

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

IN THE MATTER OF	:	
	:	
	:	Premises at 7729 Redbud Trail
Property owner:	:	Fairview Township, PA
Vance Kaloz	:	
7729 Redbud Trail	:	Index No. (21) 83-23-44.30
Fairview, PA 16415	:	

**FINDINGS OF FACT**

1. The Applicant is Vance Kaloz, 7729 Redbud Trail, Fairview, Pennsylvania, (hereinafter "Applicant").
2. Applicant is the owner of the Subject Property located at 7729 Redbud Trail in Fairview, Pennsylvania.
3. The Subject Property is located at 7729 Redbud Trail in Fairview Township, Pennsylvania, identified by the Erie County Index No. (21) 83-23-44.30. The parcel is currently zoned R-1.
4. Applicant uses the Subject Property for a single family residence.
5. Applicant desires to erect a fence along the rear property line of the Subject Property. While Fairview Township Zoning Ordinance does not require a permit in order to erect the proposed fencing, Applicant needs a variance as the proposed fence would be erected over a public storm sewer easement.
6. Applicant testified that the residential lot is faced with the problem that some of the properties to the rear are visible and unattractive. The activity along the rear of his property has caused his two dogs to experience anxiety. The proposed 6' vinyl white fence would make the Subject Property more private and attractive and reduce the stress levels of his two dogs.
7. Applicant testified that he was willing to remove and/or replace the fence in the event that the Township needed access to the storm sewer pipe. He further noted that the easement is 20' is very wide. He proposed to locate the fence along the rear property line, leaving approximately 19' for access to the storm sewer access pipe.
8. Applicant noted that there are other properties in the area with fences that run along the sewer easement similar to his proposed fence.
9. Section 815 of Fairview Township Zoning Ordinance provides:

No structure, planting or obstruction of any kind shall be placed or allowed to be placed in or on any underground public easement or access easement or interfere in any way with any public easement.

10. 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 variance.

### DECISION

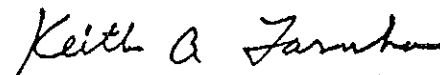
AND NOW, this 3rd day of October, 2017, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a variance to allow a fence to be erected on the rear property line of the Subject Property as proposed is granted. The fence shall be entirely located within 18" of the rear property line so that a minimum of 18'6" of the easement area is open and completely accessible for storm water repair maintenance and replacement. The approval of the variance does not lessen or interfere with the existing storm sewer easements on the Subject Properties. In the event that any portion of the fence needs to be removed for storm sewer repairs or replacement, Applicant shall bear the full responsibility to replace the fence should he desire to do so.

These Findings of Fact, Conclusions of Law, and Decision are signed this 13th day of October, 2017.

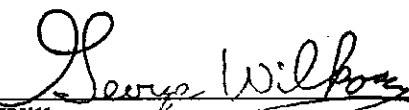
Voting to deny:

  
Brian McGrain, Chairperson

Voting to approve:

  
Keith Farnham

  
Kelly Tokar

  
George Wilkosz