

## **FAIRVIEW TOWNSHIP ZONING HEARING BOARD**

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

### **APPEAL NO. 6**

August 7, 2012, 7:00 PM

Owner: David Vanhonk and Loretta Nelson  
Property Subject to Appeal: 3560 Swan Lake Lane, Erie, PA 16506  
Index No: (21) 59-83-24.1

### **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 fifteen (15) area residents within a 200 foot radius on July 17, 2012. The summary for Appeal No. 6 was read requesting a rear yard variance to construct a 2,961 square foot single family dwelling in an R-2 Suburban District. The owner filed an appeal (No. 6) after being denied by the Zoning Officer to construct the above dwelling. (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 701 C5a of the Ordinance is attached and incorporated by references Exhibit "B").

3. Mr. Michael Peck, developer and architect for David Vanhonk and Loretta Nelson, owners of the property at 3560 Swan Lake Lane, testified that his clients would like to build a 2,961 square foot dwelling with a garage and front porch on the property. Mr. Peck testified that the average setback for the dwelling is over 40 feet but because there is an odd angle at the rear property line he is asking for a 7.2 foot variance. He stated there is a hardship as no house would fit on this lot with the rear property line.

4. Mr. Jeffrey Kraus, 5658 Winthrop Drive, on behalf of the Greenbrier Hills Association, stated that the neighbors to the rear of the property are concerned with the elevation change from their yards to the proposed new dwelling, and that the bank at the rear of the property would be cut away and that trees would fall. He asked the Board to follow the zoning requirements.

5. Mr. Peck testified that the excavation will not affect the neighboring properties and that the bank is the property of the homeowners to do with as they wish. He also stated that there is approximately 120 feet from this house to the back of the neighboring houses.
6. Mr. James Cardman, Zoning Administrator, testified that the residents in the Greenbrier Subdivision generally have 60 to 80 feet from their homes to their rear property lines.
7. No one else spoke for or against the request.

**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 a rear yard variance to construct a 2,961 single family dwelling in an R-2 Suburban Single District should be granted.
3. A motion to grant the rear yard variance was made by Keith Farnham, seconded by Judy Miller, and passed, unanimously.

Meeting adjourned: 7:34 P.M.

Respectfully submitted,

Judy Schroeck, Secretary ZHB