

**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**VADIM BASOV** : **YORK COUNTY, PENNSYLVANIA**  
: **DOCKET NO. 2021-08**

**DECISION GRANTING A VARIANCE TO SECTION 300-50.B**  
**OF THE ZONING ORDINANCE**

The Applicants applied for a variance to Section 300-50.B of the Fairview Township Zoning Ordinance for the installation of an above-ground swimming pool in the front yard of the residence located at 216 Shauffnertown Road, New Cumberland, PA 17070, located in the Single-Family Residential Zoning District of the Township. The hearing on the application was held 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 Applicant is Vadim Basov, 216 Shauffnertown Road, New Cumberland, PA 17070 . The premises, which is the subject of the application, is the Applicant's residence.
2. The Applicant's residence is in the Single-Family Residential Zoning District of Fairview Township. The home is located at the intersection of Shauffnertown Road and Spanglers Mill Road.
3. Testifying in support of the application was the Applicant, Vadim Basov. The Applicant was represented at the hearing by James Turner, Esquire, *Turner & O'Connell*, 915 N. Mountain Road, Suite D, Harrisburg, PA 17112.
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.

5. The requested variance is for the purpose of putting an accessory structure, an above-ground swimming pool, in the front yard of this property which borders both Shauffnertown Road and Spanglers Mill Road.

6. There are eight (8) requirements which pertain to private household swimming pools. This application requires a variance from one (1) of those requirements, specifically, Section 300-50.B which provides:

“No swimming pool shall be permitted to be located in the front yard between the principal building and the public street (excluding alleys) or within any required front setback.”

7. This is a triangular shaped, corner lot, with the point of the triangle to the front of the residence, which is set back near the rear property line such that there is no room to the rear, or sides, of the home for accessory structures. The front yard of this lot is, therefore, the area for the proposed accessory swimming pool.

8. The proposed location of the pool will comply with the applicable setback requirements under the Ordinance; but requires a variance for its location in the front yard.

9. The Applicant also demonstrated, and the Fairview Township Zoning Officer concurred, that the proposed above-ground swimming pool will meet all the other requirements of Section 300-50 and the general requirements for variances enumerated in the Fairview Township Zoning Ordinance Section 300-99.E(4).

### **CONCLUSIONS**

1. Private Household Swimming Pools are permitted in the Single-Family Residential Zoning District, subject to compliance with the criteria of Sections 300-50 of the Zoning Ordinance. In this matter, the Applicant demonstrated that his proposed above-ground

pool will meet all the requirements of Section 300-50 of the Ordinance excepting the “front yard” prohibition in 300-50.B. The Applicants further demonstrated that because of the configuration of his lot with the home to the rear of the triangular-shaped lot and narrow side yards, he is entitled to a dimensional variance for the pool to be located in the front yard adjacent to both Shauffnertown Road and Spanglers Mill Road

2. The application meets all of the remaining standards established under Section 300-50 of the Zoning Ordinance, and further meets all of the general criteria for a variance set forth in Section 300-99.E(4) of the Zoning Ordinance. The variance for the installation of an above-ground swimming pool in the front yard of the property at 216 Shauffnertown Road 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 variance authorizing the installation of an above-ground swimming pool in the front yard of Applicant’s residence at 216 Shauffnertown Road, New Cumberland, PA 17070.

The application was approved upon the motion made by Mr. McElhenie, seconded by Mr. Bashore, 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:  
Applicant  
James Turner, Esquire

The Fairview Township Zoning Hearing Board will hold a Public Hearing on Thursday, **July 22, 2021**, at 6:30 p.m., at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070, to discuss the following:

**Docket No. 2021-08:** Vadim Basov, 216 Shauffnertown Road, New Cumberland, PA 17070. The Applicant is requesting a variance to the Fairview Township Zoning Ordinance, § 300.21.A Table 5-3 Accessory Structure Setbacks and § 300-50.B, "Private Household swimming pools". The Applicant is proposing to construct an above ground pool in the front yard of a corner property. The property is located at 216 Shauffnertown Road, New Cumberland, PA 17070, and is located in the Single Family Residential Zoning District.

