

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

IN THE MATTER OF	:	
	:	Premises at 7728 West Ridge Road
Property owner:	:	Fairview Township, PA
UJC, LLC (Choice Vets, Inc.)	:	
7728 West Ridge Road	:	Index No. (21) 79-17-7
Fairview, PA 16415	:	

**FINDINGS OF FACT**

1. Applicant is UJC, LLC, 7728 West Ridge Road, Fairview, Pennsylvania, 16415 (hereinafter "Applicant").
2. Applicant is in a land contract with the owner of the Subject Property located at 7728 West Ridge Road, Fairview, Pennsylvania, 16415.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 79-17-7. The Subject Property is currently zoned B-2. Directly to the north of the Subject Property is a Residential District.
4. Currently located on the Subject Property is a structure used for a veterinary clinic. Applicant is proposing to construct an 1,967 square foot addition to the structure. If the addition is constructed as proposed, the front of the structure would be changed from Route 20 to Glenn Avenue. The side yard to the north would be reduced to 11 feet.
5. Fairview Township Zoning Ordinance Section 704(C)(4)(a) requires a 20 foot side yard for B-2 structures which adjoin a residential district.
6. Applicant is seeking a 9 foot side yard variance on the north side boundary.
7. Benjamin Orozco, DVM, Kurt Sundberg, attorney for Applicant, and Architect David Strickland appeared and testified in support of Applicant's variance request. The testimony provided that Applicant operates a veterinarian practice from the Subject Property. The practice has grown and the existing structure is too small of an area for overnight stays. The proposed addition would allow the practice to grow, accommodate overnight stays, and serve customer needs. The expansion's total cost would be \$250,000 plus the costs of paving a new parking lot.

8. Currently the north side of the Subject Property is used for garage space, dumpsters, and parking.

9. With the new design, the dumpster and the parking lot would be moved . This would eliminate the occurrence of automobile headlights directly facing residential properties.

10. Applicant plans to hire 20 to 30 new employees, up from 12 current employees. Additional employees will increase Applicant's ability to serve community.

11. David Strickland, Architect, testified that Applicant cannot build to the east because there is a drop-off and a septic tank and construction to the west would make the business non-functional.

12. Mr. Strickland testified that the addition will improve water runoff toward north because the roof will collect the water. Currently, the proposed construction area is a paved lot with nothing to capture water runoff.

13. Terry Donahue, a residential neighbor to the north of the Subject Property, testified that he was not happy with the idea of the building being closer to his property. He stated that the removal of the parking area and the creation of a mechanism to collect water runoff would be good for his property.

14. There was no other testimony offered either in favor of or in opposition to Applicant's request.

### **CONCLUSION OF LAW**

Applicant has met their burden to entitle them to the requested 9 foot variance of the Fairview Township side yard setback on the northern boundary of the Subject Property provided that the exit to the bereavement room in the northeast corner of the addition is located on the east wall of the addition (not the north wall) and that there is no parking on the northeast corner of the addition across from the residential properties.

### **DECISION**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2018, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a side yard variance yard setback on the northern boundary of the Subject Property provided that the exit to the bereavement room in the northeast corner of the addition is located on the east wall of the addition (not the north wall) and that there is no parking on the northeast corner of the addition across from the residential properties as proposed.

These Findings of Fact, Conclusions of Law, and Decision are signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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George Wilkosz, Chairperson

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Keith Farnham

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Judy Miller

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Barbara Parchey

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Brian McGrain