

**BEFORE THE FAIRVIEW TOWNSHIP
ZONING HEARING BOARD**

DECISION

**IN RE: APPLICATION OF LAWRENCE AND BRENDA COX
APPLICATION NO. 2026-03**

APPLICANT(S): Lawrence and Brenda Cox, husband and wife
HEARING DATE: August 20, 2026
DECISION DATE: August 20, 2026
APPEARANCES: John K. Murphy, Engineer (Alpha Consulting Engineers, Inc.)
 Stephen Waller, Township Zoning Officer
EXHIBITS: Exhibit 1 – Application (including all submittals)
 Exhibit 2 – Updated Plan Set (3 Sheets – marked as Exhibit A-1 in
 record)
LETTER SUBMISSIONS: N/A
SUBJECT PROPERTIES: 850 and 854 Cardinal Lane, Lewisberry, PA 17339

BACKGROUND

This decision of the Fairview Township Zoning Hearing Board (the “**Board**”) is from an application filed with Fairview Township (the “**Township**”) on May 26, 2026 (the “**Application**”), seeking zoning relief under the Township’s Zoning Ordinance (the “**Ordinance**”), being a variance from the Ordinance under §300. 21, Table 5-3: Area and Design Requirements, to permit a decrease in the lot area of 854 Cardinal Lane (which is already non-conforming). The subject properties are located at 850 and 854 Cardinal Lane, Lewisberry, Pennsylvania 17339, located in the Township’s Single-Family Residential (RS) Zoning District.

Applicant granted two (2) continuances for the Application in June and July of 2026. As such, the hearing was held on the Application on Thursday, August 20, 2026, with the meeting starting at 6:00 p.m. The Zoning Hearing Board was represented by Timothy Mader (Chairman), Mark Perry (Vice Chairman), Keith Bashore and Daniel Alderman (as the inactive alternate). All published and mailing notices were duly given, however the property was not duly posted. No testimony in opposition to the Application was offered or taken, and no one attended the hearing except Mr. Waller and Mr. Murphy (for the Applicants). After hearing the testimony and viewing the evidence in this matter, the Board makes the following determinations:

FINDINGS OF FACT

1. Lawrence and Brenda Cox, husband and wife (“**Applicant**”), are the current owners of property located at 850 Cardinal Lane, Lewisberry, Pennsylvania 17339 (the “**850 Property**”) and property located at 854 Cardinal Lane, Lewisberry, Pennsylvania 17339 (the “**85 Property**”) and collectively with the 850 Property, the “**Property**”).

2. The 850 Property and the 854 Property border one another, and the Property is located in the Township’s Single-Family Residential (RS) Zoning District (the “**RS Zone**”).

3. Both Properties border Silver Lake to the rear of the respective Properties.
4. The 850 Property consists of roughly 8,973 S.F. and the 854 Property consists of roughly 18,995 S.F.
5. The 850 Property is improved with an existing dwelling, detached garage, and a driveway.
6. The 854 Property is improved with two (2) existing (detached) dwelling structures, a driveway, two (2) sheds and a concrete pad bordering the lake.
7. The Applicants propose to swap roughly 6,903 S.F. of property from the 854 Property to the 850 Property via a lot line adjustment, which would result in the 850 Property consisting of roughly 15,876 S.F. and the 854 Property consisting of roughly 12,092 S.F.
8. Both Properties are dimensionally non-confirming lots due to the lot area requirements (with §300.21, Table 5-3 requiring a lot area of at least 20,000 sq. ft. due to not having public water but having public sewer).
9. Both Properties are also dimensionally non-confirming lots due to the following:

Dimension	Required by ZO	Existing
850 PROPERTY		
Lot width at frontage	60 ft. min.	55.52 ft.
Max. Lot Coverage	40% max.	43%
Lot Size	20,000 S.F.	8,973 S.F.
Front Setback	40 ft. min.	+/- 1 ft.
Side Setback	10 ft. min.	2 ft.
Rear Setback	35 ft. min.	27 ft.
Front Yard Accessory	Not permitted	1 structure
854 PROPERTY		
Lot Size	20,000 S.F.	18,995 S.F.
Front Setback	40 ft. min.	+/- 1 ft.
Side Setback	10 ft. min.	1 ft.
Front Yard Accessory	Not permitted	2 structures

10. As a result of the lot line adjustment, the following dimensional non-conformities will be removed (represented by a ~~strike through~~), with the other dimensional non-conformities remaining (and updated where applicable).

