

**BEFORE THE FAIRVIEW TOWNSHIP  
ZONING HEARING BOARD**

**DECISION**

**IN RE:           APPLICATION OF NIMA PARTNERSHIP, LLC  
APPLICATION NO. 2026-02**

APPLICANT(S):           NIMA Partnership, LLC  
HEARING DATE:           April 16, 2026  
DECISION DATE:          April 16, 2026  
APPEARANCES:           Matthew J. Yergo, Premier Construction Group, Inc. (contractor)  
                                Stephen Waller, Township Zoning Officer  
EXHIBITS:                Exhibit 1 – Application (including all submittals)  
SUBJECT PROPERTY:       Old York Road, New Cumberland, Pennsylvania, 17070

**BACKGROUND**

This decision of the Fairview Township Zoning Hearing Board (the “**Board**”) is from an application (“**Application**”) filed with Fairview Township (the “**Township**”) seeking zoning relief under the Township’s Zoning Ordinance (the “**Ordinance**”) in order to develop the below property with a Mavis Tire project, such relief being a variance from Section §300.33.A – Table 7-1 to reduce the opacity screening requirements in the buffer yard where a non-residential use abuts an existing residential use. The subject property is located at Old York Road, New Cumberland, Pennsylvania, 17070, located in the Township’s Airport Business (AB) Zoning District.

A hearing was held on the Application on Thursday, April 16, 2026, with the meeting starting at 6:00 p.m. The Zoning Hearing Board was represented by Mark Perry (Vice Chairman), Keith Bashore, and Daniel Alderman (active alternate). All published and posted notices were duly given, with no objection thereto being made in writing or orally at the time of the hearing. No parties were in attendance except the Applicant, and no testimony in opposition to the Application was offered. After hearing the testimony and viewing the evidence in this matter, the Board makes the following determinations:

**FINDINGS OF FACT**

1.       NIMA Partnership, LLC (“**Applicant**”) is the current owner of property located at Old York Road, New Cumberland, Pennsylvania, 17070 (the “**Property**”), which is approximately 1.5 acres in area and is currently vacant.
2.       The Property is located in the Township’s Airport Business (AB) Zoning District.
3.       The Property is unimproved, however Applicant is in the planning stages of developing it for a Mavis Tire Center business.
4.       The Property is bordered to the west by a single family residence, to the north by an apartment complex/building, and to the east/south by York Road.

5. Due to adjoining residential uses, and in order to develop the Property with a non-residential use, Applicant is required to adhere to certain buffering and screening requirements under the Ordinance, including the requirement to provide for screening with not less than 80% opacity pursuant to Section §300.33.A – Table 7-1 of the Ordinance.

6. The Applicant will comply with such screening requirements along the northern boundary which borders the apartment building/complex.

7. The residential property to the west of the Property has natural buffering and screening in the form of wooded area and a slope which drops 22 feet from the Property to said residential property.

8. A temporary fence with vines/vegetation is currently located around the Property, including the western boundary, which will remain for construction but be torn down upon completion.

9. Applicant seeks a variance from Section §300.33.A – Table 7-1 to permit the existing slope and wooded area act as the screening so that Applicant does not have to meet the 80% opacity requirement.

10. Stephen Waller, as the Township Zoning Officer, testified as follows:

A. All public notices of the application and hearing were legally conducted, with the hearing being advertised in the newspaper on April 2<sup>nd</sup> and 9<sup>th</sup>, the Property being posted on April 9<sup>th</sup>, and the adjoining property owners having letters mailed to them on April 2<sup>nd</sup>.

B. Mr. Waller testified to the purposes and considerations of screening and buffer requirements when residential and non-residential uses neighbor each other, including both visual purposes and noise reduction purposes.

C. Mr. Waller also testified that the planning commission recommended approval of the Application.

### **CONCLUSIONS OF LAW**

1. The Applicant has established the elements required by Section 300-80.B of the Ordinance in order to expand, extend, or enlarge an existing dimensional nonconformity.

