



**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**FLURIE IRREVOCABLE TRUST** : **YORK COUNTY, PENNSYLVANIA**  
: **DOCKET NO. 2021-11**

**DECISION DENYING A VARIANCE TO SECTION 300-16.A**  
**OF THE ZONING ORDINANCE**

The Applicant applied for a variance to Section 300-16.A of the Fairview Township Zoning Ordinance from the 300 feet requirement for minimum lot width/frontage along a collector street for the property located at 698 Old Quaker Road, Lewisberry, PA 17339, located in the Rural Living Zoning District of the Township. The hearing on the application was held October 21, 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 Flurie Irrevocable Trust, 665 Old Quaker Road, Lewisberry, PA 17339. The land, which is the subject of the application, is located at 698 Old Quaker Road, Lewisberry, PA and is presently composed of two tracts which total just over 67 acres in area on the north side of Old Quaker Road. The Applicant Trust also owns land directly to the south of the subject parcels, also fronting on Old Quaker Road, which is approximately 30 acres in area.
2. The property is located in the Rural Living Zoning District of Fairview Township.
3. Testifying in support of the application was Joseph Burget, PLS, *Burget & Associates, 1797 New Bloomfield Road, New Bloomfield, PA*. Also testifying was Maurice Flurie, III, 665 Old Quaker Road, Lewisberry, PA. Mr. Flurie is one of the beneficiaries, along with his brother, of the Flurie Irrevocable Trust.

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 parcels on the north side of Old Quaker Road have, aggregate, approximately 690 feet of lot width measured at the right-of-way line, the point at which lot width is measured for purposes of the Zoning Ordinance. The Applicant wishes to subdivide this area into three (3) lots, whereby at least two (2) of the lots would not meet the required 300 foot lot width under the Zoning Ordinance.

6. The reason stated for requesting the lot width variance is to effectuate the property division desired by family members in connection with settlement of the Trust estate. The Applicant also pointed out that adjoining parcels which were subdivided pursuant to the terms of the Zoning Ordinance prior to 2014 are 200 feet in width.

7. There are no unique characteristics of the property which create an unnecessary hardship in use of the property in conformity with the Ordinance. The property can be subdivided, or re-subdivided, in full compliance with the Ordinance.

### DISCUSSION

An Applicant requesting a variance from the requirements of the Zoning Ordinance has the burden and obligation of demonstrating that compliance with the requirements of the Ordinance creates an unnecessary hardship in use of the property; and that the hardship is created by the terms of the Ordinance as they apply to the unique characteristics of the property. In this matter, the Applicant did not show that its property is unique in any way with respect to the application of the lot width requirements of the Ordinance. Nor did the Applicant demonstrate that it would bear an unnecessary hardship if the Ordinance was followed. To the contrary, it is

clear that the property can be subdivided in full compliance with the Ordinance.

### CONCLUSIONS

1. The Applicant has the burden of establishing its entitlement to the requested 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 Applicant did not establish entitlement to the requested variance from the 300 feet requirement for minimum lot width/frontage along a collector street.

### 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 denies the application for a lot width variance for subdividing the properties located at 698 Old Quaker Road, Lewisberry, PA 17339.

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

FAIRVIEW TOWNSHIP ZONING HEARING  
BOARD

Dated: November 18, 2021

By: Mark Perry For  
Timothy C. Mader, Chairman

Distribution:  
Applicant



ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Flurie Irrevocable Trust  
Address: 665 Old Quaker Road  
Lewisberry, PA 17339  
Phone: 717-260-1828

EXISTING OWNER OF PROPERTY:

Name: Bryce A. Flurie & Flurie Irrevocable Trust  
Address: 698 Old Quaker Road  
Lewisberry, PA 17339  
717-260-1828

PROPERTY LOCATION:

Address: 698 Old Quaker Road  
Lewisberry, PA 17339  
Lot Size: 1,480,972 sqft + 270,343 sqft  
Date Purchased: 10/29/2019 & 7/23/2012  
Location: North side of Old  
Quaker Road (698 + lot to the east)