Attorney

James Turner

717-439-1211

915 N. Mountain Rd Ste D

Harrisburg PA 17112



ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Vadim Basov
Address: 216 Shauffnertown Rd
New Cumberland PA 17070
Phone: 717-943-9461

EXISTING OWNER OF PROPERTY:

Name: Vadim Basov
Address: 216 Shauffnertown Rd
New Cumberland PA 17070

PROPERTY LOCATION:

Address: 216 Shauffnertown Rd
New Cumberland PA 17070
Lot Size: 0.96 acres 41,534 sq. ft.
Date Purchased: 7/1/1997
Location: Intersection of Shauffnertown Rd + Spanglers Mill Rd

PRESENT USE OF PROPERTY:

Residential

EXISTING ZONE: Rural Living

❖ 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):

Section 300-50 B.
Section 300-21.A, Table 5-3

❖ Part 3:

DESCRIPTION OF REQUEST:

The applicant proposes to erect an above ground pool within an area deemed to be a front yard. The property is irregularly shaped and bounded on multiple sides by public streets resulting in no space for a pool.

## ❖ Part 4

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

NAME	ADDRESS	USE TYPE
Patricia Myers	205 Shauffnertown Rd New Cumberland PA 17070	Res.
Fred E. Anderson Jr + Stacy + Richard + Patricia	210 Spanglers Mill Rd NC 17070	Res
Scott A. + Shannon M. Root	222 Spanglers Mill Rd NC	Res
Joel + Michelle Hockenberry	224 Spanglers Mill Rd NC	Res
Jonathan Nester	230 Spanglers Mill Rd NC	Res
Joel + Michelle Hockenberry	221 Spanglers Mill Rd NC	Res
Lori A. Zuch	220 Shauffnertown Rd NC	Res
Sue R. Leach	217 Shauffnertown Rd NC	Res
Diller Rd Assoc	Diller Rd	Vacant
Adam Trump	233 Spanglers Mill Rd NC	Res
Henry W August III + Connie S	232 Spanglers Mill Rd NC	Res
Anthony Fowler + Kimberly	211 Myers Ln NC	Res
Pa Amer Water	Shauffnertown Rd / Myers Ln	Public utility

38259

Parcel Number:

370-RE-254

DEED

THIS INDENTURE, made the 1st day July, 1997.

BETWEEN Rosemary Myers, widow of Dauphin, Dauphin County, Pennsylvania, hereinafter referred to as GRANTOR,

AND

Vadim Basov, a married man, of Harrisburg, Dauphin County, Pennsylvania, hereinafter referred to as GRANTEE.

WITNESSETH that the said GRANTOR, for and in consideration of the sum of NINETY-SEVEN THOUSAND DOLLARS (\$97,000.00), lawful money of the United States of America, and other good and valuable considerations, well and truly paid by the said GRANTEE to the said GRANTOR, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed, and confirmed and by these presents does grant, bargain, sell, alien, enfeoff, release, convey, and confirm unto the said GRANTEE, their heirs and assigns,

ALL THAT CERTAIN piece or parcel of land, situate in the Fairview Township, York County, Commonwealth of Pennsylvania, more particularly bounded and described according to a survey by Whittock and Hartman, Registered Professional Engineers, dated October 10, 1978 and recorded in York County Plan Book AA, Page 774, said lot being Lot No. 2 on said plan as follows, to wit:

BEGINNING at a point on the eastern dedicated right of way line of Shaffnertown Road at corner of land now or late of William and Bertha Justin and corner of Lot No. 1 of the aforementioned Plan; thence in and along the eastern dedicated right of way line of Shaffnertown Road by a curve to the left having a radius of 262 feet with a chord bearing of North 27 degrees 14 minutes 22 seconds West having a length of 123.39 feet a distance of 124.56 feet to the arc to a point on the Eastern dedicated right of way line; thence by same North 16 degrees 30 minutes 1 second West, 198.13 feet to a point at the intersection of the eastern dedicated right of way line of Shaffnertown Road and the southwestern dedicated right of way line of Spanglers Mill road; thence along the southwestern dedicated right of way line of Spanglers Mill Road, South 54 degrees 7 minutes 48 seconds East,

HP  
2m

256.51 feet to a point on the said dedicated right of way line at corner of Lot No. 1 on the aforementioned Plan; thence along Lot No. 1 South 41 degrees 45 minutes 2 seconds East, 218.34 feet to a point on the dedicated right of way line of the eastern side of Shaffnertown Road at corner of Lot No. and land now or late of William and Bertha Justin, being the first mentioned point and place of BEGINNING.