2. The Applicants have established the elements required by Section 300-99(E)(3)(b) of the Ordinance regarding the general criteria for a special exception.

### **DECISION**

Mr. Bashore moved to grant the variance under Section §300.33.A – Table 7-1 so that Applicant does not have to meet the 80% opacity requirement, with the condition that all wooded

area on the western side of the Property, as indicated in the site plan attached to the Applicant, remain for the duration of the proposed use. Mr. Alderman seconded the motion. Upon a vote, the Fairview Township Zoning Hearing Board unanimously approved the motion.

**APPLICANT SHALL ABIDE BY ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND ORDINANCES PERTAINING TO PERMISSIONS GRANTED BY THIS DECISION.**

**APPLICANT SHALL PROCEED PURSUANT TO THIS DECISION IN ACCORDANCE WITH THE TESTIMONY AND EXHIBITS PRESENTED AT THE HEARING.**

Date: 4/20/2026

Mark Perry  
Mark Perry, Vice Chairmen

**ANY PERSON AGGRIEVED BY THIS DECISION OF THE FAIRVIEW TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA. THE APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS FROM THE MAILING OF THESE FINDINGS OF FACT, CONCLUSIONS OF LAW AND THE ABOVE DECISION.**

MAIL DATE: 4/20/2026



BOARD of SUPERVISORS

Christopher L. Allen

Dr. Lawrence G. Cox

Matthew J. Cox

Mario D. Pirritano

Christopher D. Weidenhammer

MANAGER

Donald F. Martin, III

## PUBLIC NOTICE

The Fairview Township Zoning Hearing Board will hold a Public Hearing on Thursday, **April 16, 2026, at 6:00pm**, at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA., 17070, to discuss the following:

**Docket No. 2026-02:** Applicant, NIMA Partnership LLC, is requesting a Variance from Section §300.33.A, Table 7-1 to reduce the screening requirements in the buffer yard where a non-residential use abuts an existing residential use. The subject property is located at Old York Road, New Cumberland, Pa 17070, having a UPI No. 27-000-SF-0086.F0-00000, which is located within the (AB) Airport Business Zoning District.

**HAND DELIVERED**

March 5, 2026

Fairview Township Codes Office  
Fairview Township  
599 Lewisberry Road  
New Cumberland, PA 17070  
717-901-5200



- General Contracting
- Construction Management
- Engineering Services
- Property Management
- Design Build
- Custom Residential

**RE:**

**Mavis Tire – New Cumberland  
Fairview Township, York County, PA  
Zoning Hearing Board Application for Variance of Section 300-33, Subsection  
A. Table 7-1.**

Premier Construction Group Inc., on behalf of the applicant (NIMA Partnership LLC), is pleased to submit the required zoning variance application for consideration.

**Included are the following:**

- Six (6) copies of the Zone Hearing Board Application. (4 pages)
- Six (6) copies of owner authorization letter. (Nima Partnership LLC) (1 page)
- Six (6) copies of site photos & area of consideration plans. (5 pages)

We look forward to your consideration for the above mentioned variance. If you should have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew J. Yergo", is written over a light blue circular stamp.

***Matthew J. Yergo***

Chief Estimating Officer/Corporate Secretary

[myergo@premierconstructiongroupinc.com](mailto:myergo@premierconstructiongroupinc.com)

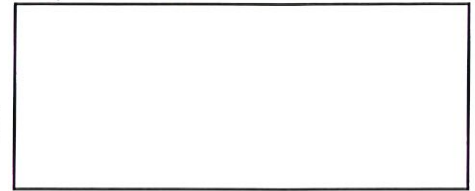
cc. Max Liddell (Nima Partnership LLC)



**ZONING HEARING BOARD  
APPLICATION  
YORK COUNTY, PENNSYLVANIA**

*Please see instructions for further information on completing the application.*

**PART 1 – APPLICANT/OWNER AND PROPERTY INFORMATION**



**APPLICANT(S):**

Name: Matthew Yergo co. Premier Construction Group Inc.

