

YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313
Phone (717)741-3861 Fax (717)741-5009

York Township Zoning Hearing Board
August 23, 2016
6:00 p.m.

The August meeting of the York Township Zoning Hearing Board was called to order by Glenn Myers, Chairman.

Those in attendance were:

Glenn Myers, Chair
William Descar, Secretary
David Fishel, Asst. Secretary
Timothy Salvatore, Member
James Barnes, Alternate Member
Kathleen Cronin, Alternate Member
Jeffrey Rehmeyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF JUNE 28, 2016

The Zoning Hearing Board minutes of the June 28, 2016, meeting were approved.

DECISIONS OF JUNE 28, 2016

The Zoning Hearing Board decisions of the June 28, 2016, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2016-17: Andrew and Leigh Ann Swartz request a Special Exception to establish an Accessory Farm Dwelling on property located at 350 Sparton Road in a Residential Agricultural (RA) District.

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

York Township Zoning Hearing Board
Tuesday, August 23, 2016
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Present: Andrew Swartz

MOTION: On Application 2016-17, Andrew and Leigh Ann Swartz request a Special Exception to establish an Accessory Farm Dwelling on property located at 350 Sparton Road in a Residential Agricultural (RA) District, that the application be approved.

CONDITIONS: That a building permit be obtained within a two-year period after approval with a provision for two one-year extensions on that from the Zoning Officer.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: Kathleen Cronin
MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2016-17
Hearing Date: August 23, 2016
Applicant: Andrew D. and Leigh Ann Swartz
Property Owner: Andrew D. and Leigh Ann Swartz
Property: 350 Sparton Road
UPI: #54-000-GI-0053-0000000
Existing Zoning District: Residential Agricultural District (RA)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-603 thereof.

FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witnesses, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Andrew D. Swartz was present as the Applicant.
3. The Applicant is seeking a Special Exception to classify the existing home on the Property (the "Existing Dwelling") as an "Accessory Farm Dwelling".
4. By way of background, the Applicant provided testimony as follows:
 - a. There exists on the Property the Existing Dwelling and the Barn.
 - b. Both the Existing Dwelling and the Barn were constructed in the 1800's.
 - c. The Applicant has already renovated the Existing Dwelling and the Barn, but does not intend to move or otherwise expand them at the present time.
 - d. Both the Existing Dwelling and the adjacent Barn are near Sparton Road.
 - e. According to a photograph in the Applicant's materials, the Existing Dwelling is approximately 16 feet from Sparton Road.
 - f. The Property straddles Sparton Road, with a large portion of Property being to the Northwest of it, but a smaller portion being to the Southeast.
 - g. The farm use currently includes 7 goats, 18 chickens and 5 horses.
 - h. The Applicant would like to expand that animal base as the Property allows.
 - i. Currently, the majority of the 10 acre parcel serves as a source of grazing for the animals.
 - j. Currently, a full-time Farm Manager is employed by the Applicant and resides on the Property in the Existing Dwelling.
 - k. The Applicant needs the assistance of the full-time Farm Manager, as well as several part-time workers to address seasonal maintenance.
 - l. The Applicant would like to add a 1 acre garden to grow seasonal crops.

9. There was no testimony for or against the Applicant from the audience.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

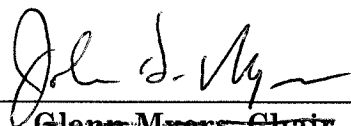
1. The Existing Dwelling and Barn setbacks are recognized as dimensional non-conformities in accordance with Section 265-902 of the Ordinance.
2. The Applicant has met the Specific requirements for a Special Exception for an Accessory Farm Dwelling as required by Section 265-603.
3. The Applicant has met the General requirements for a Special Exception as set forth in Section 265-1009(C).
4. Since the grant of the Special Exception would classify the Existing Dwelling as an Accessory Farm Dwelling, the Zoning Hearing Board finds Section 265-1009(E) is inapplicable. However, the Board desires that timing be attached to the grant of any relief. Accordingly, the Applicant shall have a time period of 2 years from the grant of the Special Exception to obtain a Building Permit for the New Dwelling. If the Applicant, despite good faith efforts, is unable to do so, the Applicant may request up to two (2), one (1) year extensions of time to obtain the Building Permit, which extensions may be granted in the reasonable discretion of the Zoning Officer (the "Timing Condition").

Accordingly, Timothy Salvatore moved, and Kathleen A. Cronin seconded, to grant the Special Exception to establish an Accessory Farm Dwelling on the Property located at 350 Sparton Road in a Residential Agricultural (AR) District, subject to the Timing Condition. The motion passed unanimously with Glenn Myers, Timothy Salvatore, David N. Fishel, William Descar and Kathleen A. Cronin voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD


Secretary

By: 
~~Glenn Myers, Chair~~
John J. Myers Vice Chair
11/22/2016
Date