Dimension	Required by ZO	Updated
850 PROPERTY		
Lot width at frontage	60 ft. min.	55.52 ft.
Max. Lot Coverage	40% max.	43%
Lot Size	20,000 S.F.	Increased to 15,876 S.F.

Front Setback	40 ft. min.	+/- 1 ft.
Side Setback	10 ft. min.	2 ft.
Rear Setback	35 ft. min.	27 ft.
Front Yard Accessory	Not permitted	Increased to 3 structures
854 PROPERTY		
Lot Size	20,000 S.F.	Decreased to 12,092 S.F.
Front Setback	40 ft. min.	+/- 1 ft.
Side Setback	10 ft. min.	1 ft.
Front Yard Accessory	Not permitted	2 structures

11. The Properties were created prior to the enactment of the existing regulations in the RS Zone under the ZO.

12. The lot line adjustment plan as presented contemplated the new lot line splitting an existing concrete patio presently on the 854 Property.

13. Applicants seek to reduce the non-conformities with the minor subdivision plan providing for the lot line adjustment, for which a variance is needed from the Ordinance under §300.21, Table 5-3 to permit the decrease in the 854 Property lot size (which was already non-conforming).

14. Applicant also determined at the hearing that it would require a variance from §300.21, Table 5-3 restricting any accessory structures in the front yard, and §300-30(C)(1)(a) which prohibits accessory structures to two (2) in the RS Zone.

15. Stephen Waller, as the Township Zoning Officer, testified that all mailing and advertising public notices of the application and hearing were legally conducted and performed, with the hearing being advertised in the newspaper on August 6th and 13th, and the adjoining property owners having letters mailed to them on July 30th.

16. Mr. Waller further testified that, due to an oversight by the Township, the Property was not posted, which the Applicant acknowledged and agreed to waive an challenge thereto at the hearing (and prior to the hearing).

CONCLUSIONS OF LAW

1. The Applicant has established the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant a variance from the Ordinance under §300.21, Table 5-3 to permit the decrease in the 854 Property lot size (which is presently non-conforming) to a greater non-conformity as outlined in paragraphs (from 18,995 S.F. to 12,092 S.F.).

2. The Applicant has established the elements required by Section 300-99(E)(4) of the Ordinance regarding the general criteria for a variance in order to grant a variance from the Ordinance under §300.21, Table 5-3 restricting any accessory structures in the front yard, and

§300-30(C)(1)(a) which prohibits accessory structures to two (2) in the RS Zone, in order to permit three (3) accessory structures on the 850 Property, all in the front yard, which includes the one (1) existing accessory structure currently located in the front yard.

DECISION

Mr. Bashore moved to grant the zoning relief requested by the Applicant in the Application, as amended at the hearing, being (i) a variance from the Ordinance under §300.21, Table 5-3 to permit the decrease in the 854 Property lot size (which is presently non-conforming) to a greater non-conformity as outlined in paragraphs (from 18,995 S.F. to 12,092 S.F.); and (ii) a variance from the Ordinance under §300.21, Table 5-3 restricting any accessory structures in the front yard, and §300-30(C)(1)(a) which prohibits accessory structures to two (2) in the RS Zone, in order to permit three (3) accessory structures on the 850 Property, all in the front yard, which includes the one (1) existing accessory structure currently located in the front yard. Such motion for approval was conditioned on the following:

(a) The location of the lot line be amended to go around the concrete patio bordering Silver Lake currently existing on the 854 Property (and all changes in dimensions as a result thereof are approved in so much as they change dimensions provided above); and

(b) All non-conformities related to the Properties that remain after completion of the lot line change (as listed in paragraph 10 above) shall be registered with the Township.

Mr. Mader seconded the motion. Upon a vote, the Fairview Township Zoning Hearing Board approved the motion by a 2-1 vote, with Mr. Perry voting against the approval 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: September 10, 2026



Timothy Mader, 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: September 10, 2026

PUBLIC NOTICE

The Fairview Township Zoning Hearing Board will hold a Public Hearing on Thursday, **August 20, 2026, at 6:00pm**, at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA., 17070, to discuss the following:

Docket No. 2026-03: Applicants, Lawrence and Brenda Cox, are requesting a Variance from Section §300-21, Table 5-3 to adjust the lot line between two non-conforming lots. The subject properties are located at 850 Cardinal Lane, having a UPI No. 27-000-25-0022.00-00000 and 854 Cardinal Lane, 27-000-25-0023.00-00000, Lewisberry, PA 17339, which are located within the (RS) Single Family Residential Zoning District.



