

FAIRVIEW TOWNSHIP ZONING HEARING BOARD

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

APPEAL NO. 1

February 6, 2013, 7:00 PM

Owner: David Chivers
Property Subject to Appeal:
6800 Tow Road, Fairview, PA 16417
Index No: (21) 50-72-4

FINDINGS OF FACT:

1. The public hearing on February 5, 2013, was called to order at 7:00 P.M. by Vice-Chairman Judy Miller. Others present at the hearing were as follows: Board Members Keith Farnham, and Alternate Board Member David Biletznikoff, Acting Solicitor David Rhodes, Fairview Township Supervisors Peter Kraus, Dave Carner and Ralph Heidler, Secretary Judy Schroeck, Fairview Township Planning and Zoning Administrator James Cardman, Assistant Zoning Officer Nathan Miller and Court Stenographer Sondra 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 January 22 and 29, 2013. A copy of the legal notice was posted on the property on January 28, 2013, on the Township bulletin board and web site on January 16, 2013 and mailed to (5) five area residents within a 200 foot radius. The summary for Appeal No. 1 was read requesting approval for a front yard variance for a 16 x 36 shed in an I-1 Light Industrial District. The owner filed an appeal (No. 1) after being denied by the Zoning Officer for the above shed. (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 705 D 3 a, of the Ordinance is attached and incorporated by references Exhibit "B").

3. David Rhodes, Acting Solicitor for the Zoning Hearing Board, explained that the request is for a front yard variance as the required setback in the Light Industrial District is 50 (fifty) feet and the structure, which is already constructed, sits 6 feet from the right-of-way.

4. David Chivers, owner of the property, testified that his property is a long, narrow wedge shape and that the 16 x 36 structure houses a diesel fuel pump and a pump for urea, a fuel additive. He stated that his trucks enter the property at the east end and pull up to the pumps for fuel and exit at the west end and because of this, he really has nowhere else to locate the pumps.

5. James Cardman, Zoning Administrator, testified that the pumps which have always been at the current location, do not require a setback, but that the structure built over them, does. He also testified that the structure must comply with the Building Codes and must be inspected by Building Inspection Underwriters.

6. No one else spoke either for or against the appeal.

7. Attorney Rhodes mentioned that the appeal states the building is 29 feet off the right-of-way. Jim Cardman clarified the building is 6 feet off the right-of-way and will need a 44 foot variance. Mr. Chivers stated that his property is surrounded by a fence and that the structure is located inside of the fence by approximately 1 foot.

CONCLUSIONS OF LAW:

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

2. The Board considered all of the facts and was of the opinion that the front yard variance could be granted.

Section 705, D 3 a

I-1 LIGHT INDUSTRIAL DISTRICT

C. Lot and Area Requirements

5. Minimum front yard.

a. 50 feet along Township streets

A motion to approve the variance was made by Keith Farnham and seconded by David Biletnikoff. All in favor.

Meeting adjourned at 7:17 PM.

Respectfully submitted,

Judy Schroeck, Secretary ZHB