PRESENT USE OF PROPERTY:

Residential  
Single family dwellings

EXISTING ZONE: RL

❖ 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):

Article IX; Section 300-16.A. (Table 4-3) Minimum lot width at lot frontage (300 ft along a collector street)

❖ Part 3:

DESCRIPTION OF REQUEST:

The property currently has 2 homes on the property and it is impossible to achieve the required 300 ft of lot width between the 2 homes. The property is fairly large in size and the estate is required to split the property between the 2 sons. This would require subdividing the property on the north side of Old Quaker Road into 3 tracts. There is an existing sand mound along the west side of the existing home which makes it impossible to provide the third lot the 300' of lot width. Many years ago there were many lots subdivided off of this property and these lots are 200' wide. We would propose to maintain at least 200 ft of frontage for the third lot to match the neighboring properties.

❖ Part 4

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

NAME	ADDRESS	USE TYPE
Lukens, H. Benjamin Jr. + Lisa L.	27000QF00866000000 658 Old Quaker Road Lewisberry, PA 17339	Vacant lot
Myers, Christopher A. + April M.	27000QF0086H000000 666 Old Quaker Road Lewisberry, PA 17339	Single family dwelling
Haag, Michelle L. + Christopher William L.	27000QF00990000000 666 Old Quaker Road Lewisberry, PA 17339	Single family dwelling
Sprenkle, D. Crist + Adrienne	27000QF0086E000000 670 Old Quaker Rd Lewisberry, PA 17339	Single family dwelling
Balmer, Barry L. + Michael A. Noble	27000QF0086F000000 672 Old Quaker Rd Lewisberry, PA 17339	Single family dwelling
Flurie, Maurice E. III + Debra K.	27000PF016SD000000 665 Old Quaker Road Lewisberry, PA 17339	Vacant lot
Simco, Walter J. + Jane G.	27000PF00230000000 P.O. Box 211 Lewisberry, PA 17339	Vacant lot
Lukens, H. Benjamin Jr + Lisa L.	27000PF01840000000 658 Old Quaker Rd Lewisberry, PA 17339	Single family dwelling
Reed, Carl David + Bettina L. Strausbaugh	27000PF01850000000 654 Old Quaker Rd Lewisberry, PA 17339	Single family dwelling
Flurie, Maurice E. III + Debra K.	27000PF016S0000000 665 Old Quaker Rd Lewisberry, PA 17339	Single family dwelling
Conrad, Rodney W.	27000QF00920000000 655 Ridge Rd Lewisberry, PA 17339	Single family dwelling
Conrad, Wayne A. + Chere L.	27000QF0092A000000 653 Ridge Rd Lewisberry, PA 17339	Single family dwelling
Cole, Robert J. + Anne L.	27000QF0092B000000 645 Ridge Rd Lewisberry, PA 17339	Single family dwelling
Schrader, Sandra L.	27000QF0091A000000 635 Ridge Rd Lewisberry, PA 17339	Single family dwelling
Stine, Cynthia L.	27000QF00860000000 744 School House Ln Lewisberry, PA 17339	Agricultural
Pierre, Danton G.	27000QF00850000000 960 Stevens Road York Haven, PA 17370	Vacant lot

❖ Part 4

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

NAME	ADDRESS	USE TYPE
Pierre, Daulton G.	27000420001B000000 960 Stevens Road York Haven, PA 17370	Vacant lot
Harper, Drew & Alexandra Walchak	27000420001A000000 638 Old Quaker Road Lewisberry, PA 17339	Vacant lot
Rogliano Lupinetti Investment Group LLC	270004200010000000 501 Pawnee Drive Mechanicsburg, PA 17050	Vacant lot
Cohick, Adam M & Kirsten M.	27000 PF0164A0000000 646 Old Quaker Road Lewisberry, PA 17339	Single family dwelling
Petter, James R. & Deborah K.	27000 PF0164D0000000 645 Old Quaker Road Lewisberry, PA 17339	Single family dwelling
Bartram, Ralph E. Jr & Renee	27000 PF016400000000 1166 Lewisberry Road Lewisberry, PA 17339	Single family dwelling
Apa, Armand S. & Ruth M	27000 PF0025A0000000 755 Heck Hill Road Lewisberry, PA 17339	Single family dwelling
Payne, James W, etal	27000 PF002400000000 737 Heck Hill Road Lewisberry, PA 17339	Single family dwelling
Earnest, Lloyd C. & Linda L.	27000 PF0165A0000000 719 Heck Hill Road Lewisberry, PA 17339	Single family dwelling
Vaughn, Mark P & Sandra K	27000 PF0023G0000000 707 Old Quaker Rd Lewisberry, PA 17339	Single family dwelling

