

YORK TOWNSHIP

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

The January 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
Glen Myers, Asst. Secretary
Timothy Salvatore, Member
Anthony Pantano, Alternate Member
Kathleen Cronin, Alternate Member
Jeffrey Rehmeier, Esquire, Solicitor
Lisa Frye, Zoning Officer

ELECTION OF OFFICERS

A motion was made and approved for the officers of the Board to remain as they currently are.

ANNUAL REPORT FOR 2019

A motion was made to approve the 2019 annual report.

MOTION MADE BY: Timothy Salvatore
SECONDED BY: William Descar
MOTION PASSED UNANIMOUSLY

MINUTES OF NOVEMBER 26, 2019

The Zoning Hearing Board minutes of the November 26, 2019, meeting were approved.

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

York Township Zoning Hearing Board
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DECISIONS OF NOVEMBER 26, 2019

The Zoning Hearing Board decisions of the
November 26, 2019, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2020-01 & 2020-02: Joshua Myers requests 1) a Special Exception to establish a Home Occupation (workshop/product sales) and 2) a Variance for a Home Occupation without a current full time resident and conducted in an accessory building on property located at 525 Lioners Creek Road in a Residential Low Density (RL) District.

Present: Jason Myers
Joshua Myers

MOTION: On Application 2020-01, Joshua Myers requests a Special Exception to establish a Home Occupation (workshop/product sales) in an accessory building on property located at 525 Lioners Creek Road in a Residential Low Density (RL) District, that it be approved.

CONDITION: Subject to the granting of the requested Variance.

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

MOTION: On Application 2020-02, Joshua Myers requests a Variance for a Home Occupation without a current full time resident and conducted in an accessory building on property located at 525 Lioners Creek Road in a Residential Low Density (RL) District, that it be approved.

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

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

York Township Zoning Hearing Board
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Application 2020-03 & 2020-04: Michael Beal requests 1) a Special Exception for Noncommercial Keeping of Livestock (chickens) and 2) a Variance of required minimum lot size for Noncommercial Keeping of Livestock on property located at 306 Cherry Street in a Residential Low Density (RL) District.

Present: Michael Beal
Rose Beal

MOTION: On Application 2020-03, Michael Beal requests a Special Exception for Noncommercial Keeping of Livestock (chickens) on property located at 306 Cherry Street in a Residential Low Density (RL) District, that it be approved.

CONDITION: Subject to the granting of the requested Variance.

MOTION MADE BY: James Barnes
SECONDED BY: William Descar
MOTION PASSED 4-1, Glenn Myers voted negatively.

MOTION: On Application 2020-04, Michael Beal requests a Variance of required minimum lot size for Noncommercial Keeping of Livestock (chickens) on property located at 306 Cherry Street in a Residential Low Density (RL) District, that it be approved.

MOTION MADE BY: James Barnes
SECONDED BY: William Descar
MOTION PASSED 4-1, Glenn Myers voted negatively.

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2020-01
Hearing Date: January 28, 2020
Applicant: Joshua Myers
Property Owners: Wayne W. and Judy A. Myers
Property: 525 Lioners Creek Road
UPI: #54-000-GJ-0162-00-00000
Existing Zoning District: Residential Low Density (RL)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-640 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. Joshua Myers, the Applicant, was present, along with his brother, Jason Myers.
3. The Applicant is seeking a Special Exception to allow for a Home Occupation on the Property, namely operating a fly-fishing business that includes tying and selling flies and related equipment (the "Use").
4. Joshua Myers provided information on the Property as follows:
 - a. It is currently owned by his father and mother, with them having inherited it from the Applicant's grandfather.
 - b. The Property includes on it an existing building that used to function as a workshop and would be the location for the Use, as well as a mobile home, within which the Applicant's grandfather used to reside.
 - c. The Applicant has an intention to live on the Property, at some point in the future in a dwelling that would replace the mobile home and provided that the Use proves to be successful.
 - d. The Property is accessed via a private lane.
 - e. Family members and longtime friends of the Applicant and his brother reside in the vicinity.
5. The Applicant provided information with regard to the proposed Use as follows:
 - a. It would be conducted in the first floor portion of the two-story portion of the workshop building.
 - b. Within it, there would be available for purchase flies, fly-fishing equipment, including rods and reels and related accessories.
 - c. The Applicant provided photographs of the outside of the workshop building and the inside of the facility.

