

FAIRVIEW TOWNSHIP ZONING HEARING BOARD

Fairview Township Municipal Building
7471 McCray Road
Fairview, Pennsylvania 16417
Tel: 474-5942, Fax: 474-1199

APPEAL NO. 8

September 4, 2012, 7:00 PM

Owner: Justin Havern

Property Subject to Appeal: 7431 West Lake Road, Fairview, PA 16415

Index No: (21) 47-61-6

FINDINGS OF FACT:

1. The public hearing on September 4, 2012 was called to order at 7:00 P.M. by Chairman Brian McGrain. Others present at the hearing were as follows: Board members Bonnie Miller, Keith Farnham, George Harmon, Alternate member Barbara Partchey, Alternate member David Biletznikoff, Solicitor Edward Betza, Secretary Judy Schroeck, Fairview Township Planning and Zoning Administrator James Cardman, Fairview Township Supervisor, Dave Carner and Court Stenographer Tamara Doxey.

Introductions were given and hearing procedures were reviewed. The oath was administered to those wishing to give testimony.

2. The secretary verified the hearing had been advertised with legal notice in the Erie Times News on August 20 and 27, 2012. A copy of the legal notice was posted on the property on August 27, 2012, on the Township bulletin board and web site on August 17, 2012 and mailed to seven (7) area residents within a 200 foot radius on August 24, 2012. The summary for Appeal No. 8 was read requesting a special exception to expand a non-conforming use to construct an 11 x 30 square foot roof over an existing concrete patio off a garage in a B-2 Highway Commercial District. The owner filed an appeal (No. 8) after being denied by the Zoning Officer to construct the above addition. (A copy of the owner's building permit application and appeal application is attached and incorporated by reference as Exhibit "A") (A copy of Section 906 of the Ordinance is attached and incorporated by references Exhibit "B").

3. Edward Betza, Solicitor for the Fairview Township Zoning Hearing Board, indicated that a con-conforming use may be extended as a special exception in accordance with Section 906 of the Fairview Township's Zoning Ordinance

4. Justin Havern, owner of the property at 7431 West Lake Road, testified that he has an existing concrete patio off his garage and would like to put a roof over it attached to the garage. He also stated that he does not have plans to enclose the patio in the future.

5. Mark Przybyszewski, 7441 West Lake Road, testified that he owns the property on both sides of Mr. Havern, and stated that he is not opposed to the proposed addition.

6. No one else spoke for or against the request.

7. A motion to approve the special exception was made by Keith Farnham. There was no second; the Board recessed for executive session to discuss legal issues regarding special exceptions.

8. A motion was made by Keith Farnham to allow the proposed development, finding that a special exception was not required for the proposed roof. Seconded by Judy Miller. Approved by all but George Harmon, who opposed.

CONCLUSIONS OF LAW:

1. The application was properly brought before the Board for consideration with proper legal advertisement and posting of the property.

2. Applicant is not required to obtain a special exception in order to construct the proposed roof.

Meeting adjourned: 7:33 P.M.

Respectfully submitted,

Judy Schroeck, Secretary ZHB