

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

IN THE MATTER OF	:	
	:	Premises at 7210 Rupert Drive
Property owner:	:	Fairview Township, PA
Erik and Elizabeth Luther	:	
7210 Rupert Drive	:	Index No. (21) 76-4-3
Fairview, PA 16415	:	

FINDINGS OF FACT

1. The Applicants are Erik and Elizabeth Luther, 7210 Rupert Drive, Fairview, Pennsylvania, (hereinafter "Applicants").
2. Applicants are the owners of the Subject Property located at 7210 Rupert Drive, Fairview, Pennsylvania.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 76-4-3. The parcel is currently zoned R-1.
4. The Subject Property is considered to be a corner lot in that it has frontage on both Rupert Drive and Chrysler Drive.
5. Applicants would like to construct a 14' x 15' kitchen addition with a 6' x 6' attached covered porch located on the Subject Property.
6. The proposed addition would leave an 11 foot side yard from Chrysler Drive. The attached covered porch would encroach an additional 6 feet into the side yard.
7. Fairview Township Zoning Ordinance, Section 700(C)(4)(c) requires corner lots in the R-1 District to have a side yard of the lesser of 20 percent of the lot width or 25 feet.
8. The Subject Property has a lot width of 70 feet. The application of Fairview Township Zoning Ordinance 700(C)(4)(c) would require a side yard of 14 feet. Applicants' proposed addition would leave a side yard of 11 feet with the structure and 5 feet with the attached covered porch.
9. Applicants are requesting a side yard variance of 9 feet to allow construction of the proposed addition and covered porch.

10. Applicant Elizabeth Luther testified that the Subject Property does not have a dining room. There is only an 18' x 15' eat-in kitchen/dining area. Mrs. Luther testified that the kitchen is too small for a family of four.

11. Mrs. Luther testified that they are seeking to build a 14' x 15' kitchen addition. She explained that they cannot build the addition on the back of the house because of the location of a carport and the septic system serving the home. She testified that the addition would encroach in the side yard setback toward Chrysler Drive. She explained that Chrysler Drive is an unopened road which only services the Subject Property.

12. Applicant Erik Luther offered pictures of the existing kitchen and a drawing of the proposed addition. He also offered into evidence a picture showing the location of the proposed addition. This picture was accepted into evidence and marked as "Exhibit A".

13. The Board accepted an email from a resident indicating support for Applicants' request.

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

CONCLUSION OF LAW

Applicants have met their burden to entitle them to the requested variance of the Fairview Township side yard setback.

DECISION

AND NOW, this ____ day of _____, 2016, the Fairview Township Zoning Hearing Board by a vote of 4-1 hereby grants Applicants' request for up to a 3' side yard variance to allow for the construction of the proposed addition and up to an additional 6' side yard variance to allow for construction of the proposed attached covered porch.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2016.

Brian McGrain, Chairperson

Barbara Parchey

David Biletnikoff

Judy Miller

I hereby dissent from the Decision to grant the Applicants' variance request.

Keith Farnham