- d. The Use is expected to be operation Monday, Tuesday and Thursday from 5:00 pm to 8:00 pm and Friday and Saturday from 8:00 am to 4:00 pm
 - e. The area within which the Use would be operated is 1,500 square feet.
 - f. The Applicant would operate the business, and his brother will assist on a part-time basis.
 - g. Most of the sales business is conducted on-line, although there could be customers visiting the building on occasion.
6. With regard to the Property, the Applicant offered the following:
- a. The mobile home on the Property has been vacant for at least 2 years.
 - b. The Applicant does not have a written agreement with the Property owners, his father and mother.
 - c. Accordingly, no rent is paid.
 - d. Beyond that, however, the Applicant does pay the electricity cost for the workshop building.
 - e. Future plans include removal of the mobile home on the Property and replacement with a modular or home, ideally within a year.
 - f. If the Use is allowed, the Applicant will spend time maintaining the Property.
 - g. The Applicant did submit a petition, signed by adjacent property owners, evidencing their support of the Applicant and of the Proposed Use.
 - h. Deliveries for the shop would come by regular mail and there would be no tractor trailers or large vehicle deliveries.
7. With regard to the specific criteria for a Home Occupation in Section 265-640 of the Ordinance, the Application offered the following:
- a. The Applicant intends to be a full-time resident on the Property in the near future and would be the person primarily responsible for the Home Occupation. A Variance has been requested to meet this requirement.
 - b. No more than 25% of the gross floor area of the dwelling unit will be used for the practice of the Home Occupation, as it would occur in the workshop building. A Variance has been requested to meet this requirement.
 - c. There will be no displays or changes in the building façade, including the dwelling and the accessory building, which would indicate from the exterior that the building is being utilized for purposes other than a dwelling.
 - d. No signage has been requested at this juncture, but if any signage is sought, it would not exceed 1 square foot in area and comply with all applicable regulations of the Township. If the sign is lit, it would be external and shielded from adjacent streets and properties.
 - e. Storage of materials, products or machinery used for the Home Occupation shall be wholly enclosed and not visible from adjacent streets or properties.
 - f. The Home Occupation would be conducted entirely within the dwelling space.
 - g. Any deliveries would not restrict traffic circulation.
 - h. Any traffic generated by the Home Occupation would not exceed volumes that would normally be expected in a residential neighborhood.
 - i. The Home Occupation will not produce dust, obnoxious odors, vibrations, lighting glare, fumes or smoke detectable on any adjacent streets or properties, nor shall it produce electrical interference.
 - j. The disposal of all materials, fluids and gases shall be in a manner which complies with all regulations and applicable government codes.
 - k. Sales of goods on the Property shall be limited to goods made on the Property (the flies) and goods which are incidental to the services performed on the Property.

- l. The Home Occupation shall not utilize explosive, highly flammable or hazardous materials.
 - m. The hours of operation are specified above and shall be limited.
 - n. There shall be sufficient parking for the Home Occupation.
 - o. The Applicant indicated and understood the other specific, on-going requirements of a Home Occupation.
8. 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 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.
9. There were no questions from anyone in attendance.
10. There was no testimony for or against the Applicant.
11. The Township did not indicate any specific concerns with regard to the Special Exception or the Use.
12. The following were proposed as Conditions of the grant of any relief, to which the Applicant agreed:
 - a. The Applicant shall become a resident on the Property within 2 years of the issuance of a Decision, and if such residency is not achieved within that time, then the Applicant must request an extension of the relief or it shall lapse.
 - b. The Applicant shall enter into a Lease with the Property owners and provide proof thereof to the Township.
 - c. Variances must be received from the Board with regard to Sections 265-640(A) and 265-640(B) since the Applicant will not be a resident on the Property initially and the Home Occupation is being conducted in the workshop building, which is an Accessory Structure to the dwelling. (Collectively the "Conditions")