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❖ *Part 5 For office use only:*

## ZONING HEARING BOARD CHECKLIST

Application Received: \_\_\_\_\_

Property Zoned: \_\_\_\_\_

Asking for Special Exception, Variance or Appeal: \_\_\_\_\_

Case No.: \_\_\_\_\_

Fees Paid: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Draft Public Notice sent to Attorney for review: \_\_\_\_\_

Notice sent to Newspaper: \_\_\_\_\_

Notice Published in Newspaper: \_\_\_\_\_

Notice Mailed to Property Owners in 225ft. Buffer: \_\_\_\_\_

Public Notice Posted on Property: \_\_\_\_\_

ZHB Packets Mailed and Emailed: \_\_\_\_\_

## Chapter 300. Zoning

### Article IV. Rural Area Zoning Districts

#### § 300-16. Area and design requirements.

- A. See Table 4-3 in this section for the area and design requirements for all development activities and uses within the respective Rural Area Zoning Districts:

<b>Table 4-3</b>				
<b>Area and Design Requirements</b>				
<b>RL Rural Living Zoning District</b>				
<b>Area/Design Features</b>	<b>Permitted Uses</b>			
	<b>Single-Family Detached Dwelling (SFD)</b>		<b>All Other Nonresidential, Non-Forestry/ Non-Agriculture Uses (other than specified in Article X of this chapter)</b>	<b>Accessory use or structure (other than specified elsewhere this chapter including Articles VII–X of this chapter)</b>
	<b>New SFD Sited Along an Existing Street after the Effective Date of this Chapter</b>	<b>New SFD Sited Along a New Street after the Effective Date of this Chapter</b>		
Lot area per unit (minimum)	80,000 sq. ft.	40,000 sq. ft.	5 acres	Included as part of total minimum lot area for principal use
Minimum lot width at lot frontage (corner)	350 ft. along an arterial street		350 ft.	Included as part of total minimum lot width for principal use
	300 ft. along a collector street			
	250 ft. along an existing local street			
	95 ft. along a new local street			
Minimum lot width at lot frontage (corner)	350 ft. along an arterial street		350 ft.	Included as part of total minimum lot width for principal use
	300 ft. along a collector street			
	250 ft. along an existing local street			
	95 ft. along a new local street			
Setback, front (minimum)	150 ft. along an arterial street <sup>1</sup>		150 ft.	Not permitted to be located in the required front setback nor within the front yard if principal
	125 ft. along a collector street <sup>1</sup>			
	100 ft. along an existing local street <sup>1</sup>			

	75 ft. along a new local street <sup>1</sup>			building is less than 150 ft. from street right-of-way
Setback, side (minimum each side)	30 ft.	30 ft.	75 ft.	20 ft. SFD/50 ft. all other nonresidential, nonagriculture uses
Setback, rear (minimum)	50 ft.	50 ft.	75 ft.	20 ft. SFD/50 ft. all other nonresidential, nonagriculture uses
Impervious lot coverage (maximum)	20%	30%	15%	Included as part of total maximum impervious coverage for principal use
Vegetative coverage (minimum)	60%	60%	60%	Included as part of total minimum vegetative coverage for principal use
Building height (maximum)	35 ft.	35 ft.	35 ft.	Not permitted to be higher than the principal structure
Commercial, non-forestry/nonagriculture building footprint (maximum)	N/A	N/A	25,000 sq. ft.	Included as part of total maximum commercial, nonagriculture principal building footprint

N/A Not Applicable

<sup>1</sup> Provided, however, that the setback distance shall be 25 feet if the residential building was erected when the setback was applicable.

