

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

IN THE MATTER OF	:	
	:	Premises at 6300 Lake Shore Drive
Property owner:	:	Erie, PA
Terrence and Patricia Cavanaugh	:	
6300 Lake Shore Drive	:	Index No. (21) 30-16-71
Erie, PA 16506	:	

FINDINGS OF FACT

BACKGROUND

1. The Applicants are Terrence and Patricia Cavanaugh, 6300 Lake Shore Drive, Erie, Pennsylvania, 16506.
2. Applicants are owners of the Subject Property located 6300 Lake Shore Drive, Erie, Pennsylvania, 16506.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 30-16-71. The parcel is currently zoned R-2, A-3. The relevant zoning for the purposes of Applicants' Special Exception request is A-3.
4. The Applicants are seeking a Special Exception to construct a 270 square foot addition to the current kitchen on the north side of an existing dwelling on the Subject Property.
5. The north side of the existing dwelling is in the Coastal and Bluff Recession Hazard Area. The proposed kitchen addition would further extend into the Coastal and Bluff Recession Hazard Area.
6. Applicants presented the testimony of Eric Malena, owner of Applicant's contractor, Paterniti Malena Construction and of Terrence Cavanaugh.
7. Mr. Malena and Mr. Cavanaugh both testified that the proposed addition involves the expansion of an existing galley kitchen to create a sitdown area within the kitchen.
8. Included in their application, Applicants provided the Board with an appraisal of the property.
9. David T. Van Volkenburg, a certified residential appraiser (#RL139629) and employee of Erie Appraisal Associates, Inc., identified the value of the Subject Property to be

\$1,000,000.00 as of October 7, 2013. He further identified the value of the existing structure by "cost approach" to be \$990,400.00.

10. Mr. Malena indicated that the cost of the proposed addition would be less than 50% of the above-referenced values.

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

APPLICABLE SECTION OF FAIRVIEW TOWNSHIP'S ZONING ORDINANCE

Section 710 A-3 Conservation District

C. District Provisions

3. Coastal and Bluff Recession Hazard Area (CA)

d. Alteration or addition to existing structures in this area may also be permitted provided:

(1) The value of the improvement to a structure shall not exceed 50% of the market value of the structure prior to the improvement.

(a) Value shall be established by filing an appraisal performed by a licensed real estate appraiser familiar with Erie County and Fairview Township values at the time of application. Said appraisal shall limit future improvements to the structure for a five year period at such time a new appraisal and application may be filed.

CONCLUSION OF LAW

Applicants have met the requirements for a Special Exception to construct the proposed 270 square foot addition to the current kitchen on the existing dwelling on the Subject Property with the following condition: Applicants must connect all roof drains and pipe stormwater runoff to the bottom of the bluff.

DECISION

AND NOW, this 4th day of March, 2014, it is ordered that the application for a special exception is granted with the condition that Applicants must connect all roof drains and pipe stormwater runoff to the bottom of the bluff.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2014.

Judy Miller, Chairperson

Brian McGrain

Keith Farnham

David Biletnikoff