

YORK TOWNSHIP

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

The March meeting of the York Township Zoning Hearing Board was called to order by John Myers, Chair.

Those in attendance were:

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

MINUTES OF FEBRUARY 27, 2018

The Zoning Hearing Board minutes of the February 27, 2018, meeting were approved.

DECISIONS OF FEBRUARY 27, 2018

The Zoning Hearing Board decisions of the February 27, 2018, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2018-05 & 2018-06: Fair Valley Capital Development LLC c/o Stonewall Capital, LLC, requests 1) a Special Exception to establish a Multi-Family Dwelling Use (224 units) and 2) a Variance of Type C Buffer Planting Strip for Multi-Family Dwelling Uses on properties located at 2539, 2549 and 2505 South George Street in a Residential High Density (RH) District.

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

York Township Zoning Hearing Board
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Present: Stacey MacNeal, Esquire
 John Snyder
 Ray Jackson

MOTION: On Application 2018-05, Fair Valley Capital Development LLC c/o Stonewall Capital, LLC, requests a Special Exception to establish a Multi-Family Dwelling Use (224 units), that the application be approved.

MOTION MADE BY: James Barnes
 SECONDED BY: William Descar
 MOTION PASSED UNANIMOUSLY

MOTION: On Application 2018-06: Fair Valley Capital Development LLC c/o Stonewall Capital, LLC, requests a Variance of Type C Buffer Planting Strip for Multi-Family Dwelling Uses on properties located at 2539, 2549 and 2505 South George Street in a Residential High Density (RH) District, that the motion be approved.

MOTION MADE BY: James Barnes
 SECONDED BY: William Descar
 MOTION PASSED 5-1

Continued Application 2018-04: Springwood LLC requests a Special Exception to permit a Golf Course Facility, 9-hole executive-length course, on property located at 601 Chestnut Hill Road (Springwood Golf Course) in a Residential High Density (RH) District.

Present: Rob Lewis, Esquire
 Joel Snyder
 Greg Hill

MOTION: On Continued Application 2018-04, Springwood LLC requests a Special Exception to permit a Golf Course Facility, 9-hole executive-length course, on property located at 601 Chestnut Hill Road (Springwood Golf Course)

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in a Residential High Density (RH) District, that
the application be approved.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: John Myers
MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2018-04

Hearing Date: March 27, 2018 (following a continuance that was approved on February 27, 2018)

Applicant: Springwood, LLC

Property Owner: Springwood, LLC

Property: 601 Chestnut Hill Road
UPI: #54-000-IJ-0273-A0-00000

Existing Zoning District: Residential High Density (RH)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-635 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. Craig R. Lewis, Esquire, Joel Snyder of RGS Associates and Greg Hill of Keystone Custom Homes were present on behalf of the Applicant.
3. The Applicant is seeking a Special Exception for a Golf Course (the "Use").
 - a. The Golf Course Use is presently in place, consisting of 18 holes (the "Existing Golf Course").
 - b. The Special Exception seeks approval for a 9-Hole Executive Golf Course (the "Proposed Golf Course").
4. Attorney Lewis presented 3 Exhibits to the Board which included the following:
 - a. Exhibit A1 – York Township Zoning Hearing Board Decision 2015-10.
 - b. Exhibit A2 - RGS Associates Bridgewater Final Land Development Plan sheet entitled Overall Subdivision Plan.
 - c. Exhibit A3 - RGS Associates Bridgewater sheet entitled 9 Hold Golf Layout.
5. Attorney Lewis provided some background information as follows:
 - a. The Property has been used as a Golf Course since 1996.
 - b. The Property has been subject to a number of municipal approvals from the Board of Commissioners and the Zoning Hearing Board.
 - c. In 2013, a portion of the Property was approved for 62 dwelling units.
 - d. In 2015, Bridgewater Golf Partners, LP made application to the Zoning Hearing Board for zoning approval to reconfigure the Golf Course as then in use, which application resulted in Decision 2015-10.
 - e. At that time, the Golf Course was reconfigured to retain a number of golf holes, creating the Existing Golf Course.

