

**BEFORE THE  
ZONING HEARING BOARD OF  
FAIRVIEW TOWNSHIP, ERIE COUNTY, PENNSYLVANIA**

IN THE MATTER OF	:	
	:	Premises at 1419 Spring Lake Drive
Property owner:	:	Fairview Township, PA
Macko Builders, Inc.	:	
1303 Lowell Avenue	:	
Erie, PA 16505	:	
	:	
Former owner:	:	
Elizabeth Ennis	:	
1422 Central Drive	:	Index No. (21) 38-45-8.01
Erie, PA 16505	:	

**FINDINGS OF FACT**

1. The Applicant is Frank Macko, President of Macko Builders, Inc. (hereinafter "Applicant"). Applicant is the owner of the Subject Property, having purchased it from Elizabeth Ennis, 1422 Central Drive, Erie, Pennsylvania, 16505.
2. Applicant is the owner of the Subject Property located at 1419 Spring Lake Drive, Erie, Pennsylvania, 16505.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 38-45-8.01. The parcel is currently zoned R-2.
4. Applicant would like to build an 1,800 square foot one story single family dwelling with an attached two car garage and attached 8' x 16' front porch on the Subject Property.
5. Fairview Township's Zoning Ordinance Section 701(C)(5)(a) requires a 40' minimum rear yard.
6. Due to the irregular shape of the rear portion of the Subject Property, Applicant is unable to comply with the rear yard setback, and is requesting a variance of 17' at the southeast corner of the parcel.
7. Mr. Macko testified that he would not be able to build a marketable one or two story residence in strict compliance with Fairview Township's rear yard setback and Lake Shore Subdivision requirements.

8. James Cardman, Fairview Township's Zoning Officer, testified that the Subject Property is located in the Lake Shore Subdivision. The lots in the Subdivision are shallow and irregularly shaped. The lots were created before Fairview Township enacted their subdivision regulations. Mr. Cardman confirmed the Fairview Township Hearing Board has granted variances in the Lake Shore Subdivision similar to the one requested by Applicant.

9. One neighbor testified that if the Subject Property were to be utilized for a residence that he would prefer that the residence be a single story residence like the other residences in the Lake Shore Subdivision.

### CONCLUSION OF LAW

Applicant has met his burden to entitle him to the requested variance of the Fairview Township rear yard setback.

### DECISION

AND NOW, this 4<sup>th</sup> day of August, 2015, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a variance from the required rear yard setback as proposed.

These Findings of Fact, Conclusions of Law, and Decision are signed this 13<sup>th</sup> day of August, 2015.

Barbara Parchey  
Barbara Parchey, Chairperson

Brian McGrain  
Brian McGrain

David F. Biletnikoff  
David Biletnikoff

Judith Z Miller  
Judy Miller

Keith A Farnham  
Keith Farnham