

**BEFORE THE
ZONING HEARING BOARD OF
FAIRVIEW TOWNSHIP, ERIE COUNTY, PENNSYLVANIA**

IN THE MATTER OF	:	
	:	Premises at 2812 Millfair Road
Property owner:	:	Fairview Township, PA
Walter R. Bender, Jr.	:	
P.O. Box 9098	:	Index No. (21) 56-81-25
Erie, PA 16505	:	

FINDINGS OF FACT

1. Applicant is Walter R. Bender, Jr., owner of the Subject Property located at 2812 Millfair Road, Fairview, PA 16415.

2. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by Erie County Index No. (21) 56-81-25. The parcel is currently zoned B-3.

3. The Subject Property is currently used for residential purposes which is a valid non-conforming use in the B-3 Commercial Industrial District.

4. Applicant would like to construct a 4,800 square foot detached garage on the Subject Property.

5. Fairview Township's Zoning Ordinance Section 905 allows for the expansion of a non-conforming use by special exception so long as the expansion becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel; does not encroach upon the yard requirements of the District and is for the purpose of expanding only the non-conforming use on the original parcel in existence at the time of the enactment of the Ordinance.

6. Applicant is seeking a special exception pursuant to Section 905 of the Township's Zoning Ordinance to allow for the construction of the proposed garage. Specifically, Applicant proposes to build a detached garage on property abutting the Subject Property that he would combine with the Subject Property via a subdivision.

7. Applicant testified that if the Zoning Ordinance requires that the garage structure be attached to the main structure/house, he would construct the garage in compliance with that requirement.

8. There was no other testimony offered either in favor of or in opposition to Applicant's request.

CONCLUSION OF LAW

Applicant has met the requirements for a special exception to allow for the construction of a garage on the Subject Property so long as said garage is attached to the main structure/residence.

DECISION

AND NOW, this _____ day of January, 2024, it is ordered that Applicant's request for a special exception to construct a garage on the Subject Property is GRANTED with the condition that said garage must be attached to the main structure and otherwise comply with the requirements of Section 905 of the Zoning Ordinance.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2024.

Judy Miller, Chairperson

Justin Havern

Barbara Partchey

Dan Stroup

George Wilkosz