**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: Lawrence & Brenda Cox

Address: 617 Whitetail Drive City Lewisberry State PA Zip: 17339

Email: papacox17@aol.com Phone: (717) 991-6688

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

Name: _____

Address: _____ City _____ State _____ Zip: _____

Email: _____ Phone: _____

PROPERTY INFORMATION:

Address: 850/854 Cardinal Lane City Lewisberry State PA Zip: 17339

Lot Size: 0.21 acre / 0.44 acre Date Purchased: 3/23; 11/25 Tax Parcel ID: 27-000-25-0022 & 27-000-25-0023

Current Use of Property: Residential Zoning Map District Designation: RS

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: 300-21 Subsection: Table 5-3
Section: _____ Subsection: _____
Section: _____ Subsection: _____
Section: _____ Subsection: _____

of the Fairview Township Zoning Ordinance.

Nature of Variance(s) requested: Variance is requested from Section 300-21, Table 5-3 to adjust the lot line between two non-conforming lots
850 Cardinal Lane 0.21 acres to 0.37 acres and 854 Cardinal Lane 0.44 acres to 0.28 acres.

The applicant believes the Variance should be granted due to:

- Applicant is unable to make reasonable use of his property for the following reasons:
850 Cardinal Lane is less than 9,000 SF, leaving less than appropriate yard area .

- 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: The proposed lot line adjustment will have no effect on adjacent properties.

- The Variance requested represents the minimum that will afford relief for the following reasons:
It allows for reasonable use of both properties.

☐ 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

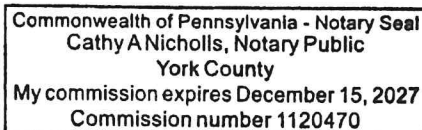
JOHN R. MURPHY, PRESIDENT
Name/Title

[Signature]
Signature

Sworn to and subscribed before me

this 18th day of MAY, 20 21.