- f. Attorney Lewis requested that the Zoning Hearing Board take judicial notice of Decision 2015-10.
 - g. He highlighted Findings of Fact 9 and 25 in Decision 2015-10.
 - h. Attorney Lewis explained that the Proposed Golf Course would not result in any fundamental changes to the current operation of the Existing Golf Course.
 - i. Specifically, maintenance would be the same.
 - j. The same tees, fairways and greens would be used.
 - k. The cart paths would not be changed.
 - l. However, certain holes would no longer be part of the Existing Golf Course, because they are on land owned by Heritage Hills Associates and the relationship that allowed that land to be utilized has been discontinued.
 - m. Adjustments to the Existing Golf Course as per the Special Exception would result in it being a 9-hole facility.
6. Attorney Lewis called Joel Snyder, and noted Mr. Snyder had testified before and was accepted by the Zoning Hearing Board as an expert.
 7. Mr. John Bowders posed questions to Mr. Snyder as follows:
 - a. Was he testifying as a landscape architect, to which Mr. Snyder answered yes.
 - b. Mr. Snyder indicated that he did not participate in any specialized golf course training.
 - c. Mr. Snyder admitted that he was not a member of the PGA nor was he a golf course architect.
 - d. Mr. Snyder confirmed that he had not designed a golf course.
 8. The Board accepted Mr. Snyder as an expert in landscape architecture and site design.
 9. In response to questions from Attorney Lewis, Mr. Snyder testified as follows:
 - a. Exhibit A1 was approved and recorded, creating larger lots numbered 64, 66, 67 and 68.
 - b. The Subdivision Plan also shows 62 dwelling units in the Northeastern portion of the Property.
 - c. The open space for those dwelling units can be the Golf Course, which exceeds the minimum open space required by the Ordinance.
 - d. In 2015, Mr. Snyder testified with regard to the Golf Course Special Exception criteria.
 10. Attorney Lewis questioned Mr. Snyder, focusing on Exhibit A3, which yielded the following:
 - a. The holes on the Existing Golf Course, to be modified pursuant to the Special Exception, already exist and were designed by an golf course architect.
 - b. Existing cart paths would be utilized.
 - c. There would be no new street crossings for additional cart paths.
 - d. Off street parking would continue.
 - e. Maintenance of the Golf Course would continue utilizing the same facilities.
 - f. The storage remains the same.
 11. In response to the specific criteria for a Golf Course in Section 265-635, Mr. Snyder testified as follows:
 - a. The minimum lot area exceeds 30 acres, which is necessary for a 9-Hole Executive length course.
 - b. All of the buildings serving the Golf Course are setback at least 50 feet from any adjoining streets and 100 feet from any residential uses.
 - c. All outdoor storage of maintenance equipment and/or golf carts are screened in accordance with the York Township Subdivision and Land Development Ordinance (SALDO) and setback at least 100 feet from adjoining residential uses and 50 feet from any streets.

- d. Any exterior lighting and/or amplified public address system are arranged and designed so as to prevent objectionable impact on adjoining properties. Utilization of those systems are limited as required by the Zoning Ordinance.
 - e. The Golf Course design and driving range do not permit a golf ball to be driven across any building, building lot, parking lot, street, access drive or driveway or onto any abutting property.
 - f. Golf cart paths are graded so as to discharge stormwater runoff and surface conditions of paths are adequately protected from exposed soil conditions.
 - g. The Golf Course design minimizes golf path crossing of streets, access drives and driveways. The golf paths are easily identifiable.
 - h. The Golf Course design discourages random crossing and required use of golf path crossings of streets, access drives and driveways.
 - i. In addition to the requirements of SALDO, the Applicant confirmed that the following operational matters would be handled as proposed in Decision 2015-10 and as has been done since that time:
 - i. Runoff controls for herbicides, pesticides, fungicides and fertilizer, and the plans for the storage and disposal for the containers for those items.
 - ii. Irrigation plan including emergency condition usage.
 - iii. Mosquito control.
 - iv. The nutrient plan to ensure no excess nitrates, phosphorous, herbicides, pesticides, fungicides or other fertilizer is used when alternatives that are less potentially harmful to the environment are used.

