

FAIRVIEW TOWNSHIP ZONING HEARING BOARD

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

APPEAL NO. 2

June 4, 2013, 7:00 PM

Owners: Guy and Karen Pernice

Property Subject to Appeal:

5630 Fairlane Drive, Fairview, PA 16415

Index No: (21) 84-21-11

FINDINGS OF FACT:

1. The public hearing on June 4, 2013, was called to order at 7:00 P.M. by Chairman Judy Miller. Others present at the hearing were as follows: Board Members Brian McGrain, Keith Farnham, and Alternate Board Member David Biletnikoff, Solicitor, Edward Betza, Fairview Township Supervisor Dave Carner, Secretary Judy Schroeck, Fairview Township Planning and Zoning Administrator James Cardman, 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 May 21 and May 28, 2013. A copy of the legal notice was posted on the property on May 24, 2013, on the Township bulletin board and web site on May 16, 2013 and mailed to (17) seventeen area residents within a 200 foot radius. The summary for Appeal No. 2 was read requesting approval for a special exception to exceed the storage limits and construct a 24 by 24 square foot pole barn in an R-2 Suburban Residential District. The owner filed an appeal (No. 2) after being denied by the Zoning Officer for the above pole barn. (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. Edward Betza, Solicitor for the Zoning Hearing Board, explained that the request is for a special exception. It was initially denied by the zoning officer pursuant to Section 824-limited storage provisions, because it exceeded the Township's residential storage limitations. The Board has the power to grant/deny exceptions pursuant to Sections 824 and 1103 © (2) of the Township's Zoning Ordinance.

4. Guy Pernice, owner of the property, testified that he currently has a two car garage and would like to construct a pole barn to store his three vehicles and a boat. He is currently keeping the boat outside for the season and that there is a lot of dust from nearby construction. He also stated that the siding would match his home, there will be a double wide garage door, a man door, and that he would like to have a motion sensor light toward his house. He indicated that he did not intend to pave any access way to the pole barn.

5. James Cardman, Zoning Administrator, testified that the zoning ordinance allows for 800 square feet of storage with the size of the parcel, which is slightly under 20,000 square feet because of the curve of the road. The zoning ordinance allows for 1,000 square feet of storage for parcels over 20,000.

6. Dan Bugenhagen, 7604 Lakewood Drive, testified he has concerns that the water from the proposed pole barn will run onto his property and that the building will interfere with the clear site around the corner of the property. Jim Cardman informed Mr. Pernice that he may not allow the water run-off to leave his property and clarified that the proposed building will be located behind the house and at least 35 feet from any point on the curve.

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 special exception could be granted.

Section 824

RESIDENTIAL STORAGE

Residential lots, 20,000 square feet or less shall not have more than 800 square feet of storage area, including garages and detached storage buildings. Residential lots over 20,000 square feet and less than one acre shall have not more than 1,000 square feet of storage area, including garages and detached storage buildings.

A motion to approve the special exception as proposed was made by Brian McGrain and seconded by Keith Farnham with consideration that water run-off be directed onto the curved end of the property. All in favor.

Meeting adjourned at 7:23 PM.

Respectfully submitted,

Judy Schroeck, Secretary ZHB