

FAIRVIEW TOWNSHIP ZONING HEARING BOARD

Fairview Township Municipal Building
7471 McCray Road
Fairview, Pennsylvania 16417
Tel: 474-5942, Fax: 474-1199

APPEAL NO. 7

August 7, 2012, 7:00 PM

Owner: Gary Salisbury
Property Subject to Appeal: 7611 Antolik Road, Girard, PA 16417
Index No: (21) 68-108-14.01

FINDINGS OF FACT:

1. The public hearing on August 7, 2012 was called to order at 7:00 P.M. by Acting Chairman George Harmon. Others present at the hearing were as follows: Board members Bonnie Miller, Keith Farnham, Alternate member Barbara Partchey, Alternate member David Biletnikoff, Solicitor Edward Betza, Secretary Judy Schroeck, Fairview Township Planning and Zoning Administrator James Cardman, and Court Stenographer Sandra Black.

Introductions were given and hearing procedures were reviewed. The oath was administered to those wishing to give testimony.

2. The secretary verified the hearing had been advertised with legal notice in the Erie Times News on July 23 and 30, 2012. A copy of the legal notice was posted on the property on July 30, 2012, on the Township bulletin board and web site on July 16, 2012 and mailed to six (6) area residents within a 200 foot radius on July 17, 2012. The summary for Appeal No. 7 was read requesting a special exception to exceed the storage limit provisions to construct a 24 x 31 square foot garage and a 13 x 24 detached carport in an A-1 Rural District. The owner filed an appeal (No. 7) after being denied by the Zoning Officer to construct the above additions. (A copy of the owner's building permit application and appeal application is attached and incorporated by reference as Exhibit "A") (A copy of Section 824 of the Ordinance is attached and incorporated by references Exhibit "B").

3. Gary Salisbury, owner of the property at 7611 Antolik Road, testified that he has lived at this location for 13 years and during that time, converted his original garage attached to his house into a family room. He further testified that he has a rear garage (a 19 x 24 building with a 32 x 32 addition) where he houses his race cars, dirt bikes, and four-wheelers. Mr. Salisbury testified that he would like to attach a 24 x 31 square foot garage to his house so that he and his wife can park their cars in a garage and that he would like to add a 13 x 24 carport to his rear detached garage.

4. Jim Cardman, Zoning Administrator, testified that the property is located in an A-1 Rural District and is just under two (2) acres, which limits him according to the Zoning Ordinance, Section 824, to a total of 1,200 square feet of storage space. Mr. Cardman testified that the rear garage will be at 1,792 square feet with the proposed carport, which is 592 square

feet over the limit. He further testified that the proposed 31 x 24 foot front garage will put Mr. Salisbury at a total of approximately 1,342 square feet over the limit.

5. Edward Betza, Solicitor for the Zoning Hearing Board, instructed the Board that a permitted use can and must be granted if the applicant meets the conditions listed in the Zoning Ordinance, Section 824, which include: type of use, density of surrounding area, type of construction, size of structure including height, exterior lighting, setback requirements and open space, land use of surrounding area and access of topography of a lot.

5. Mr. Daniel LaFaro, 7700 Antolik Road, stated that he would like confirmation that the garage will be used for housing vehicles and not as a business. He also stated that he and his neighbors suspect that Mr. Salisbury may not meet the Fairview Township code and that he has not finished siding the garage that was started four (4) years ago.

6. Mr. Salisbury testified that he was using a 6,000 square foot building in Lake City and that he and a partner recently purchased the old Bayside Tool Building on Middle Road for his manufacturing business so he does not need to manufacture in his garage. He also testified that his back garage has not been sided but will be completed with the same siding when the garage is expanded.

7. Mr. Jeffrey Sydow, 7670 Antolik Road, stated that he is not necessarily opposed to Mr. Salisbury's request, but he is concerned there is a business operating on the property. Mr. Sydow presented the Board with two (2) web site pages (**Exhibits 1 and 2**) listing a business called Extreme Efi being located at 7611 Antolik Road, under the category of motorcycles and motor scooters dealers in Girard, PA. Mr. Sydow stated that he would also like assurance that the building will be completed.

8. Mr. Cardman stated that the building codes now in effect, will help to ensure that the building is completed with siding.

CONCLUSIONS OF LAW:

1. The application was properly brought before the Board for consideration with proper legal advertisement and posting of the property.

2. A motion to grant the special exception was made by Keith Farnham, seconded by Judy Miller, and passed, unanimously.

3. The Board considered all of the facts and was of the opinion that the special exception to exceed the storage limit provisions to construct a 24 x 31 square foot attached garage and a 13 x 24 carport on a detached garage in an A-1 Rural District should be granted.

Meeting adjourned: 8:15 P.M.

Respectfully submitted,

Judy Schroeck, Secretary ZHB