The description of these matters from Decision 2015-10 is hereby incorporated by reference in its entirety.
 - j. Tees, greens and fairways are setback from property lines, parking lots and street right-of-ways a minimum of 50 feet.
 - k. The number of required parking spaces exceeds the minimum.
12. Attorney Lewis noted the following for the Board:
- a. The operation of the Golf Course and information related to it are no less than substantially similar to what was presented to and accepted by the Board in 2015.
 - b. There should be some improvements coming to Chestnut Hill Road, which is the main entrance to the Golf Course.
 - c. The Golf Course, as adjusted per the Special Exception, shall be virtually the same Golf Course, except for utilizing less holes, which would make it less intense.
13. The Applicant presented information in support of the Special Exception in Section 265-1009, as follows:
- a. The intended purpose of the proposed Use is consistent with the Township's development objectives as established in the Comprehensive Plan.
 - b. The proposed Use is in the best interest of properties in the general area, as well as the community at large, when viewing the proposed Use in relationship to and its potential effects upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation.
 - c. The proposed Use is suitable for the Property in question and is designed, constructed and will be operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and generation of traffic.

- d. There are adequate and available utility services and facilities, such as sanitary and storm sewers, water, fire, police and other public facilities and the ability of the Township to supply such services.
 - e. The proposed Use has adequate ingress, egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing Township street system.
 - f. The Use shall be in conformance with all applicable requirements of the Ordinance and, where applicable, in accordance with the Township's Subdivision and Land Development Ordinance.
14. In response to questions the Applicant answered as follows:
- a. The specific operators of the Golf Course are uncertain.
 - b. Springwood, LLC will operate the Golf Course, utilizing its employees or those obtained through contractual means.
 - c. The golf professional and those involved in maintenance shall be properly licensed.
 - d. The Land Development Plan has not been submitted for the 9-Hole Executive Golf Course.
 - e. Food service in the clubhouse area will be provided by The White Rose Bar and Grill since Heritage Hills is no longer involved.
 - f. Portions of the Property previously used for the Existing Golf Course will be allowed to revert to a more natural state since the Proposed Golf Course will require less area to be maintained as such.
15. Testimony from those in attendance included the following:
- a. Lisa Ball indicated that she is in favor of the change. She also voiced questions with regard to future land development. In response, Attorney Lewis noted that the Applicant or its successor would have to come back to the Zoning Hearing Board if it sought to change the Golf Course layout pursuant to this Special Exception. He also noted that the Declaration addressing the Property has representations with regard to Open Space.
 - b. Mr. Bowders indicated that he was opposed to the grant of the Special Exception noting that the utilization of the Golf Course will not be the same as the Existing Golf Course. He also proposed 2 Exhibits as follows:
 - 1. Bowders Exhibit 1 was proposed Conditions that he thought appropriate to accompany the grant of the Special Exception.
 - 2. Bowders Exhibit 2 was information that he assembled with regard to Open Space, from the Pennsylvania Municipalities Planning Code and the York Township Zoning Ordinance.
 - c. Attorney Lewis argued that the Bowders Conditions were not appropriate.
16. Attorney Lewis moved for the submission of Applicant's Exhibits A1 through A3.
17. Lisa Frye, Zoning Officer from the Township indicated that she had nothing to offer.

CONCLUSIONS OF LAW


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

1. The Applicant has met the specific criteria for a Golf Course/Facility in Section 265-635.
2. The Applicant has met the general criteria for a Special Exception in Section 265-1009(c).
3. It is significant to the Board that the Golf Course has been in use since 1996 and the Special Exception proposes a reduction in its scope by the elimination of 9 holes.

