

# YORK TOWNSHIP

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

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  
Timothy Salvatore, Member  
Anthony Pantano, Alternate Member  
Jeffrey Rehmeier, Esquire, Solicitor  
Lisa Frye, Zoning Officer

## MINUTES OF APRIL 28, 2020

The Zoning Hearing Board minutes of the April 28, 2020, meeting were approved.

## DECISIONS OF APRIL 28, 2020

The Zoning Hearing Board decisions of the April 28, 2020, meeting were approved.

## SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2020-09: Natalie Berkhart requests a Special Exception to construct a fence higher than three feet in a front yard on property located at 701 Seaton Drive in a Residential High Density (RH) District.

Present: Natalie Berkhart

MOTION: On Application 2020-09, Natalie Berkhart requests a Special Exception to construct a fence higher than three feet in a front yard on

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

York Township Zoning Hearing Board  
Tuesday, May 26, 2020  
Page 2

property located at 701 Seaton Drive in a Residential High Density (RH) District, that the application be approved.

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

Application 2020-10: Michael Potter requests a Special Exception to construct a fence higher than three feet in a front yard on property located at 3011 Raylight Drive in a Residential Medium Density (RM) District.

Present: Michael Potter

MOTION: On Application 2020-10, Michael Potter requests a Special Exception to construct a fence higher than three feet in a front yard on property located at 3011 Raylight Drive in a Residential Medium Density (RM) District, that the application

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

Application 2020-11: Truman Treffinger requests a Special Exception to construct a fence higher than three feet in a front yard on property located at 88 Homeland Road in a Residential Low Density (RL) District.

Present: Truman Treffinger

MOTION: On Application 2020-11, Truman Treffinger requests a Special Exception to construct a fence higher than three feet in a front yard on property located at 88 Homeland Road in a Residential Low Density (RL) District.

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

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

York Township Zoning Hearing Board  
Tuesday, May 26, 2020  
Page 3

ATTEST:

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

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2020-09  
**Hearing Date:** May 26, 2020  
**Applicant:** Natalie Berkhart  
**Property Owner:** Natalie Berkhart and Amber Berkhart  
**Property:** 701 Seaton Drive  
UPI: #54-000-65-0043-00-00000  
**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 265-513 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. Natalie Berkhart was present representing herself.
3. The hearing was duly authorized in accordance with applicable law. The hearing was held by virtual means, specifically Zoom. The legal notices for the hearing provided a means to obtain access information for the Zoom hearing, which access information was utilized by the attendees.
4. After the hearing was opened, the solicitor for the Zoning Hearing Board reminded the Applicant and all participants that the hearing was being conducted virtually to aid in compliance with the Order of the Governor with regard to COVID-19. The solicitor confirmed that the Applicant had elected to proceed in this format, understanding the burdens, benefits and risks to proceed that way, and that when so proceeding that the Applicant was agreeing to be responsible for any issues that arise from or related to utilization of the virtual format for the hearing.
5. The Chair of the Board administered the Oath to the above-referenced Applicant.
6. The Applicant is seeking a Special Exception to install a fence (the "Fence"), a portion of which shall be on the area of the Property that fronts on Alperton Drive. Thus, approval is necessary because that portion is considered to be subject to a front setback (the "Special Exception").
7. The Applicant provided, via the Application, some enclosures, testimony and information about the Fence as follows:
  - a. It will connect at the Northwest corner of the rear of the house and go approximately 19 feet towards Alperton Drive.
  - b. It will be approximately 15 feet from Alperton Drive at the corner.
  - c. The Fence will then go 24 feet toward the rear of the Property.

- d. The Fence will go 75 feet across the rear of the Property.
  - e. The Fence will go back toward the Northeast corner of the rear of the house.
  - f. The Fence will be granite in color (dark grey/black), constructed of aluminum, with posts and rails in between.
  - g. People can see through the Fence so it will not obstruct visibility.
  - h. The Fence will be 5 feet in height.
  - i. The Fence has been approved by the Homeowners' Association governing the Property.
  - j. Two adjacent sets of neighbors, Jon and Jocelyn Evans, and Mike and Kelly Helsel, indicated their approval of the Fence, in writing.
8. With regard to the specific criteria with regard to a fence in Section 265-513, the following was offered:
- a. The Fence height will not be excessive, nor will it surround a tennis court.
  - b. The Fence shall not be constructed within the public right-of-way or within a required clear site triangle.
  - c. Both sides of the Fence are finished, and accordingly, a finished side of the Fence shall face the adjoining property and public right-of-way.
  - d. There shall be no barbed wire or similar type wire utilized.
  - e. The Fence shall not be electrically charged.
  - f. The Fence shall not be located on any property line or right-of-way line, but inside thereof.
  - g. The Fence shall not obstruct drainage.
9. 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 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.
10. There were no questions from the Zoning Hearing Board.
11. There were no questions from any public participants.
12. There was no testimony for or against the Applicant.
13. The Zoning Officer expressed no concerns with regard to the Fence on behalf of the Township.

**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 the Fence in Section 265-513.
2. The Applicant has met the general criteria for a Special Exception in Section 265-1009(C).