Address: 39 S. York Rd. City Dillsburg State PA Zip: 17019

Email: myergo@premierconstructiongroupinc.com Phone: 717-791-1018

**PROPERTY OWNER(S) (if other than applicant):**

Name: NIMA PARTNERSHIP LLC

Address: 12 Chelton Circle City Camp Hill State PA Zip: 17011

Email: max@weavermoving.com Phone: 717-774-7838

**PROPERTY INFORMATION:**

Address: (TBD) Old York Rd. City New Cumberland State PA Zip: 17070

Lot Size: 1.45 Date Purchased: 05/05/2025 Tax Parcel ID: 27-000-SF-0086.F0-00000

Current Use of Property: Vacant Zoning Map District Designation: AB

**PART 2 - ZONING REQUEST TYPE:**

Please identify one or more of the following applicable type(s) of relief being requested.

☐ **SPECIAL EXCEPTION** As required in Section(s) \_\_\_\_\_ of the Zoning Ordinance.

The proposed use for the location is claimed by the applicant:

a. To be considered with such other standards as required by the Zoning Ordinance in Section(s):

\_\_\_\_\_  
\_\_\_\_\_

b. Will not detract from the use and enjoyment of adjacent or nearby properties for the following reasons: \_\_\_\_\_

\_\_\_\_\_

c. Will not substantially change the character of the neighborhood for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

d. To comply with various elements and objectives of the Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

☒ **VARIANCE** of Section: 300-33 Subsection: A. Table 7-1  
Section: \_\_\_\_\_ Subsection: \_\_\_\_\_  
Section: \_\_\_\_\_ Subsection: \_\_\_\_\_  
Section: \_\_\_\_\_ Subsection: \_\_\_\_\_

of the Fairview Township Zoning Ordinance.

Nature of Variance(s) requested: Relief from buffer zone screening requirement at the adjoining residential west property line.

The applicant believes the Variance should be granted due to:

- Applicant is unable to make reasonable use of his property for the following reasons:  
Buffer zone requirement at the adjoining residential west property line has existing features providing natural screening.  
Adjoining property is at a lower elevation creating existing screening to future Mavis development. Existing conditions include  
grade change of approx. 20 feet and area of variance consideration has existing trees and vegetation.
- The unnecessary hardship on this property is:  
☐ The result of the application of the Zoning Ordinance;  
☒ Due to unique physical circumstances of the property in question not shared by other properties in the vicinity;  
☐ Not financial in nature;  
☐ Not self-created;
- The proposed Variance will not alter the essential character of the neighborhood nor impair the use of the adjacent property for the following reasons: Adjoining property is at a lower elevation creating existing screening to future Mavis development. Existing conditions include  
grade change of approx. 20 feet and area of variance consideration has existing trees and vegetation. (See attached photos)
- The Variance requested represents the minimum that will afford relief for the following reasons:  
Adjoining property is at a lower elevation creating existing screening to future Mavis development. Existing conditions include  
grade change of approx. 20 feet and area of variance consideration has existing trees and vegetation.

☐ APPEAL OF THE ZONING OFFICERS DECISION

The decision of the Zoning Officer dated: \_\_\_\_\_, 20 \_\_\_\_\_ based upon an interpretation of Section(s) \_\_\_\_\_ of the Zoning Ordinance. The nature of the appeal by applicant is as follows: \_\_\_\_\_

**PART 3 – PREVIOUS ZONING HEARING BOARD ACTIONS**

To the best of your knowledge, has there been any previous Zoning Appeals, Variances or Special Exceptions associated with this property? YES ☐ NO ☒.  
If yes, please provide dates or Case #'s \_\_\_\_\_

## **PART 4 – SURROUNDING OWNER NOTIFICATION**

List all individual property owners within 200 FEET of the perimeter of the subject property's extents.