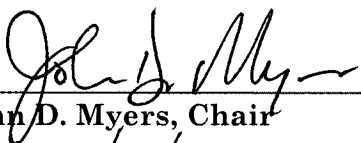
Accordingly, Timothy Salvatore moved, and Jim Barnes seconded, to grant the Special Exception to permit a Golf Course Facility, 9-hole executive-length course, on the Property located at 601 Chestnut Hill Road in a Residential High Density (RH) Zone. The motion passed unanimously with John D. Myers, Glenn Myers, William Descar, Jim Barnes and Timothy Salvatore voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD



William Descar, Secretary

By: 

John D. Myers, Chair
4/24/18

Date

The Special Exception 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 Special Exception, pursuant to Section 265-1009. E. of the Ordinance.

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2018-05

Hearing Date: March 27, 2018

Applicant: Fair Valley Capital Development LLC
c/o Stonewall Capital, LLC

Property Owner: Fair Valley, LP

Property: 2539 South George Street – UPI #54-000-19-0116-00-00000
2549 South George Street – UPI #54-000-19-0113-00-00000
2505 South George Street – UPI #54-000-19-0126-00-00000

Existing Zoning District: Residential High Density (RH)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the “Ordinance”) and pursuant to Section 265-403.C.7 and 265-649 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. Stacey MacNeal, Esquire, John Snyder of RGS Associates and Ray Jackson of Stonewall Capital were present on behalf of the Applicant.
3. The Applicant is seeking a Special Exception pursuant to Section 265-649 for a Multi-Family Dwelling Use on the Property (the “Use”).
4. The Property was the subject of a number of prior decisions for the same Use including Decisions 2010-28, 2010-29, 2010-30, 2010-31 and 2011-01 (collectively the “Prior Decisions”).
5. The Applicant has a contract with the Property Owner to purchase the Property and therefore has an equitable ownership interest.
6. Attorney MacNeal provided to the Board a packet of Exhibits, labeled A1 through A4 which consisted of the following:
 - a. Exhibit A1 included tax maps and assessment information for the parcels that constitute, collectively, the Property.
 - b. Exhibit A2 was a Google Earth aerial photograph with a view of the Property from the West facing East.
 - c. Exhibit A3 was a portion of the York Township Subdivision and Land Development Ordinance (“SALDO”), pages 125-126, which provided requirements relative to Buffer Strips, as well as the York Township Zoning Map.
 - d. Exhibit A4 was another Google Earth photograph with a view of the Property from directly overhead.

7. Attorney MacNeal called Mr. Snyder as a witness who testified as follows:
 - a. Mr. Snyder summarized his experience, which included twelve years with RGS Associates and twenty-four years in total in land development.
 - b. Mr. Snyder also noted that he was involved in the applications before the Board that resulted in the Prior Decisions.
 - c. He explained that the 3 parcels that constitute the Property, comprise approximately 21 acres in total.
 - d. There will be approximately 224 dwelling units.
 - e. The units will be in 9 residential buildings.
 - f. The breakdown of the units is expected to be as follows:
 1. 112 one bedroom units.
 2. 90 two bedroom units.
 3. 22 three bedroom units.
 - g. In addition to the residential buildings, there will be a community center.
 - h. There will be 472 parking spaces provided.
 - i. The number of units should be less than that previously approved in the Prior Decisions.
8. In response to the specific criteria for a Special Exception from Section 265-649, Mr. Snyder testified as follows:
 - a. The Net Lot Area shall exceed one acre substantially. Specifically, 17.864 acres are proposed, and 9.252 acres are necessary.
 - b. The building shall be setback a minimum of 50 feet from the property line or streets rights-of-way. A buffering planting strip consistent with Type C of Section 610 of the SALDO shall be planted within said 50 feet on certain portions of Property but not all. Accordingly, a Variance from a portion of Section 625-649(B) has been requested pursuant to Application 2018-06.
 - c. The lot width is 253 feet, which exceeds the 200 feet minimum required by the Zoning Ordinance.
 - d. The Use shall have 2 points of access from public streets, namely, a boulevard entrance to the Southern portion of the Property from South George Street, which location was previously approved by PennDOT and an emergency access on the Northern portion of the Property, also from South George Street.
 - e. The minimum landscaped and equipped play areas and open spaces shall be exceeded, namely, 13 acres of open space and a play area of 7,600 square feet.
 - f. The maximum building height shall not exceed 55 feet.
9. In response to the General Standards for a Special Exception in Section 265-1009(C), the Applicant offered the following:
 - a. The intended purpose of the proposed Use shall be consistent with the Township's development objectives as established in the Comprehensive Plan.
 - b. The proposed Use shall be in the best interest of properties in the general area, as well as the community at large, when viewing the proposed Use in relationship to and its potential effects upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation.
 - c. The proposed Use is suitable for the Property in question and is designed, constructed and will be operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and generation of traffic.

