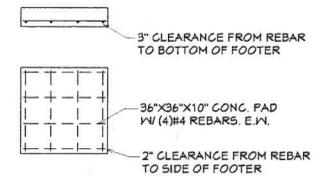




FOUNDATION PLAN
SCALE: 1/4"=1'-0"



WALL SECTION
SCALE: 3/8"=1'-0"



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

TABLE R404.3.2(B)
MINIMUM VERTICAL REINFORCEMENT FOR 8-, 10- AND 12-INCH NORMAL FLAT BASEMENT WALLS

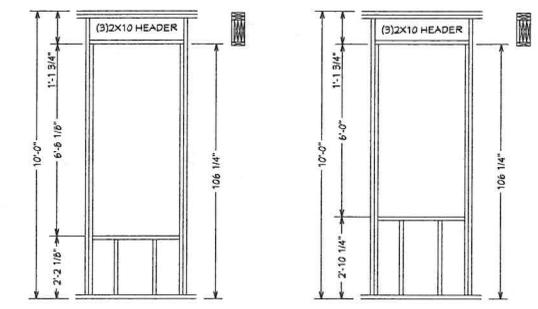
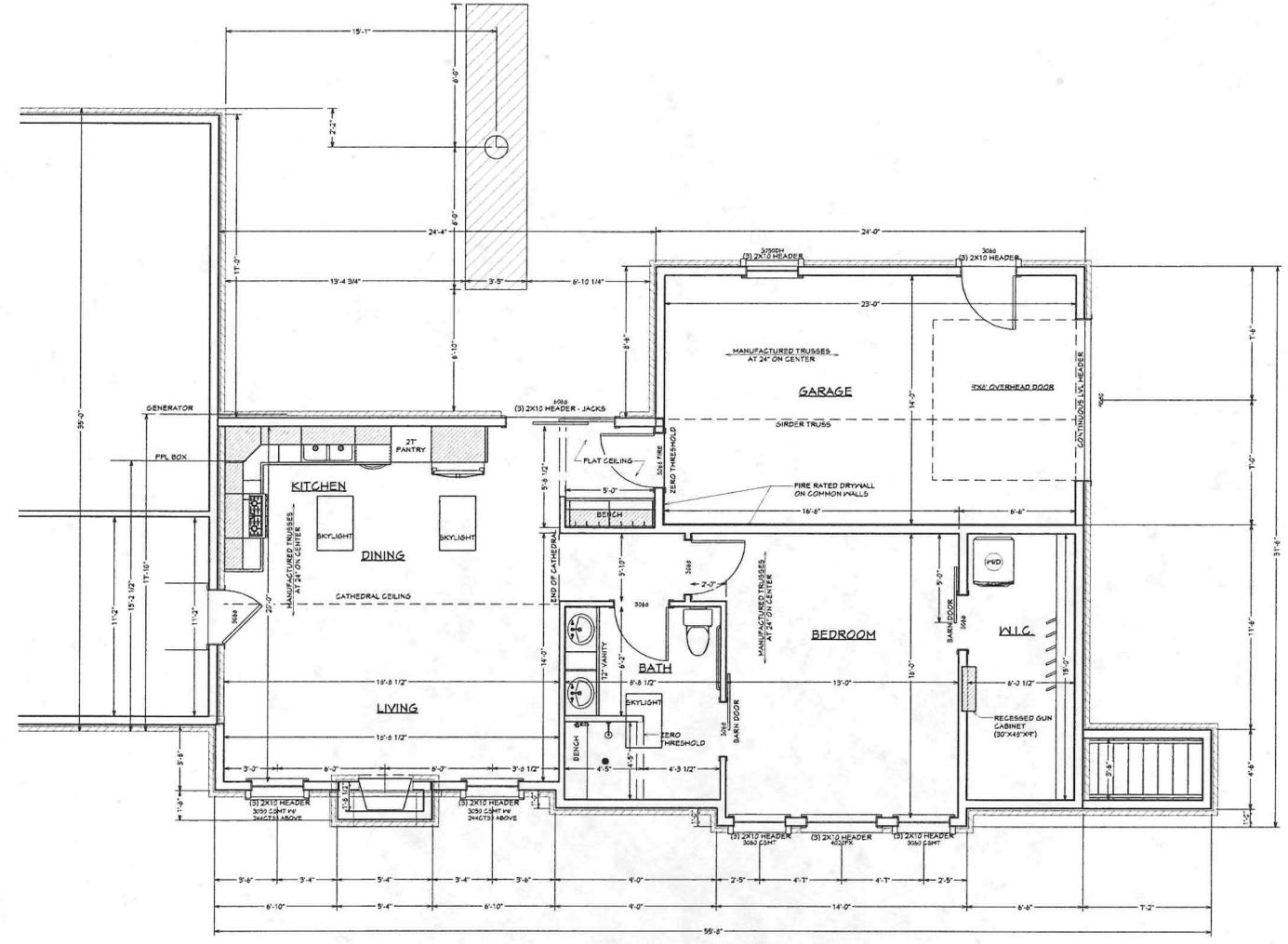
MINIMUM VERTICAL REINFORCEMENT BAR SIZE AND SPACING (inches)
Bar diameter and design lateral steel (per foot of height)