CONCLUSIONS OF LAW

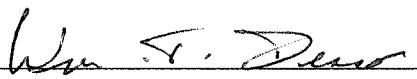
Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

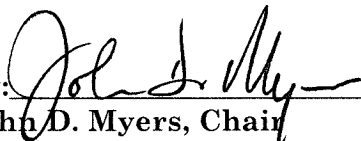
1. The lack of residency on the Property for 2 years, the condition of the Property and the family relationship between the Applicant, the Property owners and the neighbors are factors that support the grant of the Special Exception.
2. The Applicant has met the specific criteria for a Home Occupation, but for those 2 criteria for which a Variance is being sought.
3. The Applicant has met the general criteria for a Special Exception.
4. Any grant the Special Exception shall be specifically contingent upon the Conditions being met.

Accordingly, Timothy Salvatore moved, and Jim Barnes seconded, to grant the Special Exception to establish a Home Occupation (workshop/product sales) subject to the imposition of the Conditions on the Property located at 525 Lioners Creek Road in a Residential Low Density (RL) 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
02/25/2020
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: 2020-02
Hearing Date: January 28, 2020
Applicant: Joshua Myers
Property Owners: Wayne W. and Judy A. Myers
Property: 525 Lioners Creek Road
UPI: #54-000-GJ-0162-00-00000
Existing Zoning District: Residential Low Density (RL)

Relief Requested- Variances under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-640(A) and 265-640 (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 as set forth in Decision 2020-01 are incorporated by reference herein.
3. With regard to the request for the Variances for the Home Occupation, that it be allowed without a current, full-time resident and conducted in an Accessory Structure, the Applicant offered the following:
 - a. The Applicant grew up being on and around the Property.
 - b. His father and mother own the Property and live adjacent to it.
 - c. The neighbors to the Property are almost all family.
 - d. His grandfather owned the Property previously.
 - e. If the Home Occupation flourishes, then the Applicant will replace the mobile home with another dwelling and reside on the Property.
 - f. The grant of the Variances and the Special Exception will allow the Applicant the opportunity to spend more time on the Property, improving the condition thereof.
4. In response to the specific criteria for the Variance, the Applicant provided the following:
 - a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, including the unusual topography of the Property, being surrounded by properties owned by family and friends, and the mobile home on the Property is not ideally suited to serve as a dwelling, 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, as it 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.
5. There were no questions from the audience.
 6. There was no testimony for or against the Applicant.
 7. The Township did not indicate any concerns with regard to the grant of the Variances.

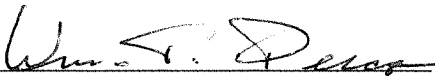
CONCLUSIONS OF LAW

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

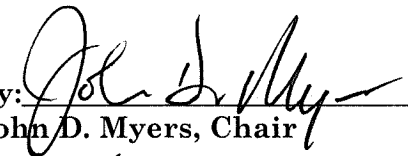
1. The Applicant met the criteria for the grant of the Variances.

Accordingly, Timothy Salvatore moved, and Glenn Myers seconded, to grant the Variances for a Home Occupation without a current full-time resident and conducted in an Accessory Building, subject to the Conditions of Decision 2020-01, on the Property located at 525 Lioners Creek Road in a Residential Low Density (RL) 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


William Descar, Secretary

YORK TOWNSHIP
ZONING HEARING BOARD

By: 
John D. Myers, Chair
02/25/2020
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.

