

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

IN THE MATTER OF	:	
	:	Premises at 6902 Sterrettania Road
Property owner:	:	Fairview Township, PA
Thomas Rutter c/o Melanie Smith	:	
19541 US Hwys 6 and 19	:	Index No. (21)70-123-8.01
Saegertown, PA 16433	:	

FINDINGS OF FACT

1. Applicant is Jesse Graffius, a tenant renting the Subject Property located at 6902 Sterrettania Road, Fairview, PA 16415.
2. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21)70-123-8.01. The parcel is currently zoned A-2.
3. The Subject Property has historically been used as an automobile repair business. This use is not permitted in the A-2 Zoning District and exists as a legal non-conforming use.
4. Applicant would like to change the use from an automobile repair business to a trucking and truck storage business. A trucking and truck storage business is not a permitted use in the A-2 Zoning District.
5. Fairview Township Zoning Ordinance, Section 902 permits property owners to change an existing lawful non-conforming use to another use of the same type in a zoning district by special exception provided that the property owner can show:
 - a. Access to the property is permitted by the Township of Fairview or the PA Department of Transportation with an approved Highway Occupancy permit.
 - b. Property and outdoor lighting shall comply with the Fairview Township Subdivision and Land Development regulations.
 - c. The hours of operation of a business shall be reasonable and limited by the Zoning Hearing Board.
 - d. The property shall comply with the Fairview Township Stormwater Ordinance.
6. Applicant is seeking a Special Exception pursuant to Fairview Township Zoning Ordinance, Section 902 to allow the change in non-conforming use from an automobile repair business to a trucking and truck storage business.
7. Jesse Graffius, a tenant renting the Subject Property, testified that would like to use it as a trucking and truck storage business. He testified that the Subject Property was in

significant disrepair. He has spent considerable time and money cleaning up the land. He would like to operate a business of storing business equipment and vehicles inside buildings and working on them inside those buildings. There would be no outside customers and no retail sales conducted from the Subject Property.

8. Mr. Graffius testified that he plans to replace the fencing along the east and rear yards. He plans to clean up the property and hopefully purchase it from the owner in the near future.

9. Mr. Graffius testified that the proposed hours of operation for his business would be 5:30 a.m. to 8:00p.m. He testified that the Subject Property is currently served by an existing driveway. He would not change the lighting on the Subject Property.

10. James Cardman, Fairview Township's Zoning Officer testified that Mr. Graffius has significantly cleaned up and improved the condition of the Subject Property. He opined that the proposed use would be less offensive to the neighbors than an automobile repair business. He asked that the Board only permit outside storage after replacement/repair of the fence surrounding the rear perimeter of the Subject Property.

11. 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 change the non-conforming use from an automobile repair business to a trucking and truck storage business. Applicant may only operate the business between the hours of 5:30 a.m. and 8:00 p.m. There shall be no outside storage until Applicant has replaced or repaired the fence enclosing the rear yard of the Subject Property. Applicant shall comply with all Township Ordinances, including the provisions set forth in Section 902 of Fairview Township's Zoning Ordinance.

DECISION

AND NOW, this _____ day of _____, 2023, it is ordered that Applicant's request for a Special Exception to change the non-conforming use from an automobile repair business to a trucking and truck storage business is GRANTED. Applicant may only operate the business between the hours of 5:30 a.m. and 8:00 p.m. There shall be no outside storage until Applicant has replaced or repaired the fence enclosing the rear yard of the Subject Property. Applicant shall comply with all Township Ordinances, including the provisions set forth in Section 902 of Fairview Township's Zoning Ordinance.

These Findings of Fact, Conclusions of Law, and Decision are signed this _____ day of _____, 2023.

Judy Miller, Chairperson

Justin Havern

Dan Stroup

George Wilkosz