

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

IN THE MATTER OF	:	
	:	Premises at 5448 Millfair Road
Property owner:	:	Fairview, PA 16415
Carrie and Nathan Allen	:	
5448 Millfair Road	:	Index No. (21) 61-87.30-6
Fairview, PA 16415	:	

**FINDINGS OF FACT**

1. The Applicants are Carrie and Nathan Allen, 5448 Millfair Road, Fairview, Pennsylvania (hereinafter “Applicant”).
2. Applicant is the owner of the Subject Property located at 5448 Millfair Road, Fairview, Pennsylvania.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 61-87.30-6. The parcel is currently zoned R-2.
4. Applicant would like to construct a 7 foot deep x 8 foot wide roof over the existing front steps at the residence on the Subject Property.
5. The residence on the Subject Property currently has a front yard set back of 47 feet. The neighboring properties also have front yard setbacks of 47 feet.
6. Fairview Township Zoning Ordinance Section 801 provides:

**Building Setbacks**  
Where one or more preexisting buildings are located on both lots adjacent to the lot upon which a proposed building is to be constructed and within one hundred fifty (150) feet of the common property boundary with the lot upon which the proposed building is to be constructed, the setback of the proposed building shall conform with the average setbacks of the preexisting principal structures.
7. Applicant, Nathan Allen testified that the proposed roof would encroach into the existing front yard by 7 feet, which would leave a front yard setback of 40 feet. While the front yard set back in the R-2 district is 35 feet, Fairview Township Zoning Ordinance, Section 801 requires front yard setbacks to be consistent with their neighboring properties. In the present case, this would be 47 feet.
8. Applicant is seeking a 7 foot variance which would allow the roof to have a front yard setback of 40 feet.

9. Mr. Allen testified that the proposed roof would cover the existing front steps. The sides of the structure would be open. The existing light on the front of the house would be moved to the underside of the roof.

10. Mr. Allen testified that the existing stairs are approximately 4 feet wide. He is requesting permission for an 8 foot wide structure so that there would be sufficient room to protect mail packages and other deliveries.

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

### **CONCLUSION OF LAW**

Applicants have met their burden to entitle them to a variance from Fairview Township Zoning Ordinance Section 801 regarding front yard setback.

### **DECISION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, the Fairview Township Zoning Hearing Board hereby grants Applicants' request for a front yard variance.

These Findings of Fact, Conclusions of Law, and Decision are signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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George Wilkosz, Chairperson

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Barb Parchey

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Kellie Tokar

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Christopher Preston