- d. There are adequate and available utility services and facilities, such as sanitary and storm sewers, water, fire, police and other public facilities and the ability of the Township to supply such services.
 - e. The proposed Use has adequate ingress, egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing Township street system.
 - f. The Use shall be in conformance with all applicable requirements of the Ordinance and, where applicable, in accordance with the Township's Subdivision and Land Development Ordinance.
10. In response to questions from the Board, the Applicant provided the following:
- a. There will be some work done at the intersection of Leaders Heights Road and South George Street, to include the retiming of the signal lights and the lengthening of turn lanes.
 - b. The buffering area on the East of the Property will include a riparian buffer because of the drainage channel.
 - c. The emergency access is acceptable as a point of access per prior Township interpretation of the Ordinance.
 - d. Access from Joppa Road would be challenging and have adverse impacts.
11. In response to questions from the audience, the Applicant provided the following:
- a. The units may be rented or converted to condominiums and then sold.
 - b. The Traffic Impact Study is still valid for the Use.
 - c. Access is proposed on South George Street, but not Joppa Road because Joppa Road is not constructed to handle the traffic.
 - d. Stormwater will be analyzed as part of the subdivision and land development planning process.
 - e. One benefit for the community is that the Use will fulfill the need for additional housing.
 - f. Traffic improvements will not result in the loss of land from adjacent properties, although work could be done in rights-of-ways.
 - g. The Applicant will work with adjoining property owners, to include the McLaughlins, with regard to buffering.
 - h. The timing of construction has yet to be determined.
 - i. The impact on the public school system is uncertain.
 - j. The Traffic Impact Study did not include Fair Acres Drive.
12. Jessica Haag indicated that she opposed the grant of the Special Exception and listed concerns to include: Traffic; Access to Interstate 83; and Lack of communication with the School District.
13. Kelly McLaughlin indicated that she concurs with Jessica Haag with regard to traffic and School District concerns.
14. Sharon Whitmore voiced her opposition to the grant of the Special Exception noting that the prior use of the Property with mobile homes was not as intense as the proposed Use.
15. Mike Donahue voiced his opposition to the grant of the Special Exception, citing to traffic concerns.

CONCLUSIONS OF LAW

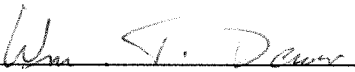
Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

1. The specific requirements for a Multi-Family Dwelling pursuant to Section 265-649, set forth in subsections (a),(c),(d),(e) and (f) have been met.
2. The specific requirement for a buffer pursuant to Section 265-649 (b) has not been met in its entirety, and accordingly, a Variance therefrom is necessary and a Condition of any approval.
3. The general requirements for a Special Exception set forth in 265-1009(C) have been met.

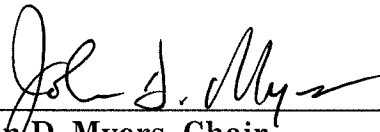
Accordingly, Jim Barnes moved, and Glenn Myers seconded, to grant the Special Exception to establish a Multi-Family Dwelling Use (224 units) on the Property located at 2539 South George Street, 2549 South George Street and 2505 South George Street in a Residential High Density (RH) Zone, subject to the necessary receipt of the Variance for portions of the required Buffer Planting Strip. The motion passed unanimously with John D. Myers, Glenn Myers, William Descar, Jim Barnes and Timothy Salvatore all voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD



William Descar, Secretary

By: 

John D. Myers, Chair
4/24/18
Date

The Special Exception 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 Special Exception, pursuant to Section 265-1009. E. of the Ordinance.