MAXIMUM WALL HEIGHT (ft)	MAXIMUM UNBALANCED RACKLE HEIGHT (ft)	MINIMUM VERTICAL REINFORCEMENT BAR SIZE AND SPACING (inches)											
		GW, GP, SW, SP				GM, GS, SM, SM, SC, and ML				SC, ML, CL and integral CL			
		30	40	50	60	40	50	60	80	40	50	60	80
5	4	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	5	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
6	4	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	5	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
7	4	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	5	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
8	4	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	5	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
9	4	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	5	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
10	4	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	5	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR



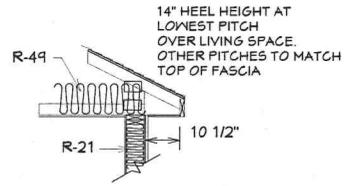
TABLE M1507.3.3(1)

DWELLING UNIT FLOOR AREA (square feet)	CONTINUOUS WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM AIRFLOW RATE REQUIREMENTS				
	NUMBER OF BEDROOMS				
	0 - 1	2 - 3	4 - 5	6 - 7	> 7
	Airflow in CFM				
< 1,500	30	45	60	75	90
1,500 - 3,000	45	60	75	90	105
3,001 - 4,500	60	75	90	105	120
4,501 - 6,000	75	90	105	120	135
6,001 - 7,500	90	105	120	135	150
> 7,500	105	120	135	150	165

