

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

IN THE MATTER OF

Property owners:

Mark and Tiffany Marini

924 Long Point Drive

Erie, PA 16505

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Premises at 6029 Overlook Drive

Erie, PA 16505

Index No. (21) 33-27-1.02

FINDINGS OF FACT

1. The Applicants are Mark and Tiffany Marini, 924 Long Point Drive, Erie, Pennsylvania (hereinafter "Applicants").

2. Applicants are owners of the Subject Property located at 6029 Overlook Drive, Erie, Pennsylvania, 16505.

3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 33-27-1.02. The parcel is currently zoned R-2.

4. Applicants would like to construct a single family dwelling on the Subject Property.

5. Fairview Township's Zoning Ordinance, Section 701C(5)(a), requires a 40 foot rear yard set back in the R-2 district.

6. Due to the irregular shape of the rear portion of the Subject Property, Applicants are unable to comply with the rear yard setback, and are requesting a variance of 7-1/2 feet at the southwest corner of the parcel.

7. E. J. Chernicky appeared and testified in support of Applicants' request. Mr. Chernicky is a builder working with Applicants to construct a two story traditional home on the Subject Property.

8. Mr. Chernicky testified that due to the angle of the front yard setback and the location of a sanitary sewer easement, it is very difficult to construct a home on the lot in strict compliance with Fairview Township's ordinances.

9. Mr. Chernicky testified that the southwest corner of the proposed home would be located 32-1/2 feet from the rear yard boundary, requiring a variance of 7-1/2 feet.

10. Mrs. Marini testified that she spoke with the neighbors to the rear of their property and that the neighbors had no objection to Applicants' request.

11. James Cardman, Zoning Officer for Fairview Township, testified that the Subject Property is located in the Lakeshore Subdivision. He noted that the lots in the subdivision are very shallow. The shallow lots make it difficult for property owners to develop their lots in strict conformity with Fairview Township Ordinances.

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

CONCLUSION OF LAW

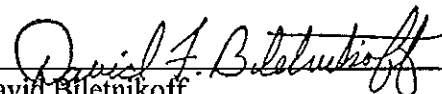
Applicants have met their burden to entitle them to a 7-1/2 foot variance of the Fairview Township rear yard setback.

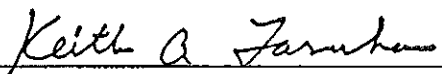
DECISION

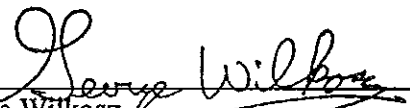
AND NOW, this 7th day of June, 2016, the Fairview Township Zoning Hearing Board hereby grants Applicants' request for a 7-1/2 foot rear yard variance as proposed.

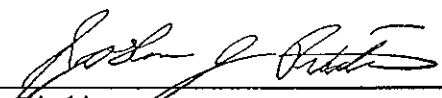
These Findings of Fact, Conclusions of Law, and Decision are signed this 23rd day of June, 2016.


Brian McGrain, Chairperson


David Biletnikoff


Keith Farnham


George Wilkosz


Josh Ritchie