

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

IN THE MATTER OF	:	
	:	Premises at 7401 McCray Road
Property owner:	:	Fairview Township, PA
Deja II, LLC	:	
8181 SE Woodlake Lane	:	Index No. 64-116-3
Hobe Sound, FL	:	

**FINDINGS OF FACT**

1. The Applicant is Deja II, LLC, 8181 SE Woodlake Lane, Hobe Sound, Florida.
2. Applicant is the owner of the Subject Property located at 7401 McCray Road, Fairview, Pennsylvania, 16415.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. 64-116-3. The parcel is currently zoned R-3 Suburban Multi-District.
4. Sandy Long appeared and testified on behalf of Deja II, LLC.
5. Ms. Long testified that the Subject Property had a 60' x 112' arena on the Subject Property.
6. The arena collapsed during the winter of 2014-2015.
7. Ms. Long testified that Applicant would like to replace the collapsed arena with a larger arena approximately 80' x 115' on the Subject Property. In addition, Applicant is proposing construction of a 12' x 50' storage area and a 15' x 60' run-in area. Both of these areas would be attached to the arena structure.
8. The Subject Property currently exists as a lawful non-conforming use.
9. Fairview Township Zoning Ordinance Section 906 provides that:  
  
A non-conforming use may be extended as a special exception upon approval of the Zoning Hearing Board, subject to the following provisions:

- A. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
- B. The extension does not encroach upon the yard requirements of the District in which the non-conforming use is presently located.
- C. The extension 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.

10. Ms. Long testified that the roof would be a 2/12 pitch with a height of 20' 6". The prior roof had a height of 18' 6".

11. The proposed structure would be made of steel. At the time of the hearing, Applicant had not decided on a color.

12. Several neighbors appeared to offer testimony and ask questions regarding the application. The topics discussed included stormwater drainage, the number of horses located on the Subject Property and safety issues.

13. Dennis Richter testified that he did not have a problem with the height or size of the structure. He expressed concern over the outside storage of material. Ms. Long indicated that the outside storage was the result of the arena collapse and that the material would be relocated into the 12' x 50' storage area.

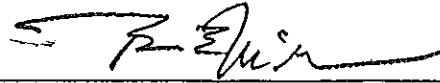
#### CONCLUSION OF LAW

Applicant has met the requirements for a special exception to construct the proposed 80' x 115' arena and two additions on the Subject Property.

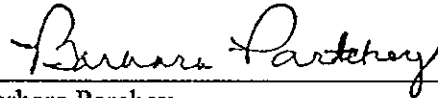
#### DECISION

AND NOW, this 5th day of May, 2015, it is ordered that Applicant's request for a Special Exception is GRANTED as requested. Applicant must still comply with all prior requirements identified by this Board in its prior Zoning Hearing Board decisions.

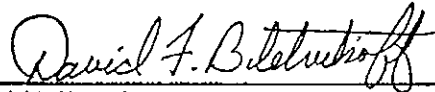
These Findings of Fact, Conclusions of Law, and Decision are signed this 15th day of May, 2015.



Brian McGrain



Barbara Parohey



David Biletnikoff



Judy Miller



Keith Farnham