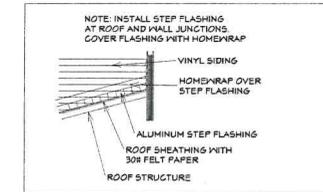


ANY OPENING GREATER THAN 6'-0" TO HAVE (2) JACK STUDS

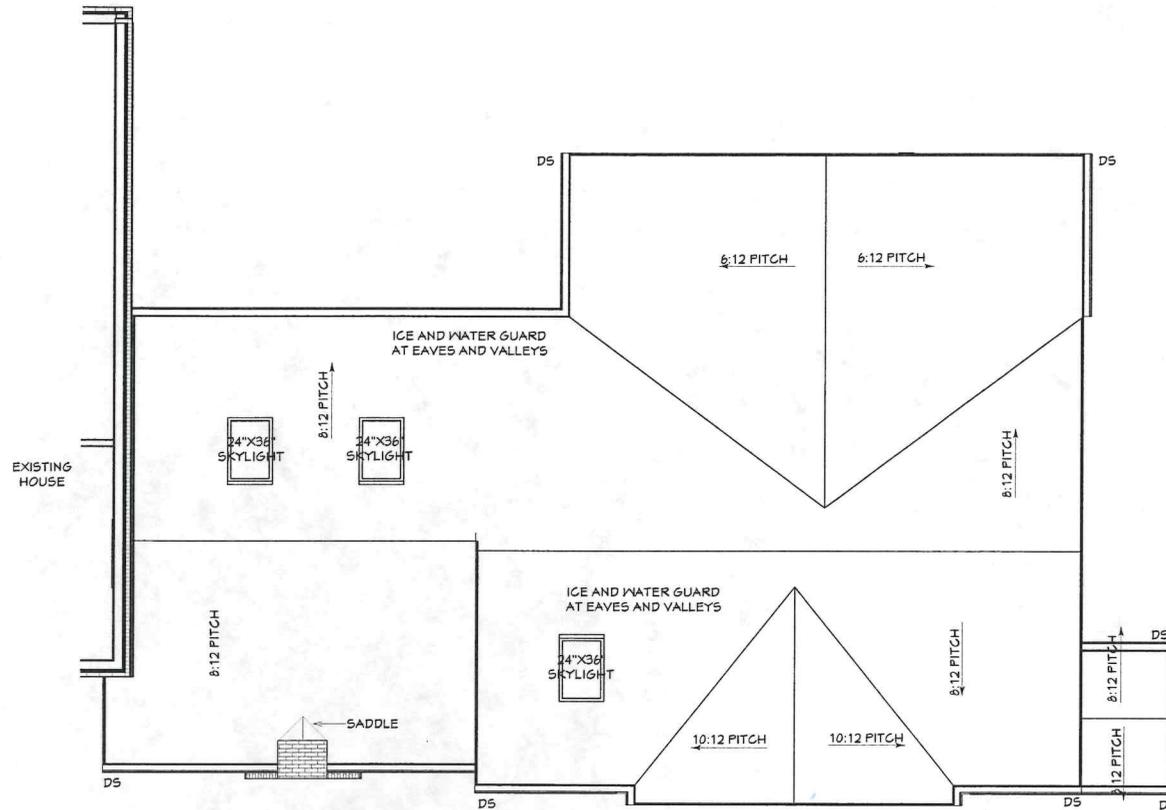
NOTE: EXTERIOR WALLS ARE TO BE 6"
UNLESS NOTED OTHERWISE. INTERIOR
WALLS ARE TO BE 3-1/2"



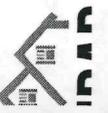
TRUSS HEEL DETAIL
SCALE: 1/2"=1'-0"

