

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

IN THE MATTER OF	:	
	:	Premises at 7728 Welcana Drive
	:	Fairview Township, PA
	:	
Property owner:	:	
Matthew Robertson	:	
7728 Welcana Drive	:	Index No. (21) 74-1.10-1
Fairview, PA 16415	:	

**FINDINGS OF FACT**

1. The Applicant is Matthew Robertson, 7728 Welcana Drive, Fairview, Pennsylvania, 16415 (hereinafter “Applicant”).
2. Applicant is the owner of the Subject Property located at 7728 Welcana Drive, Fairview, Pennsylvania, 16415.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 74-1.10-1. The parcel is currently zoned R-2.
4. Applicant’s residence is located on the Subject Property. Currently the residence is 32 feet from the rear property line. The Subject Property was constructed in what was Fairview Borough. The residence is believed to be a legal non-conforming structure.
5. Applicant would like to build a 12' x 23' addition to the back of the residence along with a 8' x 23' deck off the back of the addition.
6. Fairview Township’s Zoning Ordinance Section 700(C)(5)(a) requires a 35 foot rear yard setback.
7. If the addition and deck are built as proposed, Applicant would have a 14 foot rear yard.
8. Todd Monde of Todd Monde Home Improvements testified that an existing sun room on the rear of the residence collapsed during the winter. The plan is to replace the sun room with a new sun room and construct a deck on the rear of the residence. The deck would be raised from the ground and would be located approximately 14 feet from the rear property line.
9. Mr. Monde testified that the existing concrete slab of the old sun room would be retained and the new sun room would be constructed utilizing the concrete slab. He noted that all

rain water on the roof would be collected and directed to gutters and existing storm water drainage located on the Subject Property.

10. James Cardman, Fairview Township Zoning Officer, testified that the Subject Property is a shallow lot that does not conform to current Township standards regarding lot depth. Mr. Cardman noted that the property abutting the rear of the Subject Property is vacant industrial land consisting of approximately 100 acres.

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

**CONCLUSION OF LAW**

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

**DECISION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a variance for construction of an 12' x 23' living addition and a 8' x 23' deck to the back of the existing residential dwelling on the Subject Property as proposed. The deck is authorized to be constructed in the rear yard of the Subject Property up to 12 feet (a 23 foot variance) from the rear property boundary line.

These Findings of Fact, Conclusions of Law, and Decision are signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
George Wilkosz, Chairperson

\_\_\_\_\_  
Keith Farnham

\_\_\_\_\_  
Judy Miller

\_\_\_\_\_  
Barbara Parchey

\_\_\_\_\_  
Brian McGrain