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2020-03
Hearing Date: January 28, 2020
Applicant: Michael L. Beal
Property Owner: George J. and Rose M. Gouker
Property: 306 Cherry Street
UPI: #54-000-02-0189-00-00000
Existing Zoning District: Residential Low Density (RL)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-651 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 Applicant, Michael Beal was present representing himself.
3. The Applicant is a Special Exception for the Non-Commercial Keeping of Livestock (specifically chickens) (the "Use").
4. By way of background, Mr. Beal explained the following:
 - a. He, his wife and his step-son, George, own and care for up to 12 chickens on the Property.
 - b. The chickens are kept in an enclosed area behind the garage which is behind the dwelling.
 - c. The enclosed area involves a chain link fence.
 - d. There is a net over the top to prevent chickens from exiting or other animals from entering.
 - e. In addition to the enclosed area, there is also an adjacent chicken coop that is heated and has water.
 - f. The chickens produce approximately 10 to 12 eggs per day.
 - g. The eggs are often shared with neighbors.
 - h. The chickens were acquired for the Property when his step-son George was 2 years old. Now, George is 14 years old.
 - i. George helps care for the chickens.
 - j. The Applicant seemed to think that the Property was approximately one-half acre in size.
 - k. Many of the neighbors moved into their adjacent properties after the chickens were already in place.
 - l. The Property has a number of mature trees on it.

- m. The Property is very deep, but not very wide.
 - n. In the vicinity of the Property are other residential dwellings, industrial and commercial uses, and a Township owned property that is used as a baseball field.
5. With regard to the Non-Commercial Keeping of the chickens, the Applicant offered the following:
- a. The chicken coop is cleaned every few days.
 - b. The enclosure within which the chickens roam is cleaned weekly.
 - c. Chicken manure is taken off-site for disposal at a facility in Etters.
 - d. If any roosters are on the Property, they are likewise taken to the facility in Etters.
 - e. The number of chickens fluctuates between 8 and 12.
 - f. They would like to continue with the Use until George is at least 18 years of age.
 - g. The chickens have been utilized to teach George responsibility, care for animals, and other life lessons.
 - h. No rodents have been found in the vicinity of the chickens.
 - i. There are 3 dogs in an enclosure beside the chickens.
 - j. There have been no escaped chickens.
 - k. The chickens are not noisy. While clucking can be heard it is not evident beyond the Property and there is no crowing.
 - l. No other livestock are present.
 - m. There have been no complaints from anybody using the Township ballfield.
 - n. There have been no complaints since 2007.
 - o. There is no odor.
 - p. Many of the neighbors have signed petitions and letters in support of the Applicant and of the Use, with 9 petitions and letters submitted with the Application.
6. There were no questions from the audience.
7. Mr. Dennis Strausbaugh, a Township resident, spoke in support of the Special Exception. He thought the Applicant's Use should be allowed because it makes the Applicant happy. Mr. Strausbaugh also suggested that the Ordinance should be changed to allow such a use by right. He further suggested that the fee structure should be adjusted.
8. From the Township perspective, the Zoning Officer noted that the Township was not aware of any problems or issues with regard to the chickens, that the chickens appear to be well cared for and maintained on the Property and constitute no nuisance whatsoever.
9. Rose Beal (Gouker), owner of the Property, affirmed Mr. Beal's testimony, including the absence of complaints.
10. In response to the specific criteria for a Non-Commercial Keeping of Livestock per Section 265-651 the Applicant offered the following:
- a. The Property is not 2 acre in size. Accordingly, a Variance has been requested to address this requirement.
 - b. The chickens weigh less than 10 pounds each and a maximum of 12 are desired to be kept.
 - c. The structure that houses the chickens is in the rear yard and is approximately 10 feet from the side property line, but much further from the rear.
 - d. The chicken and their housing areas shall be properly maintained so as not to become a nuisance to adjoining property, and all waste is properly managed.

- e. The Non-Commercial Keeping of Livestock operations shall comply with all applicable federal law.
11. 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 Use is 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.
12. The Applicant indicated that if the area used for the chickens would no longer be used for that purpose, then it would be used for dogs.
13. The Applicant understands that the grant of relief in the form of a Special Exception is conditioned upon the receipt of the requisite Variances related to characteristics of the Property (the "Condition").

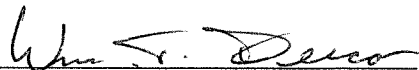
CONCLUSIONS OF LAW

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

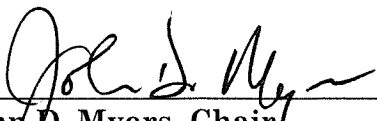
- 1. The prior Non-Commercial Keeping of Livestock (chickens) without incident is persuasive.
- 2. While the Property is zoned Residential Low Density, it is in the vicinity of a multitude of other uses, none of which have been adversely impacted.
- 3. The Applicant has met the specific criteria for a Special Exception in Section 265-651, but for those factors for which Variances are sought.
- 4. The Applicant has met the general criteria for a Special Exception.