[illegible]

**PART 5 – APPLICANT/OWNER AUTHORIZATION AND AFFIDAVIT**

Commonwealth of Pennsylvania :

County of York :

The undersigned, being duly sworn according to law, deposes and says that he/she is the above-mentioned applicant/owner/representative, that they are the owner OR authorized to take this Affidavit on behalf of the owner and that the forgoing information and facts contained in the application are true and correct to the best of their knowledge.

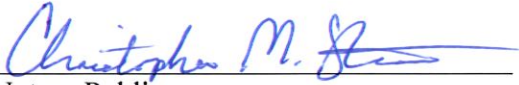
Applicant/Owner/Representative

Matthew Yergo, Chief Estimating Officer

Name/Title

Signature

Sworn to and subscribed before me  
this 13th day of March, 2026.

  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Christopher M. Sterner, Notary Public  
York County  
My commission expires October 3, 2026  
Commission number 1335699  
Member, Pennsylvania Association of Notaries

*For office use only:*  
**ZONING HEARING BOARD CHECKLIST**

Application received: \_\_\_\_\_

Property Zoning District: \_\_\_\_\_

Request Type: Special Exception, Variance or Appeal: \_\_\_\_\_

Case No.: \_\_\_\_\_ Fee paid: \$ \_\_\_\_\_ Payment type: \_\_\_\_\_

Hearing date: \_\_\_\_\_

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

Notice sent to newspaper: \_\_\_\_\_

Notice published in newspaper: \_\_\_\_\_

Notice mailed to property owners (225 ft. buffer): \_\_\_\_\_

Public Notice posted on property: \_\_\_\_\_

ZHB packets mailed and emailed: \_\_\_\_\_

Action taken: \_\_\_\_\_

# Nima Partnership LLC

12 Chelton Circle  
Camp Hill, PA 17011

Date: 03-06-2026

Fairview Township  
York County, Pennsylvania

## Re: Authorization to Apply for Variance

To Whom It May Concern,

This letter serves as formal authorization for Premier Construction Group Inc. to act on behalf of Nima Partnership LLC in matters related to zoning and land development approvals.

Premier Construction Group Inc. is hereby authorized to prepare, submit, and pursue a variance application with Fairview Township, York County, Pennsylvania, regarding property owned by Nima Partnership LLC.

The property subject to this authorization is vacant land located on Old York Road in Fairview Township, York County, Pennsylvania.

This authorization includes the ability to communicate with township officials, submit all required documentation, and represent the interests of Nima Partnership LLC in connection with the variance request.

If you have any questions or require additional documentation, please feel free to contact us.

