

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

IN THE MATTER OF	:	
	:	Premises at 7431 West Lake Road
Property owner:	:	Fairview Township, PA
Justin Havern	:	
7431 West Lake Road	:	Index No. (21) 47-61-6
Fairview, PA 16415	:	

FINDINGS OF FACT

BACKGROUND

1. The Applicant is Justin Havern, 7431 West Lake Road, Fairview, Pennsylvania, 16415.
2. Applicant is the owner of the Subject Property located at 7431 West Lake Road, Fairview, Pennsylvania, 16415.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 47-61-6. The parcel is currently zoned B-2.
4. The B-2 zone does not allow residential dwellings as a permitted use.
5. On the Subject Property is a residential dwelling which exists as a legal non-conforming use.
6. The residential dwelling was constructed prior to the enactment of the Fairview Township Zoning Ordinance.
7. Applicant is proposing to construct two additions to the residential dwelling (10' x 19' and 12' x 20'). This would be an expansion of a non-conforming use.
8. Applicant is seeking a special exception in accordance with Section 905 of the Fairview Township Ordinance to allow for the proposed additions.

APPLICABLE SECTIONS OF LAW

Section 905 Expansion of a Non-Conforming Use

A non-conforming use may be expanded as a special exception upon approval of the Zoning Hearing Board, subject to the following provisions:

- A. The expansion becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
- B. The expansion does not encroach upon the yard requirements of the District in which the non-conforming use is presently located.
- C. The expansion is for the purpose of expanding only the non-conforming use on the original parcel in existence at the time of the legal acceptance of this Ordinance or amendment thereto. Extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such non-conforming use.

TESTIMONY

9. Applicant Justin Havern testified he is the owner of the Subject Property. The residential dwelling had three prior additions. Mr. Havern explained that the additions were poorly constructed. He is proposing to remove and replace one of the additions and construct a new addition. Mr. Havern confirmed that the additions will be attached to the existing dwelling.

10. James Cardman, Fairview Township Zoning Officer, testified that with the additions, the dwelling will meet all Township setback requirements.

11. There was no other testimony offered regarding Applicant's request.

CONCLUSION OF LAW

Applicant has met the requirements for a special exception to construct the proposed additions to his residential dwelling.

DECISION

AND NOW, this ____ day of _____, 2017, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a special exception for construction

of a 10' x 19' addition and a 12' x 20' addition to the existing residential dwelling on the Subject Property as proposed.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2017.

Brian McGrain, Chairperson

George Wilkosz

Judy Miller