

YORK TOWNSHIP

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The April 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
Kathleen Cronin, Alternate Member
Jeffrey Rehmeyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF MARCH 27, 2018

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

DECISIONS OF MARCH 27, 2018

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

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2018-07, York County School of Technology requests a Special Exception to allow for expansion of a legal nonconforming use (public school) in order to construct a gymnasium addition in a Commercial-Office (CO) District on property located at 2179 South Queen Street, York, PA.

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

York Township Zoning Hearing Board
Tuesday, April 24, 2018
Page 2

Present: Jason Wolfe
Tim Cryer

MOTION: On Application 2018-07, York County School of Technology requests a Special Exception to allow for expansion of a legal nonconforming use (public school) in order to construct a gymnasium addition in a Commercial-Office (CO) District on property located at 2179 South Queen Street, York, PA, that the application be approved.

MOTION MADE BY: James Barnes
SECONDED BY: Kathleen Cronin
MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2018-07
Hearing Date: April 24, 2018
Applicant: York County School of Technology
Property Owner: York County Area Vocational Technical School Authority
Property: 2179 South Queen Street
UPI: #54-000-JI-0009-K0-00000
Existing Zoning District: Commercial Office (CO)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-406 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. Jason Wolfe of C.S. Davidson, Inc. and Tim Cryer of Marotta/Main Architects were present on behalf of the Applicant.
3. The Applicant is seeking a Special Exception to allow an existing public high school (the "School") to construct an addition to its gymnasium.
4. The School is currently a Non-Conforming Use per the Ordinance.
5. Mr. Wolfe provided testimony as follows:
 - a. The Gymnasium is currently located at the South Central portion of the School (the "Existing Gym").
 - b. With the renovations, the Gymnasium area would extend into an existing courtyard area creating additional gymnasium space (the "Addition").
 - c. With the Addition, the Gymnasium would be 40,705 square feet.
 - d. With the Addition, the Applicant would not lose parking, retaining 640 regular spaces and 15 ADA compliant spaces for a total of 664 spaces. 636 regular spaces and 14 ADA compliant spaces are necessary.
 - e. To retain the parking, there will need to be minor adjustments in the existing parking area, adjacent to the location of the Addition.
 - f. Existing square footage of the School ("Footprint") is 315,000.
 - g. The Addition would increase the Footprint of the School by 38,000 square feet, which is slightly over 12%.
 - h. The Property consists of 53.1 acres.
 - i. The Property has public water and sewer services.
 - j. There will be a new sprinkler water line to the Addition.
 - k. There will be a new sewer line to the Addition.

- l. Access to the Addition would be at the same locations as existing access.
- m. The Addition will not come close to the existing setbacks.
- n. The Property's use will constitute 41% impervious coverage.
- o. A field house is contemplated as a future improvement to the Property.
6. In response to the specific criteria in Section 265-901(A)(2) for expansion of a Non-Conforming Use, Mr. Wolfe offered the following:
 - a. The Addition shall conform to the height and yard regulations of the CO District.
 - b. The Addition shall be provided with off-street parking, loading spaces and other improvements as required by Article 8 of the Ordinance.
 - c. The Addition shall not replace a conforming use.
 - d. The Addition shall not be more than 25% of the Existing Non-Conforming Use or expanded to a distance greater than 150 feet in any direction from the Existing Non-Conforming Use, since the Addition will be tucked in to the existing building layout.
 - e. Repairs and structural alterations, if any, will not constitute further expansion.
7. In response to the General Standards for a Special Exception in Section 265-1009, the following was provided:
 - a. The intended purpose of the proposed Addition to the Use is consistent with the Township's development objectives as established in the Comprehensive Plan.
 - b. The proposed Addition to the 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 Addition to the 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, especially since the Addition adds to the School which has been operating for decades.
 - 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 Addition to the Use has adequate ingress, egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing Township street system.
 - f. The proposed Addition to 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.
8. In response to a question, the Applicant confirmed that the Addition will be constructed on existing School Property.
9. There was no testimony for or against the Applicant.
10. The Township indicated no concerns with regard to this Special Exception as requested.

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 expansion of the Non-Conforming Use in Section 265-901(A)(2).
2. The Applicant has met the general Special Exception criteria of 265-1009(C).

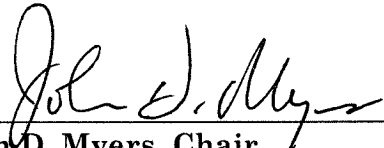
Accordingly, Jim Barnes moved, and Kathleen A. Cronin seconded, to grant the Special Exception to allow for the expansion of a legal non-conforming use (public school) in order to construct a gymnasium addition on the Property located at 2179 South Queen Street, York, PA, in a Commercial Office (CO) Zone. The motion passed unanimously with John D. Myers, Glenn Myers, William Descar, Jim Barnes and Kathleen A. Cronin voting in favor of the motion.

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**



William Descar, Secretary

By: 

John D. Myers, Chair



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.