Sincerely,



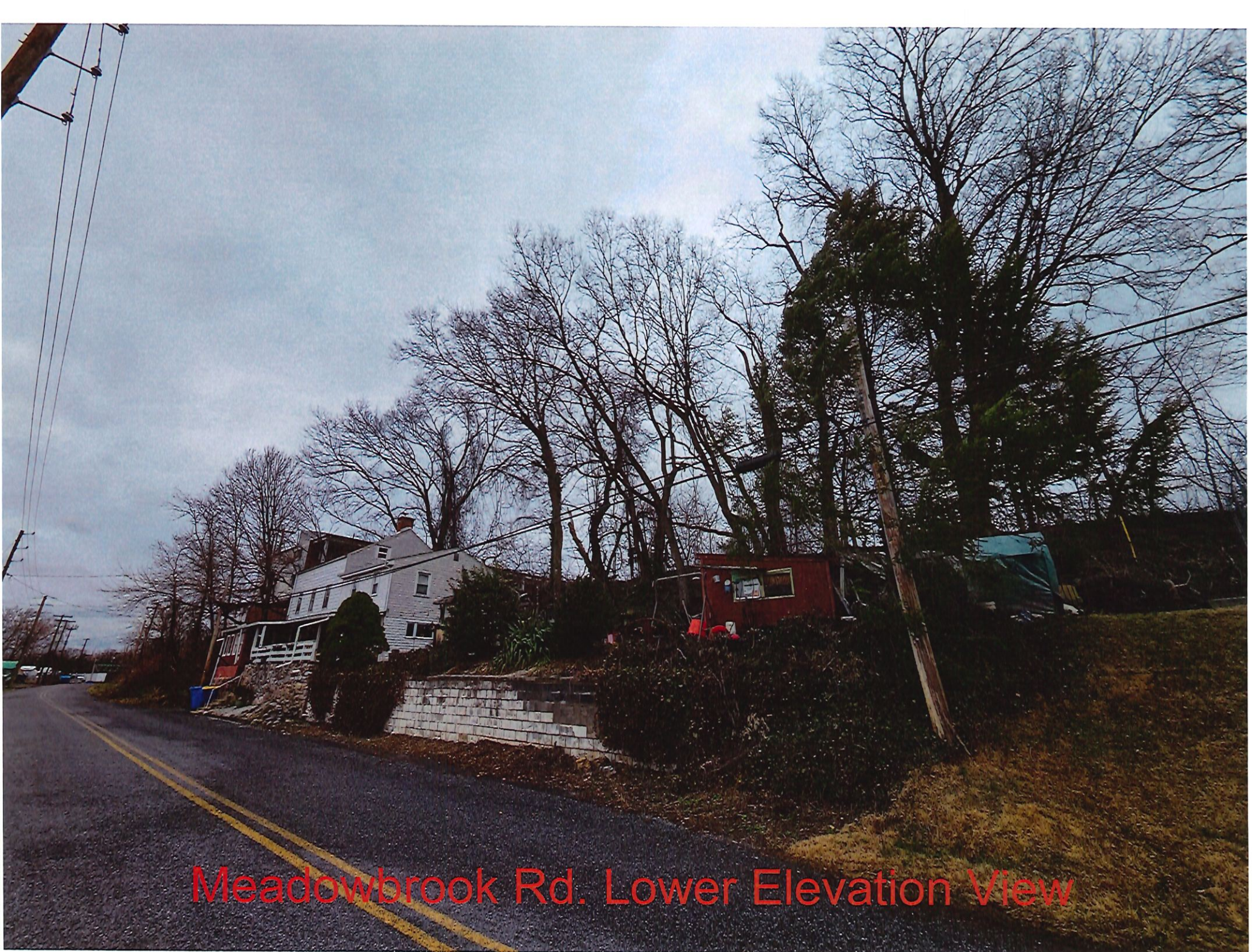
Maxwell Liddell  
Managing Member  
Nima Partnership LLC



