

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

IN THE MATTER OF	:	
	:	Premises at 481 Avonia Road
Property owner:	:	Fairview Township, PA
Larry Partch	:	
481 Avonia Road	:	Index No. (21) 12-11-59
Fairview, PA 16415	:	

**FINDINGS OF FACT**

1. The Applicant is Larry Partch, 481 Avonia Road, Fairview, Pennsylvania (hereinafter “Applicant”).
2. Applicant is the owner of the Subject Property located at 481 Avonia Road, Fairview, Pennsylvania.
3. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by the Erie County Index No. (21) 12-11-59. The parcel is approximately ½ acre in size and is currently zoned R-2.
4. Applicant currently has 288 square feet of storage.
5. Applicant desires to construct a 24' x 40' detached garage on the Subject Property for an additional 960 square feet of storage.
6. Fairview Township Zoning Ordinance, Section 821 limits residential storage for lots less than 1 acre in size to 1,000 square feet including garages and detached storage buildings.
7. Applicant is requesting a special exception in accordance with Section 821 of Fairview Township’s Zoning Ordinance to exceed the maximum amount of residential storage.
8. Section 821 of Fairview Township’s Zoning Ordinance permits residential lots to exceed the storage limits by special exception. Under the Ordinance, the Zoning Hearing Board must consider “type of use, density of surrounding area, type of construction, size of structure including height, exterior lighting, setback requirements and open space, land use of surrounding area, and access of topography of a lot.”
9. Applicant desires to locate the proposed detached garage in his front yard.

10. Fairview Township Zoning Ordinance, Section 801 requires structures to be set back a distance equal to the average setback of peer structures, buildings or neighboring lots within 150 feet of the Subject Property.

11. Applicant's proposed location for his detached garage is approximately 30' closer to the road than permitted under Fairview Township's Zoning Ordinance.

12. Applicant is seeking a variance to allow him to locate his detached garage with a 30' reduction in the front yard setback.

13. Applicant testified that he would like to build a 24 x 40 detached 3 car garage for the purpose of storing vehicles and tools.

14. Applicant testified that he needs to build the garage in his front yard because there is a bluff/large drop-off in the rear of his property and a septic tank, leach bed, and existing carport on the side of his property.

15. Applicant testified that the siding and roof of the proposed garage would match the house on the Subject Property.

16. Many neighbors offered testimony opposing Applicant's request for a reduction in the front yard setback.

17. During his testimony, Applicant admitted that he could make the garage smaller and/or move it to different locations closer to the house.

### **CONCLUSION OF LAW**

Applicant has not met his burden to entitle him to a Special Exception to allow him to construct a 24' x 40' detached garage on the Subject Property or to entitle him to a Variance to locate his garage within the required front yard setback required by Section 801 of Fairview Township's Zoning Ordinance.

### **DECISION**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, the Fairview Township Zoning Hearing Board hereby DENIES Applicant's request for a Special Exception and Variance.

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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Barbara Parchey

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Kellie Tokar