

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

IN THE MATTER OF	:	
	:	Premises at 7613 Magnolia
	:	Fairview Township, PA
Property owner:	:	
Maleno Land Development	:	
2340 West Grandview	:	Index No. (21) 83-23.30-31
Erie, PA 16506	:	

**FINDINGS OF FACT**

1. The Applicant is Maleno Land Development, 2340 West Grandview, Erie, Pennsylvania, 16506 (hereinafter “Applicant”).

2. Applicant is the owner of the Subject Property located at 7613 Magnolia, Fairview, Pennsylvania, 16415.

3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 83-23.30-31. The parcel is currently zoned R-1.

4. On the Subject Property, Applicant would like to construct a single family 2,400 square foot dwelling with a 100 square foot front covered porch and attached garage. If the dwelling, garage and porch are built as proposed, Applicant would have a 32 foot 4 inch rear yard.

5. Fairview Township’s Zoning Ordinance Section 700(C)(5)(a) requires a 35 foot rear yard setback.

6. Applicant is seeking a 2 foot 8 inch rear yard dimensional variance to allow for the construction of the proposed dwelling.

7. Dominic Maleno, a representative of Applicant, testified that the Subject Property is an irregular lot, triangular in shape, with only three lot lines.

8. Mr. Maleno testified that with the setbacks the building area is very small. He tried to fit a standard home on the lot but it did not fit within Fairview Township’s zoning requirements.

9. There will be no deck constructed on the rear of the dwelling. Rather, a cement patio will be installed.

10. James Cardman, Fairview Township Zoning Officer, testified that there is one house to the right of the Subject Property. This house has the same front yard setback as proposed by Applicant.

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

### **CONCLUSION OF LAW**

Applicant has met its burden to entitle it to the requested variance of the Fairview Township rear yard setback.

### **DECISION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a 2 foot 8 inch dimensional variance to allow for a rear yard of 32 feet 4 inches.

These Findings of Fact, Conclusions of Law, and Decision are signed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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George Wilkosz, Chairperson

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Keith Farnham

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Judy Miller

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Barbara Parchey

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Kellie Tokar