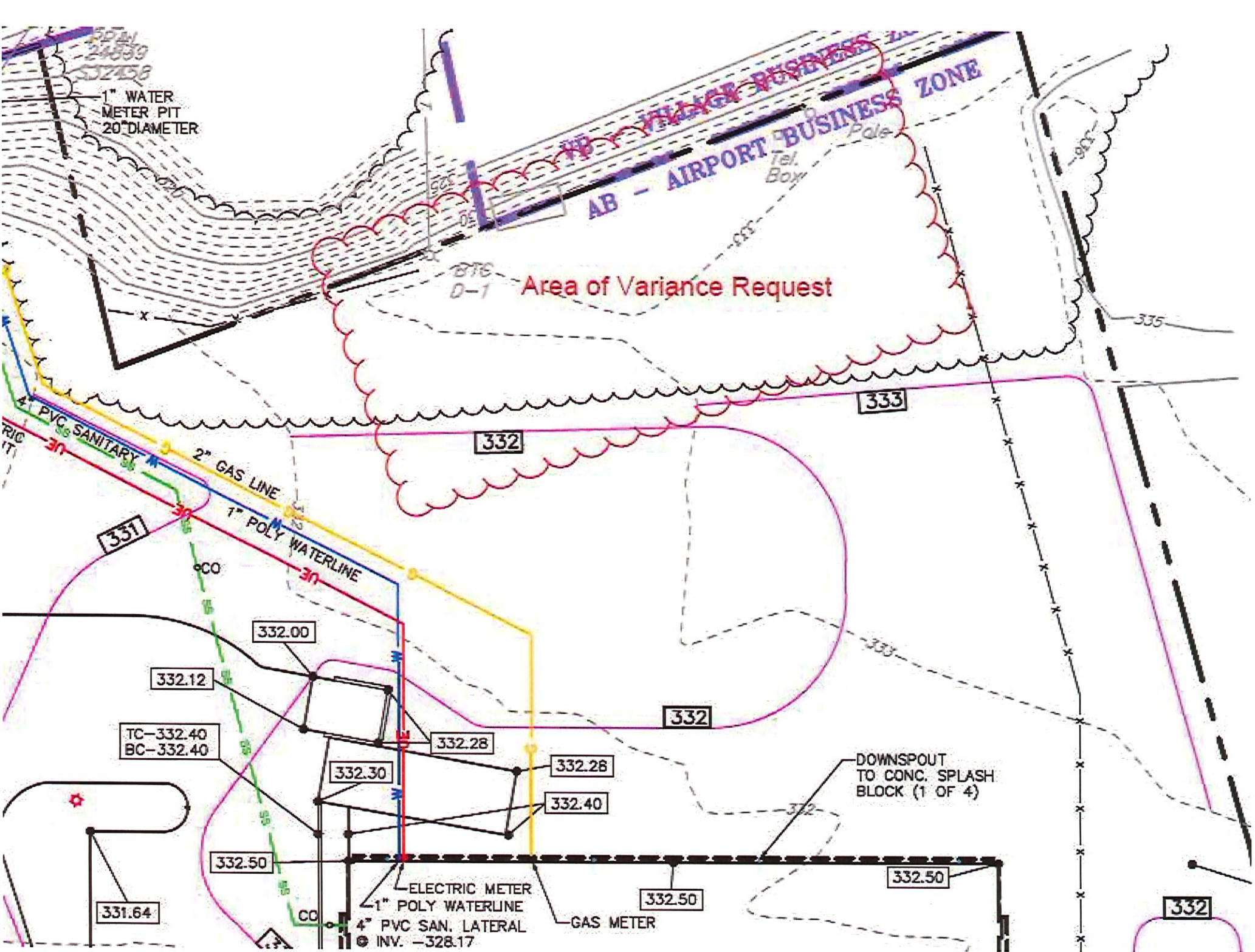
Mavis Site View West



Meadowbrook Road View East Towards Mavis



Meadowbrook Rd. Lower Elevation View



PA - American  
Water Co.  
DB 94-S-443

VB - VILLAGE BUSH.  
AB - AIRPORT BUSINESS ZONE

Requested Variance Area  
WOODS TO REMAIN

RESIDENTIAL BUFFER YARD

MEADOW MIX AREA

LAWN

RESIDENTIAL BUFFER YARD

REQUIRED 45' BUFFER  
YARD W/ 80% OPACITY

EVERGREEN TREE  
TYP. 1 OF 5

n/f  
Dale & Michelle Wierman  
DB 2133-5304  
Lot 2A - PB 2122-5422  
Residential Use

6' HIGH PRIVACY  
FENCE - 244 L.F.

DECIDUOUS SHRUB  
TYP. 1 OF 5

DECIDUOUS TREE  
TYP. 1 OF 4

EVERGREEN SHRUB  
TYP. 1 OF 6

RIVER ROCK  
AREA - TYP.

LAWN

