

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

IN THE MATTER OF	:	
	:	Premises at 1419 Spring Lake Drive
	:	Fairview Township, PA
	:	
Property owner:	:	
Doreen Lagana	:	
1419 Spring Lake Drive	:	Index No. (21) 38-45-8.01
Erie, PA 16505	:	

FINDINGS OF FACT

1. The Applicant is Doreen Lagana, 1419 Spring Lake Drive, Erie, Pennsylvania, 16505 (hereinafter “Applicant”).
2. Applicant is the owner of the Subject Property located at 1419 Spring Lake Drive, Erie, Pennsylvania, 16505.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 38-45-8.01. The parcel is currently zoned R-2.
4. Fairview Township’s Zoning Ordinance Section 701(C)(5)(a) requires a 40' minimum rear yard.
5. The existing residence located on the Subject Property has an 18 foot rear yard setback and lawfully exists in accordance with a prior variance from the Fairview Township Zoning Hearing Board.
6. Applicant would like to construct a 29'11" x 13'5" deck on the back of her residence located on the Subject Property.
7. If built as proposed, Applicant would have a 5' rear yard.
8. The proposed deck would be connected to the house and would consist of dark brown composite decking with four stairs leading to a landing area comprised of gray paver blocks.
9. The Subject Property is located in the Lake Shore Subdivision. The Lake Shore Homeowners Association approved the proposed deck with the requirement that arbor vitae plants surround the deck area.

10. Patricia Musich, the neighbor adjacent to the rear yard of the Subject Property testified that she did not oppose Applicant's variance request as it will not interfere with her property.

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

CONCLUSION OF LAW

Applicant has met her burden to entitle her to the requested variance of the Fairview Township rear yard setback.

DECISION

AND NOW, this ____ day of _____, 2017, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a variance for construction of a 29'11" x 13'5" deck to the back of the existing residential dwelling on the Subject Property as proposed. The deck would reduce the rear yard of the Subject Property to 5 feet.

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

Voting to approve:

Brian McGrain, Chairperson

George Wilkosz

Keith Farnham

Barb Parchey

Voting to deny:

Judy Miller