

FAIRVIEW TOWNSHIP ZONING HEARING BOARD

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

APPEAL NO. 5

July 3, 2012, 7:00 PM

Owner: David and Mary Chivers
Property Subject to Appeal:
8521 Brooks Road, Girard, PA 16417
Index No: (21) 73-130-21

FINDINGS OF FACT:

1. The public hearing on July 3, 2012 was called to order at 7:00 P.M. by Vice-Chairman Kim Palmer. Others present at the hearing were as follows: Board Members Bonnie Miller, George Harmon, Keith Farnham, Proposed Alternate Board Member David Biletnikoff, Solicitor Edward Betza, Fairview Township Supervisors Peter Kraus and Ralph Heidler, 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 June 18 and 25, 2012. A copy of the legal notice was posted on the property on June 22, 2012, on the Township bulletin board and web site on June 20, 2012 and mailed to (1) one area residents within a 200 foot radius. The summary for Appeal No. 5 was read requesting approval for a rear yard variance to construct a 9 x 13 mudroom and a 26 x 26 attached garage in an A-2 Agrarian District. The owner filed an appeal (No. 5) after being denied by the Zoning Officer to construct the above addition. (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 709 C 5 a, of the Ordinance is attached and incorporated by references Exhibit "B").

3. Jim Cardman, Planning and Zoning Administrator, testified that the property is in the A-2 Agrarian district and the required rear yard setback is 80 feet, but that the existing house is currently sitting at 44 feet from the rear property line. He also stated that the mobile home that was on the property has been removed.

4. Mary Chivers, owner of the property, testified that they want to remove the existing mudroom and construct a new 9 x 13 mudroom and a 26 x 26 attached garage. She also testified that the dwelling belonged to the original farm and the parcel was cut out of the surrounding properties, which she owns, and that she does not want to subdivide and incorporate properties to make the house property any larger.

5. No one 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 the rear yard variance could be granted.

Section 709, C5a

A-2 AGRARIAN DISTRICT

C. Lot and Area Requirements

5. Minimum rear yard.

a. Principal use – 80 feet.

A motion to grant the variance as requested was made by Judy Miller and seconded by Keith Farnham. All in favor.

Meeting adjourned at 7:45 PM.

Respectfully submitted,

Judy Schroeck, Secretary ZHB