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November 19, 2013

Mr. Nathan Miller
Fairview Township Zoning Hearing Board
7471 McCray Road
Fairview, PA 16415

Re: Kelly Stafford – Decision

Dear Mr. Miller:

Enclosed please find the Findings of Fact in the Kelly Stafford matter.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,

ELDERKIN LAW FIRM

By: 

Edward J. Betza

EJB/bmg
Enclosure

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

IN THE MATTER OF	:	
	:	Premises at 1000 Mulberry Court
Property owner:	:	Fairview Township, PA
Kelly Stafford	:	
1000 Mulberry Court	:	Index No. 14-11-143.20
Fairview, PA 16415	:	

FINDINGS OF FACT

1. The Applicant is Kelly Stafford, 1000 Mulberry Court, Fairview, Pennsylvania, 16415.
2. Applicant is the owner of the subject property located at 1000 Mulberry Court, Fairview, Pennsylvania, 16415.
3. The subject property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. 14-11-143.20. The parcel is currently zoned R-2.
4. Applicant would like to construct a 23' x 8' addition to the garage located on the subject property. The addition would be 30 feet from Mulberry Court.
5. Fairview Township's Zoning Ordinance, Section 701C.3, requires a 35 foot front yard set back in the R-2 district.
6. Applicant is seeking a variance to Section 701C.3 of Fairview Township's Zoning Ordinance. Specifically, Applicant proposes to reduce the front yard setback from 35 feet to 30 feet, a variance of 5 feet.
7. Jim Stafford, Applicant's husband, testified that their lot is on a cul-de-sac. Accordingly, the front yard setback is a round line.
8. Mr. Stafford testified that he has 5 children and that the garage addition is necessary to store vehicles and bicycles/big wheels.
9. Mr. Stafford testified that building the addition into the side yard was cost prohibitive and raised issues with possible encroachment into the side yard setback.
10. Mr. Stafford and his builder, Sandy Flick, both testified that the addition would match the existing structure.
11. There was no other testimony offered either in favor of or in opposition to Applicant's request.

CONCLUSION OF LAW

Applicant has met the requirements for a variance to construct the proposed 23' x 8' addition to the existing garage on the subject property with a 30 foot front yard setback.

DECISION

AND NOW, this _____ day of _____, 2013, it is ordered that Applicant's request for a Variance is GRANTED.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2013.

Brian McGrain, Chairperson

Keith Farnham

David Biletnikoff