

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

IN THE MATTER OF	:	
	:	Premises at 8070 Toski Drive
Property owner:	:	Girard, PA 16417
Steven Ferring and	:	
Sharon Ferring	:	
8070 Toski Drive	:	Index No. 21-068-108.0-003.07
Girard, PA 16417	:	

**FINDINGS OF FACT**

1. The Applicants are Steven and Sharon Ferring, owners of the subject property located at 8070 Toski Drive, Girard, PA (hereinafter “Applicants”).
2. The Subject Property is located in Fairview Township, Pennsylvania, and is identified by Erie County Index No. 21-068-108.0-003.07. The parcel is currently zoned R-2.
3. Fairview Township’s Zoning Ordinance, Section 701C.5.b, requires a 5 foot rear yard set back for accessory structures in the R-2 district.
4. Applicants request a variance to Section 701C.5.b of Fairview Township’s Zoning Ordinance. Specifically, Applicant proposes to reduce the rear yard setback to 0 feet for the existing shed structure on the Subject Property.
5. Applicant, Steven Ferring, testified that Applicants purchased the Subject Property in 2000 and constructed their home in approximately 2002. In 2017, Applicants placed an approximately 12' x 30' shed structure along what they believed to be their rear property line. Subsequent surveys revealed that the subject shed actually encroached slightly onto the adjacent property owned by Scott and Jennifer Garber. Applicants and Garbers resolved the encroachment issue by the execution of an easement permitting the existing shed structure to remain in place. Applicants presented a “Statement of No Objection” from the Garbers expressing no objection to the granting of a variance to allow the shed structure to remain in its current location.
6. Mr. Ferring also testified regarding the physical characteristics of the Subject Property, including the location of his septic system and the general sloping topography of the lot, both of which make relocation of the subject shed difficult or impossible. He further indicated that the current location of the shed has no negative impact on neighboring properties.

7. Michael Spellacy, of 8080 Toski Drive appeared and testified in support of the variance request. He indicated that as a neighboring property owner, the current location of the subject shed posed no issues.

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

### **CONCLUSIONS OF LAW**

Applicants have met their burden to entitle them to the requested variance of the Fairview Township rear yard setback. Specifically, Applicants are entitled to a variance of 5' allowing for a 0' rear yard setback.

### **DECISION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, the Fairview Township Zoning Hearing Board hereby GRANTS Applicants' request for a 5 foot variance from the rear yard setback requirement as outlined herein. Said variance shall apply only to the existing structure. Should the existing structure be removed or demolished, any replacement structure must comply with all requirements of the Zoning Ordinance, including all applicable setbacks.

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

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George Wilkosz, Chairperson

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Justin Havern

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Dan Stroup

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Barbara Partchey

\_\_\_\_\_  
Kellie Tokar

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Jason Trippe