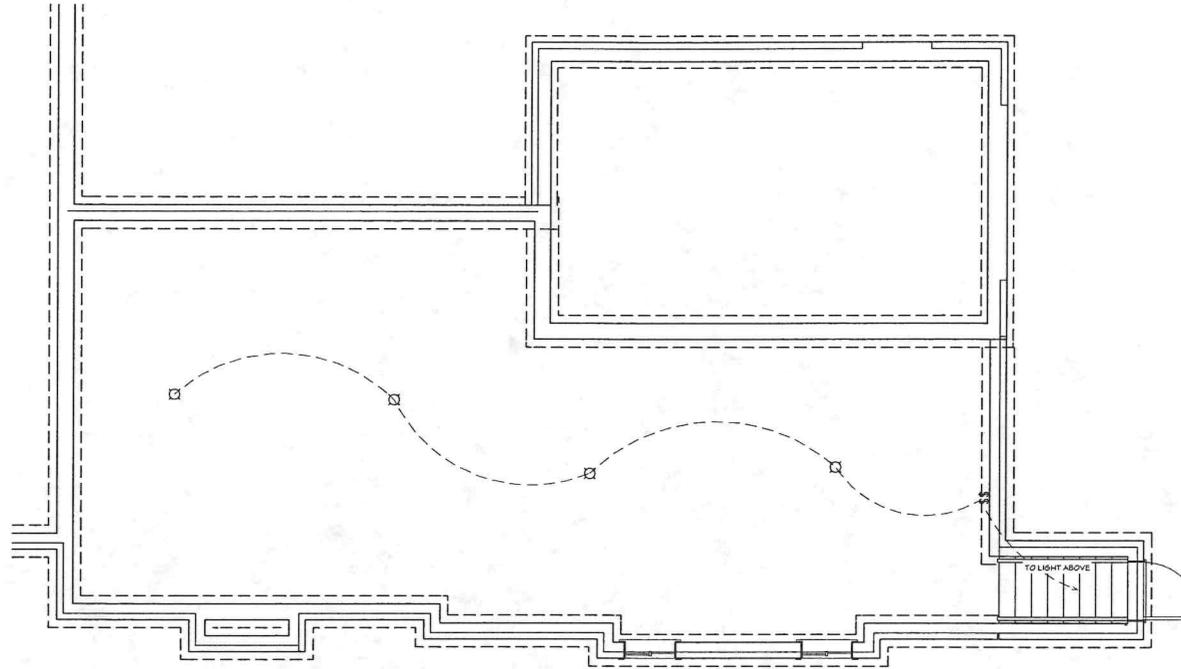


TRUSSES/ROOF:
TRUSS DESIGNS TO CONFORM TO SECTION R802.10.1 AND SHALL BE PROVIDED TO THE BUILDING OFFICIAL. ROOF DESIGN LOADS TO BE 30-10-10 FOR A TOTAL LOAD OF 50#/SQ. FT.
ROOF SHEATHING TO CONFORM TO IRC 2015 7/16" O.S.B. SHEATHING W/ RATING OF 24/16
SEE DETAILS FOR BRACING AND INSTALLATION