CONTAINING 24,369.80 square feet or .96 acre.

BEING THE SAME PREMISES that Mearl A. Myers, by his deed dated May 26, 1992 and recorded by the Recorder of Deeds in and for York County in Record Book 398, Page 0179, granted and conveyed unto Mearl A. Myers and Rosemary Myers, his wife. Mearl A. Myers was deceased on \_\_\_\_\_ as evidenced by his death certificate number \_\_\_\_\_, thus vesting sole title to Rosemary Myers, his wife, now being a widow and GRANTOR herein.

UNDER AND SUBJECT, nevertheless, to easements, restrictions, reservations, conditions, and rights of ways of record or visible upon inspection of premises.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances to the same belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; AND ALSO all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said GRANTOR, of, in, to or out of the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said GRANTEE, Grantee's heirs, assigns, to and for the only proper use and behoof of the said GRANTEE, Grantee's heirs and assigns, forever.

AND THE SAID GRANTOR, for Grantor's self, Grantor's heirs, executors, and administrators, does by these presents, covenant, grant and agree to and with the said GRANTEE, Grantee's heirs and assigns, that the said GRANTOR, Grantor's heirs and assigns, all and singular the hereditaments and premises hereinabove described and granted or mentioned, and intended so to be, with appurtenances, unto the said GRANTEE, Grantee's heirs and assigns, against the said GRANTOR and Grantor's heirs and assigns against all and every other person or persons whomsoever, lawfully claiming or to claim the same or any part thereof, by, from or under him, her, them or any of them, shall and will by these presents SPECIALLY WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said GRANTOR has to these presents set her hand and seal dated the day and year first above written.

WITNESS:

*[Handwritten signature]*

*Rosemary Myers*  
Rosemary Myers

RECORDER OF DEEDS  
YORK COUNTY  
PENNSYLVANIA

INSTRUMENT NUMBER  
1997038259

RECORDED ON  
Jul 09, 1997  
3:42:59 PM

STATE TRANSFER TAX	\$970.00
AFFORDABLE HOUSING	\$11.50
STATE WRIT TAX	\$0.50
RECORDING FEES	\$13.00
FAIRVIEW TOWNSHIP	\$485.00
WEST SHORE SCHOOL DISTRICT	\$485.00
TOTAL	\$1,965.00

I Certify This Document To Be  
Recorded In York County, Pa.

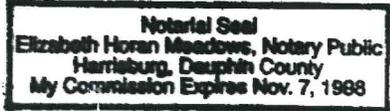


*[Handwritten signature]*  
Recorder of Deeds

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF Dauphin ) : ss.

ON THIS, the 1st day of July, 1997,  
before me a Notary Public, the undersigned officer, personally  
appeared Rosemary Myers, widow known to me (or satisfactorily  
proven) to be the person whose name is subscribed to the within  
instrument, and acknowledged that she executed the same for the  
purpose therein contained.

IN WITNESS WHEREOF, I have hereto set my hand and  
notarial seal.



[Signature]  
Notary Public



I HEREBY CERTIFY that the precise address of the Grantee  
herein is:

216 Shallowford Farm Rd  
New Cumberland, Pa. 17070  
[Signature]  
Signature

COMMONWEALTH OF PENNSYLVANIA  
County of

RECORDED in the Office for Recording of Deeds, etc, in and for said  
County, in Deed Book No. Vol. , Page

WITNESS my hand and official seal this day of ,

Recorder of Deeds:

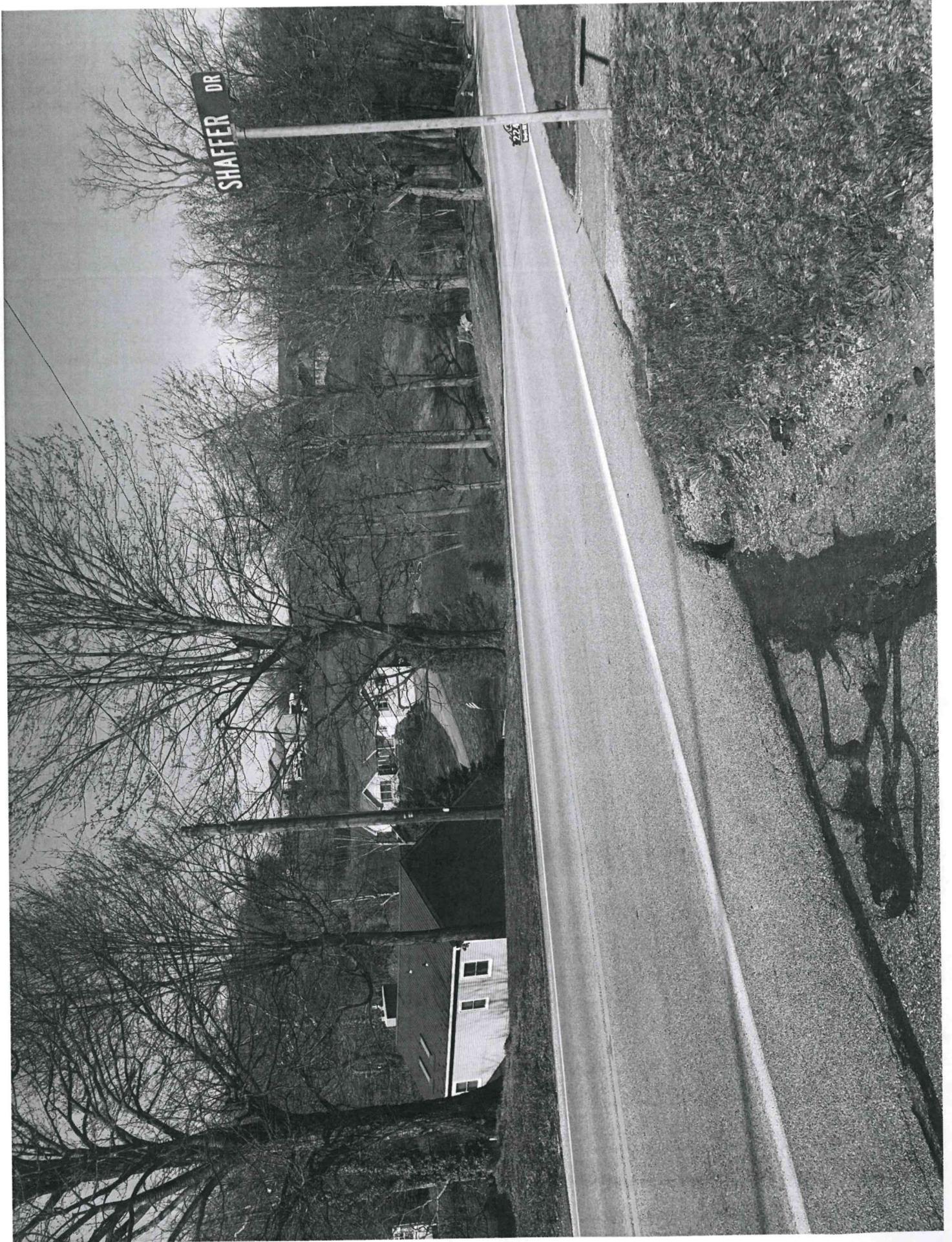




216 Shau



216 Shauffnertown Rd

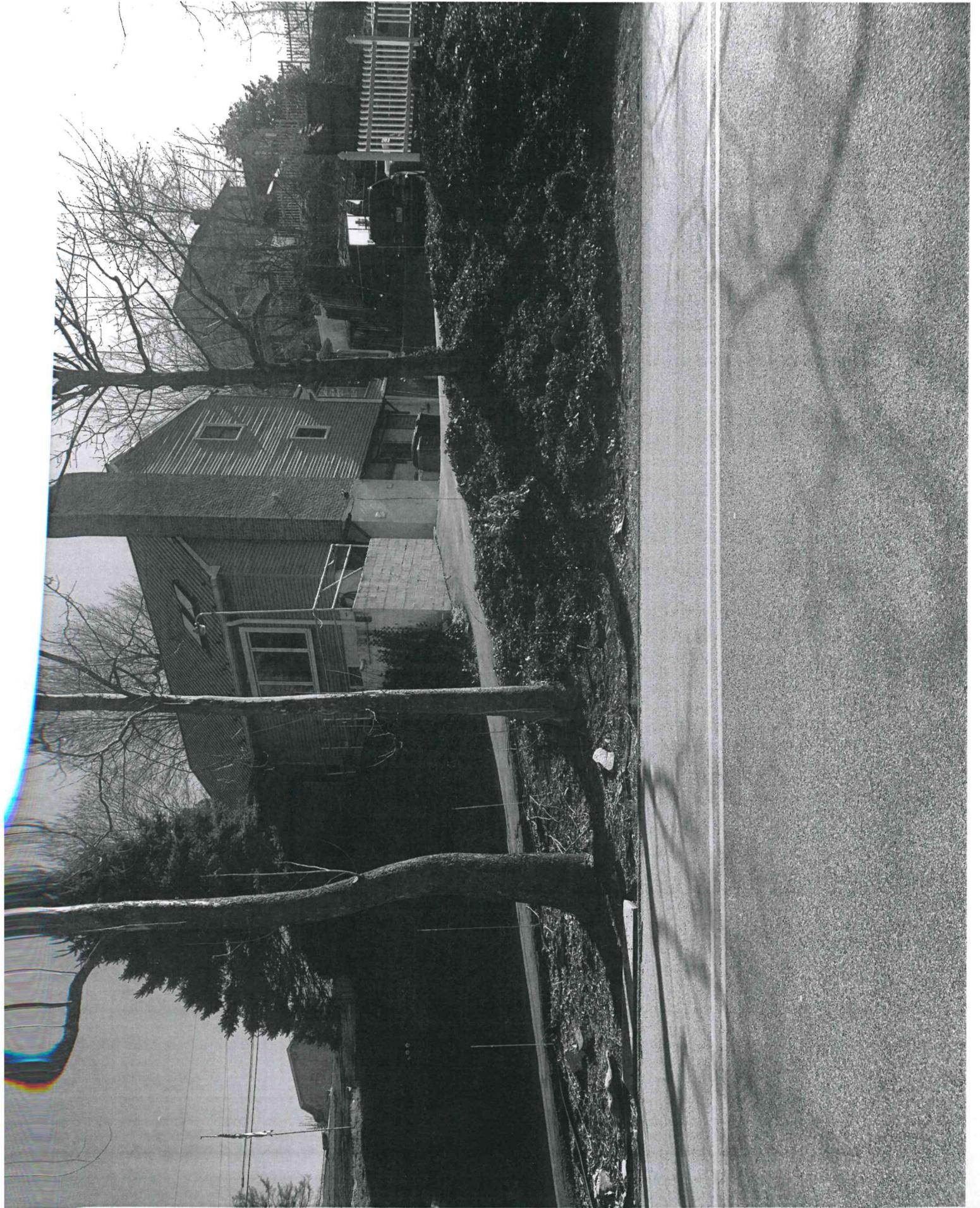














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Camera: 209 m 40°11'54"N 76°53'59"W 145 m  
12:30 PM  
3/23/2021

Google 100%  
Type here to search

I, Patricia L. Myers

(first and last name)

of 205 Shauffnertown Rd, New Cumberland PA

(address)

do not object the household of 216 Shauffnertown Rd New Cumberland PA, 17070 constructing up a above-ground pool where one was previously placed.

Signature: Patricia L Myers

I, Scott & Shannon Root  
(first and last name)

of 222 Spanglers Mill Rd  
(address)

do not object the household of 216 Shauffnertown Rd New Cumberland PA, 17070 constructing up a above-ground pool where one was previously placed.

Signature: Shannon / Scott Root