B. Additional building and site design standards for non-forestry/nonagriculture related development activities and uses in the RL Rural Living Zoning District.

- (1) All non-forestry/nonagriculture related development activities and uses shall be compatible with the existing rural landscape, community character, and rural design.
  - (a) Buildings; structures; driveways; access drives; parking areas; loading areas; lighting; trash, refuse, storage and servicing areas; and other site improvements shall be located and designed to minimize adverse impacts on abutting properties;
  - (b) Driveway and access drive intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on the lot, on adjacent streets, and nearby intersections.
  - (c) For parent tracts of five acres or greater and of five or more cumulative lots on the effective date of this chapter, the following regulations apply to all non-forestry/non-

**ZONING REQUIREMENTS**

DISTRICT: "RL" Rural Living

Requirements:  
(for Single-Family Detached Dwelling)

Lot Area/Unit: 80,000 Sq Ft (1.837 Ac.)

Minimum Lot Width: (corner lot frontage)  
along arterial: 350 Ft  
along collector: 300 Ft **{SITE DETERMINED}**  
along ex. local: 250 Ft  
along new local: 95 Ft

Building Setbacks:  
Front:  
along arterial: 150 Ft  
along collector: 125 Ft **{SITE DETERMINED}**  
along ex. local: 100 Ft  
along new local: 75 Ft

Side: 30 Ft  
Rear: 50 Ft

Impervious Lot Coverage: 20% (maximum)

Vegetative Coverage: 60% (minimum)

Building Height: 35 Ft (maximum)

**ZONING VARIANCE REQUESTED**

**LOT WIDTH REQUIRED 300 FEET**  
Article IV, Section 300-16.A (Table 4-3)

Proposed widths:

Lot 2 = 329 Feet

Lot 2A = 211 Feet **{VARIANCE REQUIRED}**

Lot 2B = 186 Feet **{VARIANCE REQUIRED}**

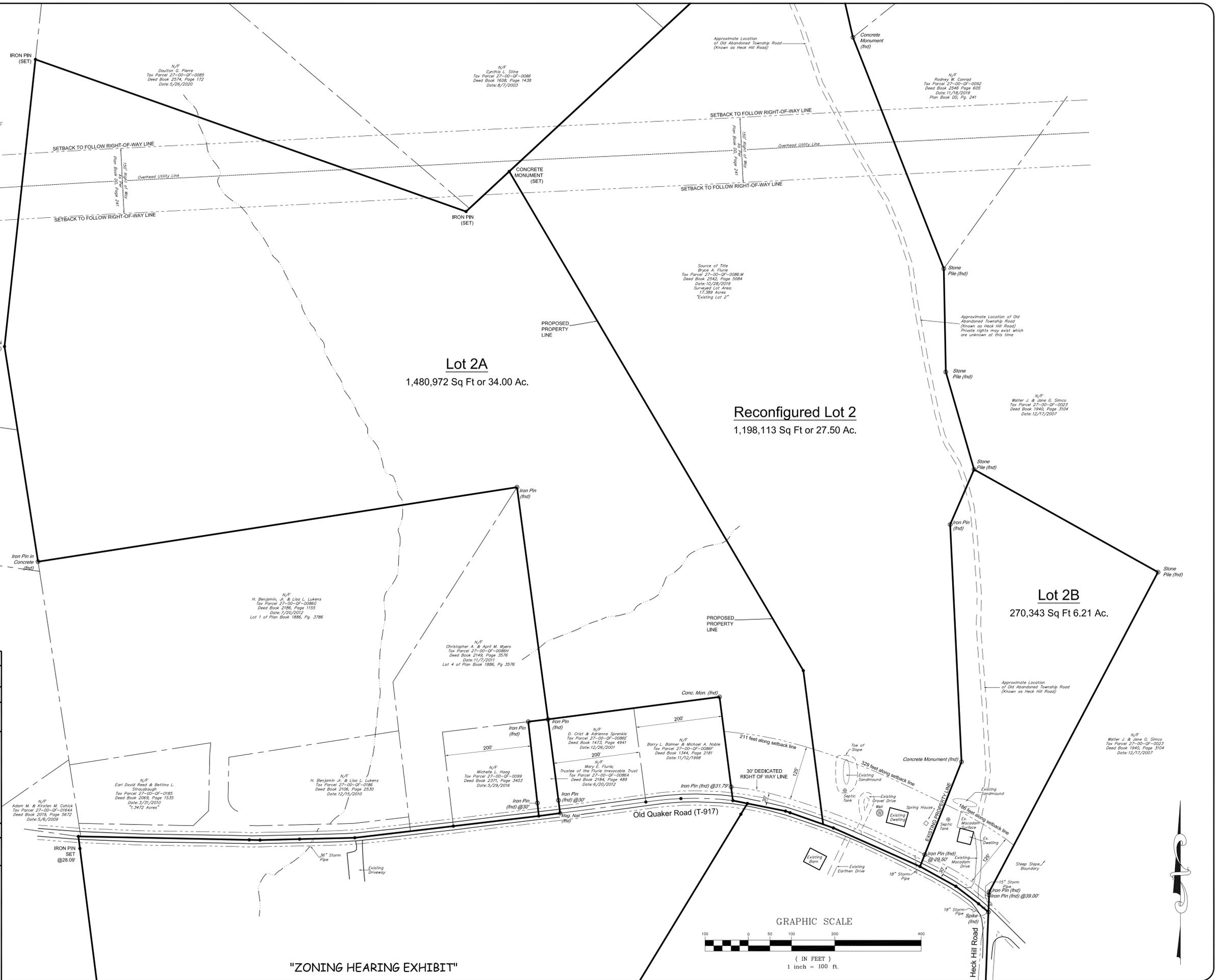
REVISIONS	SOURCE OF TITLE	SHEET NUMBER
	Deed Book 2184, Page 489 Deed Book 2542, Page 5095 Deed Book 2542, Page 5084	1 OF 1
<b>TAX MAP NUMBER</b>		
Tax Parcel 27-00-QF-0086.A Tax Parcel 27-00-PP-0165.D Tax Parcel 27-00-QF-0086.M		
<b>BURGET &amp; ASSOCIATES, INC.</b> "Professional Land Surveyors"		
<ul style="list-style-type: none"> <li>• CADD Training and Support</li> <li>• ALTA Surveys</li> <li>• Topographical Surveys</li> <li>• Property Surveys</li> <li>• FEMA Elevation Certificates</li> <li>• GPS Mapping and Control Surveys</li> <li>• Major and Minor Subdivisions</li> </ul>		
Web Site: <a href="http://www.burgetassociatesinc.com">www.burgetassociatesinc.com</a>		
1787 N.E. Road, New Bloomfield Wheatfield/Avon 17088 Phone: 717-962-7011 Fax: 717-962-8557		

**LAND OWNERS / DEVELOPERS**

Owners: Maurice E. Flurie, III 698 Old Quaker Road Lewisberry, PA 17339 Phone: 717-260-1828

698 Old Quaker Road Lewisberry, PA 17339

**ZONING HEARING EXHIBIT**  
OVER LANDS OF  
**MARY E. FLURIE, TRUSTEE**  
OF THE  
**FLURIE IRREVOCABLE TRUST**  
AND  
**MAURICE E. FLURIE, III & DEBRA K. FLURIE**  
AND  
**BRYCE A. FLURIE**  
FAIRVIEW TOWNSHIP, YORK COUNTY, PA  
JOB NUMBER: 16195  
DRAWING NUMBER: 16195-003  
Scale: 1"=100' Date: September 21st, 2021



"ZONING HEARING EXHIBIT"