Cathy A Nicholls
Notary Public



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: _____

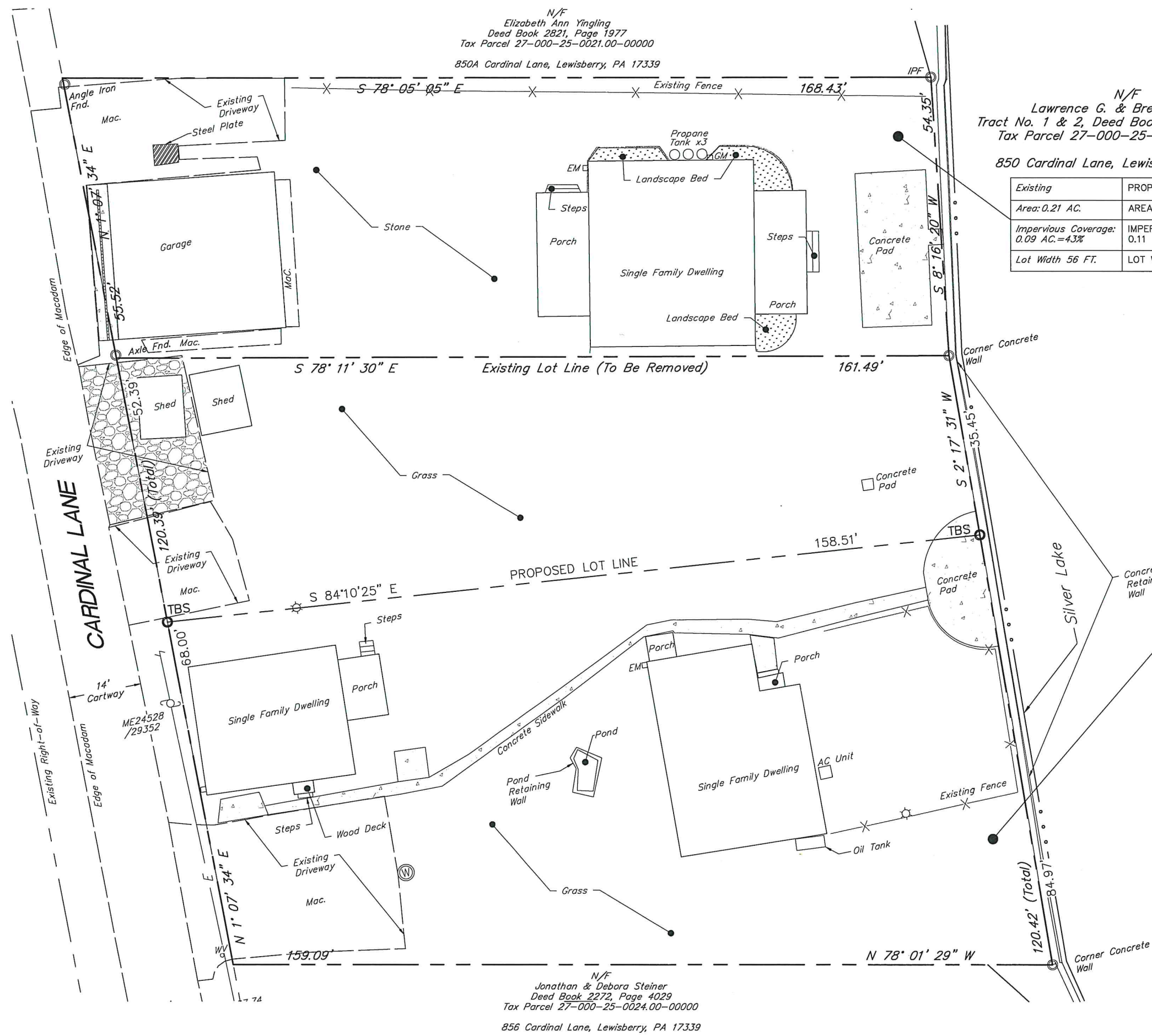
Notice published in newspaper: _____

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

Public Notice posted on property: _____

ZHB packets mailed and emailed: _____

Action taken: _____



N/F
Elizabeth Ann Yingling
Deed Book 2821, Page 1977
Tax Parcel 27-000-25-0021.00-00000
850A Cardinal Lane, Lewisberry, PA 17339

N/F
Lawrence G. & Brenda L. Cox
Tract No. 1 & 2, Deed Book 2771, Page 2013
Tax Parcel 27-000-25-0022.00-00000
850 Cardinal Lane, Lewisberry, PA 17339

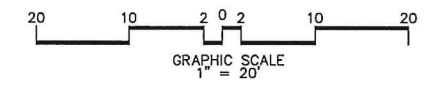
Existing	PROPOSED
Area: 0.21 AC.	AREA: 0.37 AC.
Impervious Coverage: 0.09 AC.=43%	IMPERVIOUS COVERAGE: 0.11 AC.=30%
Lot Width 56 FT.	LOT WIDTH 108 FT.

N/F
Lawrence G. & Brenda L. Cox
Deed Book 2881, Page 172
Tax Parcel 27-000-25-0023.00-00000
854 Cardinal Lane, Lewisberry, PA 17339

Existing	PROPOSED
Area: 0.44 AC.	AREA: 0.28 AC.
Impervious Coverage: 0.10 AC.=23%	IMPERVIOUS COVERAGE: 0.08 AC.=29%
Lot Width 120 FT.	LOT WIDTH 68 FT.

N/F
Jonathan & Debora Steiner
Deed Book 2272, Page 4029
Tax Parcel 27-000-25-0024.00-00000
856 Cardinal Lane, Lewisberry, PA 17339

				DESIGN : X.X.
				DRAWN : EAC
				CHECKED : JKM
				DATE : 05-18-2026



LEGEND	
	EXISTING PROPERTY LINE
	ADJOINER PROPERTY LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EDGE OF MACADAM
	EXISTING FENCE LINE
	EXISTING LIGHT POLE
	EXISTING WATER VALVE
	EXISTING GAS METER
	EXISTING ELECTRIC METER
	EXISTING UTILITY POLE
	EXISTING WELL
	IRON PIN FOUND
	EXISTING PROPERTY CORNER
	CONCRETE
	STONE
	PROPOSED PROPERTY LINE
	PROPOSED PROPERTY CORNER

PLANNING ENGINEERING & SURVEYING
JONATHAN & DEBORA STEINER
1000 GARDEN LANE, SUITE 100
LEWISBERY, PA 17339
PHONE: (717) 770-2500
FAX: (717) 770-2400
WWW.ALPHACON.COM

SEAL

SEAL

EXHIBIT FOR
850/854 CARDINAL LANE
FAIRVIEW TOWNSHIP, YORK COUNTY, PENNSYLVANIA

PROJECT NO.
325554
SURVEY BOOK :
27-000-25-0024.00-00000
SCALE : 1" = 20'
DWG : 27-000-25-0024.00-00000
FILE : 27-000-25-0024.00-00000
SHEET 1 of 1