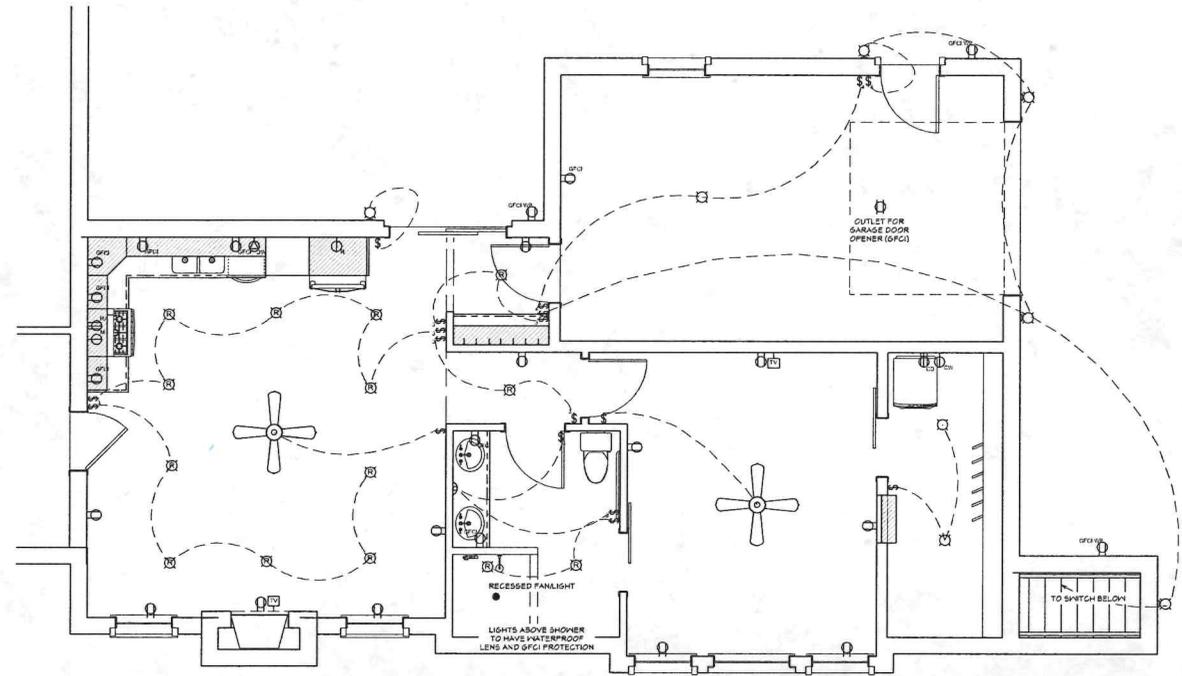


ROOF PLAN
SCALE: 1/4"=1'-0"





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



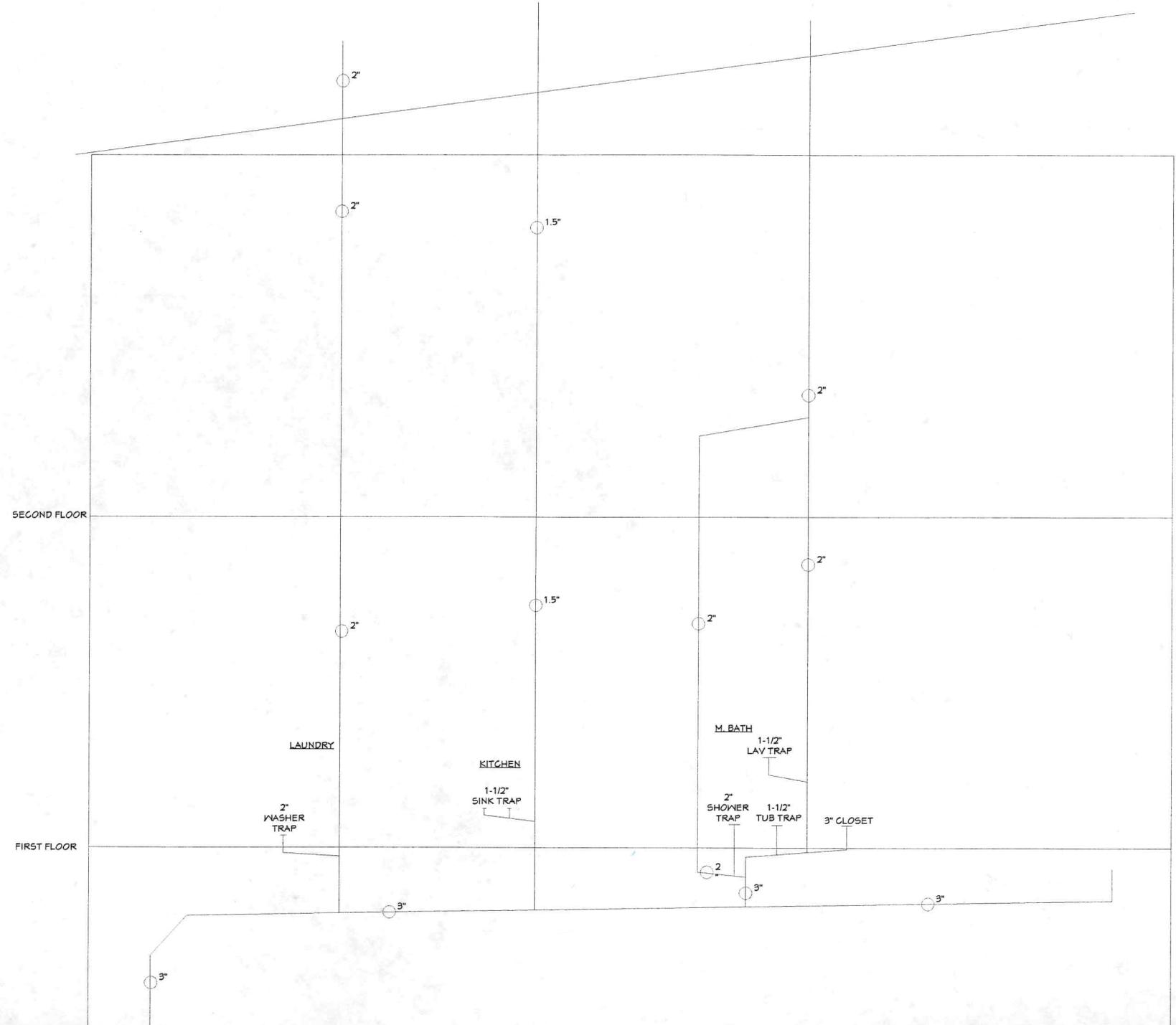
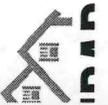
ELECTRICAL LEGEND			
	DUPLEX RECEPT.		SINGLE POLE SWITCH
	GROUND FAULT INTERRUPTER		3-WAY SWITCH
	220 VOLT DUPLEX RECEPT.		4-WAY SWITCH
	REFRIGERATOR RECEPT.		FLUORESCENT LIGHT FIXTURE
	WATER-PROOF RECEPT.		FANLIGHT
	GARBAGE DISPOSAL		CEILING MOUNT LIGHT FIXTURE
	MICROWAVE RECEPT.		RECESSED LIGHT FIXTURE
	TELEVISION		WALL MOUNTED LIGHT FIXTURE
	TELEPHONE		CEILING FAN