Accordingly, Jim Barnes moved, and William Descar seconded, to grant the Special Exception for the Non-Commercial Keeping of Livestock (chickens), subject to the Condition, on the Property located at 306 Cherry Street in a Residential Low Density (RL) Zone. The motion passed 4 to 1 with John D. Myers, William Descar, Jim Barnes and Timothy Salvatore voting in favor of the motion and Glenn Myers voting against the motion.

WITNESS/ATTEST


William Descar, Secretary

YORK TOWNSHIP
ZONING HEARING BOARD

By: 
John D. Myers, Chair
02/25/2020
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: 2020-04
Hearing Date: January 28, 2020
Applicant: Michael L. Beal
Property Owner: George J. and Rose M. Gouker
Property: 306 Cherry Street
UPI: #54-000-02-0189-00-00000
Existing Zoning District: Residential Low Density (RL)

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-651(A) 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 as set forth in Decision 2020-03 are incorporated by reference herein.
3. The Applicant is seeking Variances, namely, to allow the Property to be used for the Non-Commercial Keeping of Livestock when the Property is not the minimum of 2 acres and a Variance from a side setback requirement, which must be at least 10 feet (the "Variances").
4. With regard to the Property, the Applicant offered the following:
 - a. While the Property itself is not large, it is unique.
 - b. Specifically, the Property is not very wide, but it is deep.
 - c. Moreover, the Property is in the vicinity of a number of other properties used for a variety of purposes, to include residences, commercial uses, industrial uses, agricultural uses, and Township property that is used for recreational purposes.
 - d. The Use of the Property for the Non-Commercial Keeping of Livestock involves a chicken coop and fenced in area to the rear of the Property behind a garage that is behind the dwelling.
 - e. The area used for the Non-Commercial Keeping of Livestock is also buffered by well-established trees and landscaping.
 - f. There have been no complaints with regard to the Non-Commercial Keeping of Livestock on the Property of this size.
 - g. The size of the Property is somewhere between 6,860 square feet of .41 acres, depending upon the record reviewed.

- h. There have been no complaints with regard to the Non-Commercial Keeping of Livestock.
 - i. Non-Commercial Keeping of Livestock has been used as a teaching tool for the Applicant's step-son.
- 5. There were no questions from the audience.
- 6. There was no testimony for or against the Applicant.
- 7. The Township indicated no concerns or objections with regard to the grant of Variances for Non-Commercial Keeping of Livestock.
- 8. 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 extraordinary length to width ratio of the Property and its location among a variety of uses, 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, as it 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, as evidenced by the lack of complaints.
 - 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.

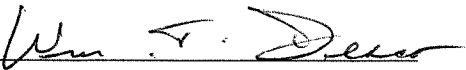
CONCLUSIONS OF LAW

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

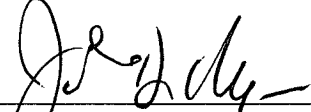
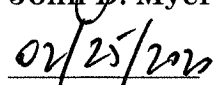
- 1. The Non-Commercial Keeping of Livestock has not generated complaints, adverse consequences or had a nuisance-like effect.
- 2. The Applicant has met the criteria for a Variance.

Accordingly, Jim Barnes moved, and William Descar seconded, to grant the Variance to grant the Variances of required minimum lot size and side setback for Non-Commercial Keeping of Livestock (chickens) on the Property located at 306 Cherry Street in a Residential Low Density (RL) Zone. The motion passed 4 to 1 with John D. Myers, William Descar, Jim Barnes and Timothy Salvatore voting in favor of the motion and Glenn Myers voting against the motion.

WITNESS/ATTEST


William Descar, Secretary

**YORK TOWNSHIP
ZONING HEARING BOARD**

By: 
John D. Myers, Chair

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.