

# YORK TOWNSHIP

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

York Township Zoning Hearing Board  
July 25, 2017  
6:00 p.m.

The July meeting of the York Township Zoning Hearing Board was called to order by Glenn Myers, Vice Chair.

Those in attendance were:

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

## MINUTES OF JUNE 27, 2017

The Zoning Hearing Board minutes of the June 27, 2017, meeting were approved.

## DECISIONS OF JUNE 27, 2017

The Zoning Hearing Board decisions of the June 27, 2017, meeting were approved.

## SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2017-13: Michael William Orwig requests a Variance to place an accessory structure (shed) in a front yard area on property located at 2761 Heather Drive in a Residential Low Density (RL) District.

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

York Township Zoning Hearing Board  
Tuesday, July 25, 2017  
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Present: Michael William Orwig

MOTION: On Application 2017-13, Michael William Orwig requests a Variance to place an accessory structure (shed) in a front yard area on property located at 2761 Heather Drive in a Residential Low Density (RL) District, that the application be approved.

MOTION MADE BY: Timothy Salvatore  
SECONDED BY: James Barnes  
MOTION PASSED UNANIMOUSLY

Application 2017-09: Martin Vermeilen, West Fields Real Estate LLC requests a Special Exception to establish a Multi-Family Dwelling use (townhouses on single lot) and Variances related to that use on property located at 245 Olney Road in a Residential High Density (RL) District.

Continued until August, 2017.

ATTEST:

  
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William Descar, Secretary

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2017-13  
**Hearing Date:** July 25, 2017  
**Applicant:** Michael W. and Laura Lee Orwig  
**Property Owner:** Michael W. and Laura Lee Orwig  
**Property:** 2761 Heather Drive  
UPI: 54-000-48-0119-00-00000  
**Existing Zoning District:** Residential Zone (RL)

**Relief Requested-** Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-404.D.1.d. thereof.

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## 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. Mr. Orwig was present representing himself.
3. The Applicant is seeking a Variance from the setback requirement of Section 265-404.D.1.d. to allow for the installation of a Shed twenty-seven (27) feet from the edge of Country Lane, which is one of the two streets that abuts the Property.
4. The Applicant provided information with regard to his Property as follows:
  - a. The Property abuts Heather Drive and Country Lane. Accordingly, the Property is subject to two front setbacks.
  - b. The Property slopes downward from its rear toward the front, which is along Heather Drive.
  - c. The Property also slopes from the interior side down to Country Lane.
  - d. There are swales along various portions of the rear of the Property.
  - e. The swales were installed initially when the home was constructed.
  - f. The swales were subsequently modified because of stormwater issues on nearby properties, to include one which had its basement fall in because of stormwater run-off.
  - g. The Applicants have lived in the Property for 29 years.
5. With regard to the Shed to be installed if the Variance is granted, the Applicant provided the following information:
  - a. The Shed will have dimensions of approximately 12 feet x 16 feet.
  - b. The Shed will have an overhead door on the Southern side, which is adjacent to the driveway turn-around, to allow for access.
  - c. The Shed will also have two windows.
  - d. The Shed will be designed to match the dwelling.

- e. Accordingly, the Shed will have siding and shutters of the same color and design as the home.
  - f. The Shed will be used for storage of hand tools and lawn equipment, which are currently placed in the garage in the dwelling.
  - g. Because those items are in the garage, the Applicant cannot utilize his two car garage to park two cars.
  - h. The Shed will be similar to that of a nearby neighbor's shed.
  - i. The Shed will be placed behind the rear portion of the home.
  - j. The Applicant will install landscaping around the Shed, particularly between it and Country Lane.
6. The Applicant presented a Petition signed by five neighbors who own nearby properties, all of whom were supportive of the installation of the Shed.
  7. There were no questions from the audience.
  8. There was no testimony for or against the Applicant.
  9. The Zoning Officer indicated that the Township had no concerns and it had not received any calls with regard to the Application.
  10. In response to the criteria for the Variance, the Applicant provided the following:
    - a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, which include the sloping nature of the Property, from both interior Property lines across the Property to the street upon which it abuts, and the swales on the Property to deal with stormwater from adjoining properties, and such unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provision of this chapter in the neighborhood or district in which the Property is located.
    - b. Because of such physical circumstances or conditions, there is no possibility that the Property can be developed in strict conformity with the provisions of this Chapter and the authorization of a Variance is therefore necessary to enable the reasonable use of the Property.
    - c. The unnecessary hardship is not being created by the Applicant.
    - d. The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the Property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
    - e. The Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible to the regulation at issue.

## CONCLUSIONS OF LAW


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

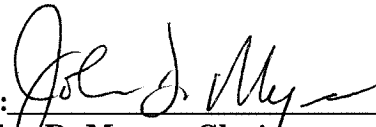
1. The Property is unique because of its multi-faceted sloping nature and the stormwater issues that it accommodates via swales.
2. The Applicant has met the criteria for a Variance.

Accordingly, Jim Barnes moved, and William Descar seconded, to grant the Variance to place an Accessory Structure (Shed) in a front yard area on the Property located at 2761 Heather Drive in a Residential Low (RL) District. The motion passed unanimously, with Glenn Myers, William Descar, Jim Barnes, Timothy Salvatore and Anthony Pantano voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP  
ZONING HEARING BOARD

  
\_\_\_\_\_  
William Descar, Secretary

By:   
\_\_\_\_\_  
John D. Myers, Chair  
8/22/17  
\_\_\_\_\_  
Date

The Variance granted herein shall expire if the Applicant fails to, where required to do so, obtain a Permit, submit a Land Development Plan or commence work within six (6) months of the date of the authorization of the Variance, pursuant to Section 265-1009. E. of the Ordinance.