ELECTRICAL NOTES:

- SEE FLOOR PLANS FOR NOTES AND DIMENSIONS
- ALL LOCATIONS OF MECHANICAL EQUIPMENT ARE SUBJECT TO CHANGE DUE TO SITE CONDITIONS
- 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
- CARBON MONOXIDE DETECTOR TO BE WIRED WITH SMOKE DETECTOR SYSTEM PER CODE
- 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 BREAKERS AT THE PANEL
- RECEPTACLES TO BE TAMPER PROOF PER CODE
- NOTCHED TOP PLATES SHALL BE REINFORCED WITH 16 GAUGE STEEL X 1 1/2"
- VENTILATING APPLIANCES SHALL BE BRASS METAL WITH LIGHT SCREENS

PLAN 11

- A101-ELEVATIONS
- A102-FOUNDATION
- A103-FIRST FLOOR
- A104-ROOF PLAN
- E101-ELECTRICAL
- F101-PLUMBING



- PLUMBING NOTES:**
1. WATER SUPPLY SYSTEM TO BE WITH PEX PIPING
 2. ALL SANITARY WASTE LINES TO BE 1-1/2" Sch 40 PVC FROM SINK, 2" TUB AND SHOWER, TO 3" Sch 40 PVC FROM TOILET TO A 4" Sch 40 PVC EXITING HOME
 3. ALL VENT PIPES TO BE 2" Sch 40 PVC TO 3" Sch 40 PVC EXTENDING ABOVE ROOF LINE
 4. ALL VENTS TO TERMINATE THROUGH ROOF ON SIDE OR REAR
 5. HOT WATER PIPE INSULATION OF R-3 IS REQUIRED FOR THE FOLLOWING:
 1. PIPING 3/4" OR LARGER
 2. PIPING THAT SERVICES MORE THAN ONE DWELLING UNIT
 3. PIPING LOCATED OUTSIDE OF CONDITIONED SPACE
 4. PIPING FROM THE WATER HEATER TO A DISTRIBUTION MANIFOLD
 5. PIPING LOCATED UNDER A FLOOR SLAB
 6. BURIED PIPING
 7. SUPPLY AND RETURN PIPING IN RECIRCULATION SYSTEMS OTHER THAN DEMAND RECIRCULATION SYSTEMS