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2018-06

Hearing Date: March 27, 2018

Applicant: Fair Valley Capital Development LLC
c/o Stonewall Capital, LLC

Property Owner: Fair Valley, LP

Property: 2539 South George Street – UPI #54-000-19-0116-00-00000
2549 South George Street – UPI #54-000-19-0113-00-00000
2505 South George Street – UPI #54-000-19-0126-00-00000

Existing Zoning District: Residential High Density (RH)

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the “Ordinance”) and pursuant to Section 265-649.B. 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. The Findings of Fact and Conclusions of Law from Decision 2018-05 are incorporated by reference.
3. Stacey MacNeal, Esquire and John Snyder of RGS Associates and Ray Jackson of Stonewall Capital were present on behalf of the Applicant.
4. The Applicant is seeking a Variance pursuant to Section 265-649.B.
5. Attorney MacNeal and Mr. Snyder directed the attention to the Fair Valley Special Exception Plan Sheet entitled Proposed Conditions Special Exception Plan as follows:
 - a. The 50 foot buffer with Type C per Section 610 of the SALDO is proposed along the Northern portion of the Property, adjacent to lands owned by the Markeys and Castles, from the Northern most portion of the Property to the edge of the proposed emergency access drive off South George Street.
 - b. Additionally, the buffer is proposed behind the dwellings and business uses, on the Western portion of the Property towards South George Street from the edge of the proposed emergency access drive to the edge of the main boulevard entrance.
 - c. The buffer is also proposed on the Southwest corner of the Property, from the edge of the General Telephone Electronics n/k/a Verizon property to the corner, behind lands owned by McLaughlin and then towards the East along lands owned by the Bauers.
 - d. No buffering is proposed along the Southern edge of the Property adjacent to lands owned by Kinsley Equities II, Ltd.

- e. Additionally, no buffering is proposed along the Eastern edge of the Property.
6. In support of the Variance for no buffering along the Eastern edge of the Property, the Applicant noted the following:
 - a. There are already exists, as shown on Applicant's Exhibits A2 and A4, substantial vegetation along the Eastern edge of the Property.
 - b. Additionally, there is also a flood plain buffer for the stream channel that should not be disturbed.
 - c. There is an existing York Township Water and Sewer Authority Easement.
 - d. Moreover, greater distance is allowed between the Use and the rear portion of the residential properties that front Joppa Road.
7. In support of the Variance for no buffering behind the Verizon property, the Applicant noted that such buffering is not necessary from a commercial use.
8. In support of the Variance, the Applicant offered the following:
 - a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, including the shape of the Property, the topography along its Eastern edge, the drainage area and pre-existing flood plain buffer, and the existing York Township Water and Sewer Authority Easement 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, and is necessary for adequate and safe use.
 - 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.
9. In response to questions, the Applicant provided the following:
 - a. Installation of a buffer along the Eastern portion of the Property would be challenging, could be disruptive, and may not add additional screening from the Multi-Family Dwelling Use.

CONCLUSIONS OF LAW


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

1. The Applicant has met the specific criteria for a Variance.

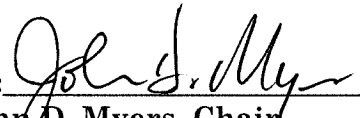
Accordingly, Jim Barnes moved, and William Descar seconded, to grant the Variance of the Type C Buffering Strip on the Property located at 2539 South George Street, 2549 South George Street and 2505 South George Street in a Residential High Density (RH) Zone. The motion passed with John D. Myers, Glenn Myers, William Descar and Jim Barnes voting in favor of the motion and Timothy Salvatore voting against the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD



William Descar, Secretary

By: 

John D. Myers, Chair
4/24/18

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.