

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

IN THE MATTER OF	:	
	:	Premises at 7728 Klier Drive South
Property owner:	:	Fairview Township, PA
Maxpro Technologies, Inc.	:	
7728 Klier Drive South	:	Index No. 88-99.20-3.00
Fairview, PA 16415	:	

FINDINGS OF FACT

1. Applicant is Maxpro Technologies, Inc., 7728 Klier Drive South, Fairview, Pennsylvania, 16415 (hereinafter "Applicant").
2. Applicant is the owner of the Subject Property located at 7728 Klier Drive South, Fairview, Pennsylvania, 16415.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. 88-99.20-3.00. The parcel is currently zoned I-2.
4. Currently located on the Subject Property is a large warehouse. Applicant is proposing to construct a 2,902 square foot warehouse addition and a 3,102 square office addition. The proposed warehouse addition would be aligned with three previous additions and would be located 40' 8" from the rear property line.
5. Applicant has had three previous additions to the warehouse consisting of a 2,000 square foot addition (66.4' along the rear of the Subject Property); a 2,000 square foot addition (65' along the rear of the Subject Property); and a 3,000 square foot addition (95' along the rear of the Subject Property).
6. All 3 prior additions were located 40'8" from the rear property line.
7. Fairview Township Zoning Ordinance Section 707(D)(6)(a) requires a rear yard of 50' in the I-2 District.
8. When Applicant proposed his first warehouse addition, he obtained a variance from the Fairview Township Zoning Hearing Board allowing the structure to be constructed with a rear yard of 40'8".
9. When Applicant proposed his second and third warehouse additions, he was advised by the Township that a variance was not needed.

10. When applicant proposed this fourth warehouse addition, he was advised that he needed a variance.

11. Paul Bowser, President of Maxpro Technologies, Inc., testified that his company has a need to expand its facility on the Subject Property.

12. Mr. Bowser testified that he has always complied with the Township's instructions regarding prior expansions.

13. Mr. Bowser explained that the proposed new expansion would be best if it could remain in line with the prior three expansions.

14. 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 of 40'8". For clarity in its records, this Board also approves all three prior expansions, and furthermore approves the reduction of the rear yard setback for the entire width of the Subject Property to allow for any future additions.

DECISION

AND NOW, this _____ day of _____, 2019, the Fairview Township Zoning Hearing Board hereby grants Applicant's request for a variance to allow for a rear yard of 40'8" across the entire width of the Subject Property.

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

George Wilkosz, Chairperson

Keith Farnham

Barbara Parchey

Kellie Tokar