

YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313
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The May 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
Anthony Pantano, Alternate Member
Jeffrey Rehmeier, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF APRIL 24, 2018

The Zoning Hearing Board minutes of the April 24, 2018, meeting were approved.

DECISIONS OF APRIL 24, 2018

The Zoning Hearing Board decisions of the April 24, 2018, meeting were approved.

REQUESTS FOR EXTENSION

Special Exception 2017-17 and Variance 2017-18; Martin Vermeulen, Westfields Real Estate LLC, requests an extension for a Special Exception and associated Variances related to property located at 245 Olney Road, York, PA.

Present: Martin Vermeulen

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

York Township Zoning Hearing Board
Tuesday, May 22, 2018
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MOTION: On Special Exception 2017-17 and Variance 2017-18, Martin Vermeulen, Westfields Real Estate LLC, requests an extension for a Special Exception and associated Variances related to property located at 245 Olney Road, York, PA, that a six-month extension be approved.

MOTION MADE BY: James Barnes
SECONDED BY: Anthony Pantano
MOTION PASSED UNANIMOUSLY

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2018-08: Steve and Julie Groff request a Special Exception to establish a Bed-and Breakfast Inn use in an existing single-family home on property located at 885 South Pleasant Avenue, Dallastown, PA (Wyndridge Farm) in a Residential Agricultural (RA) District.

Present: Stacey MacNeal, Esquire
Steve Groff

MOTION: On Application 2018-08, Steve and Julie Groff request a Special Exception to establish a Bed-and Breakfast Inn use in an existing single-family home on property located at 885 South Pleasant Avenue, Dallastown, PA (Wyndridge Farm) in a Residential Agricultural (RA) District, that the application be approved.

MOTION MADE BY: Glenn Myers
SECONDED BY: William Descar
MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2018-08
Hearing Date: May 22, 2018
Applicants: Steve and Julie Groff
Property Owner: Wyndridge Farms, Ltd.
Property: 885 South Pleasant Avenue
UPI: #54-000-GJ-0047-00-00000
Existing Zoning District: Residential Agricultural (RA)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 260-404.C.4 & 265-613 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 represented the Applicants, and Applicant Steve Groff was also present.
3. Prior to the commencement of testimony, the Board solicitor disclosed that he and his Firm have a relationship with the Property Owner and the Applicants, although they do no zoning work for them.
4. The Applicant is seeking a Special Exception to establish a Bed-and-Breakfast Inn use in an existing single-family dwelling (the "Dwelling") on the Property (the "Use").
5. Prior Decision 2012-15 granted a Special Exception for Applicants to establish an indoor/outdoor special event venue per Section 265-304 of the Ordinance.
6. Attorney MacNeal provided Exhibits to the Board which included the following:
 - a. Exhibit No. 1 was assessment data and a map of the Property.
 - b. Exhibit No. 2 was an aerial photograph of the Property.
 - c. Exhibit No. 3 was a photograph of the Dwelling, its driveway, and a garage structure adjacent to it.
 - d. Exhibit No. 4 was the floorplan for the second floor of the Dwelling.
7. Attorney MacNeal called Steve Groff who testified as follows:
 - a. The Property is 77 acres in size.
 - b. On the Property, in addition to the Dwelling, there is a Winery facility, a storage building, a second dwelling, and some smaller structures.
 - c. The Property, particularly the Winery, is utilized for special events to include weddings and meetings.
 - d. The Applicants would like to offer lodging in the Dwelling, as it represents an natural evolution of the special event activities.

- e. It is expected that those who would utilize the Bed-and-Breakfast Inn would be on the Property because of special events at the Winery.
8. In response to the criteria for a Bed-and-Breakfast in Section 265-613 of the Ordinance, the Applicant offered the following:
- a. The Dwelling is 6,000 square feet, which exceeds the minimum requirement of 2,000 square feet.
 - b. All Bed-and-Breakfast bedroom units shall be contained within the Dwelling, and more specifically on the second floor thereof.
 - c. Four Bed-and-Breakfast units are proposed, and the size of the Dwelling provides for more than 700 square feet of gross floor area for each of them.
 - d. All area and bulk regulations of the prevailing zoning district shall apply and are being met.
 - e. Parking shall be in accordance with the requirements of Section 265-806 of the Ordinance. Specifically, there are in excess of six parking spaces in the vicinity of the Dwelling.
 - f. Dining and other facilities in the Dwelling shall not be open to the public, but shall be exclusively for the residents and registered Bed-and-Breakfast guests.
 - g. All floors above grade, to include the Bed-and-Breakfast bedroom units, shall have a direct means of escape to ground level, namely, down a staircase to the front door.
 - h. The Bed-and-Breakfast shall be operated by only members of the immediate family of the owner residing in the Dwelling or, if necessary, a maximum of two non-resident employees of the Winery operated on the Property.
 - i. Guest stays shall be limited to fourteen days in a calendar month and are expected to be less than one week.
9. In response to additional questions from Attorney MacNeal, Steve Groff confirmed the following:
- a. The Bed-and-Breakfast Use will not generate additional traffic for the Property.
 - b. The Bed-and-Breakfast Use will not result in additional lighting on the Property.
 - c. There are no outside activities planned for the Bed-and-Breakfast, although guests may utilize the patio space to the rear of the Dwelling.
 - d. Excessive noise shall not be permitted.
10. In response to the General Standards for a Special Exception in Section 265-1009(C), the following was provided:
- 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.
11. There were no testimony for or against the Application.
 12. The Township Zoning Officer indicated that the Township had no concerns with regard to the proposed Use.

CONCLUSIONS OF LAW

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

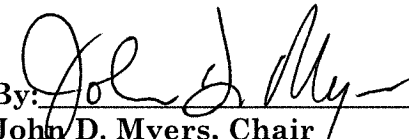
1. The Applicants have met the specific criteria for a Bed-and-Breakfast in Section 265-613 of the Ordinance.
2. The Applicants have met the general criteria for a Special Exception in Section 265-1009(C) of the Ordinance.

Accordingly, Glenn Myers moved, and William Descar seconded, to grant the Special Exception to establish a Bed-and-Breakfast Inn in an existing single-family Dwelling on the Property located at 887 South Pleasant Avenue in a Residential Agricultural (RA) Zone. The motion passed unanimously with John D. Myers, Glenn Myers, William Descar, Jim Barnes and Anthony Pantano voting in favor of the motion.

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**


William Descar, Secretary

By: 
John D. Myers, Chair
6/26/18
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.