**Accordingly, Timothy Salvatore moved, and Jim Barnes seconded, to grant the Special Exception to construct a Fence higher than three feet in a front yard on the Property located at 701 Seaton Drive in a Residential High Density (RH) District. The motion passed unanimously with John D. Myers, 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  
**JAMES W BARNES VICE CHAIR**  
6/23/2020  
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:** 2020-10  
**Hearing Date:** May 26, 2020  
**Applicant:** Michael K. Potter  
**Property Owner:** Michael K. Potter  
**Property:** 3011 Raylight Drive  
UPI: #54-000-16-0182-00-00000  
**Existing Zoning District:** Residential Medium Density (RM)

**Relief Requested-** Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-513 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. Michael K. Potter was present representing himself.
3. The hearing was duly authorized in accordance with applicable law. The hearing was held by virtual means, specifically Zoom. The legal notices for the hearing provided a means to obtain access information for the Zoom hearing, which access information was utilized by the attendees.
4. After the hearing was opened, the solicitor for the Zoning Hearing Board reminded the Applicant and all participants that the hearing was being conducted virtually to aid in compliance with the Order of the Governor with regard to COVID-19. The solicitor confirmed that the Applicant had elected to proceed in this format, understanding the burdens, benefits and risks to proceed that way, and that when so proceeding that the Applicant was agreeing to be responsible for any issues that arise from or related to utilization of the virtual format for the hearing.
5. The Chair of the Board administered the Oath to the above-referenced individuals participating on behalf of the Applicant.
6. The Applicant is seeking a Special Exception to install a fence (the "Fence"), a portion of which shall be on the area of the Property that is adjacent to Chambers Road. Thus, approval is necessary because that portion is considered to be subject to a front setback (the "Special Exception").
7. The Applicant provided, via the Application, some enclosures, testimony and information about the Fence as follows:
  - a. The Fence will consist of approximately 280 linear feet.
  - b. The Fence will be constructed of cedar wood.
  - c. The Fence will have posts and slats in between them.

- d. The Applicant is constructing a pool on the Property.
  - e. The existing fence is 3 feet in height and consists of a 3 rail fence (the "Existing Fence").
  - f. The Existing Fence has been in place for a long time and is of marginal condition.
  - g. Passersby on Chambers Road can see through the Existing Fence.
  - h. The Property slopes from East to West down toward Chambers Ridge.
  - i. Accordingly, the Fence, with its height of 6 feet, is necessary for privacy.
  - j. Additionally, the Fence must be at least 4 feet to enclose the pool anyway.
  - k. The Applicant has noted a significant number of feral cats in the neighborhood and believes the Fence will also help keep them out of the Property.
8. With regard to the specific criteria with regard to a fence in Section 265-513, the following was offered:
- a. The Fence height will not be excessive, nor will it surround a tennis court.
  - b. The Fence shall not be constructed within the public right-of-way or within a required clear site triangle.
  - c. The finished side of the Fence shall face public right-of-way.
  - d. There shall be no barbed wire or similar type wire utilized.
  - e. The Fence shall not be electrically charged.
  - f. The Fence shall not be located on any property line or right-of-way line, but inside thereof.
  - g. The Fence shall not obstruct drainage.
9. 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 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.
10. In response to questions, the Applicant answered as follows:
- a. The Fence will be in the same location as the Existing Fence.
  - b. The Fence will be located approximately 2 feet inside the rear and Eastern property lines.
11. There were no questions from any public participants.
12. There was no testimony for or against the Applicant.



13. The Zoning Officer expressed no concerns with regard to the Fence on behalf of the Township.
14. It was noted that across Chambers Road, to the West, there is a stormwater facility.
15. To the South of the Property is farmland and open space.
16. The adjoining property to the East has voiced no objection to the Fence.

**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 the Fence in Section 265-513.
2. The Applicant has met the general criteria for a Special Exception in Section 265-1009(C).

**Accordingly, Jim Barnes moved, and Anthony Pantano seconded, to grant the Special Exception to construct a Fence higher than three feet in a front yard on the Property located at 3011 Raylight Drive in a Residential Medium Density (RM) District. The motion passed unanimously with John D. Myers, Jim Barnes, Timothy Salvatore and Anthony Pantano voting in favor of the motion.**

**WITNESS/ATTEST**

**YORK TOWNSHIP  
ZONING HEARING BOARD**

William Descar  
William Descar, Secretary

By: John D. Myers  
John D. Myers, Chair  
**JAMES W. BARNES VICE CHAIR**  
6/23/2020  
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:** 2020-11  
**Hearing Date:** May 26, 2020  
**Applicant:** Truman E. and Erin L. Treffinger  
**Property Owner:** Truman E. and Erin L. Treffinger  
**Property:** 88 Homeland Road  
UPI: #54-000-15-0126-00-00000  
**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 265-513 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. Truman E. Teffinger was present representing himself.
3. The hearing was duly authorized in accordance with applicable law. The hearing was held by virtual means, specifically Zoom. The legal notices for the hearing provided a means to obtain access information for the Zoom hearing, which access information was utilized by the attendees.
4. After the hearing was opened, the solicitor for the Zoning Hearing Board reminded the Applicant and all participants that the hearing was being conducted virtually to aid in compliance with the Order of the Governor with regard to COVID-19. The solicitor confirmed that the Applicant had elected to proceed in this format, understanding the burdens, benefits and risks to proceed that way, and that when so proceeding that the Applicant was agreeing to be responsible for any issues that arise from or related to utilization of the virtual format for the hearing.
5. The Chair of the Board administered the Oath to the above-referenced individuals participating on behalf of the Applicant.
6. The Applicant is seeking a Special Exception to install a fence (the "Fence"), a portion of which shall be on the area of the Property that is adjacent to Grandview Road. Thus, approval is necessary because that portion is considered to be subject to a front set-back (the "Special Exception").
7. The Applicant provided, with the Application materials, 14 photographs of the Property and 1 photograph of the Fence, and testimony, information about the Fence as follows:
  - a. Based upon the marked up Plot Plan, the Fence will start at the Southeastern corner of the house and extend approximately 20 feet toward Grandview Road.

- b. It will then reach a corner and go approximately 85 feet South along Grandview Road, inside the existing hedgerow.
  - c. From the Southeastern corner in the yard, the Fence will then go West 65 feet to the Southwestern corner of the yard.
  - d. The Fence will then go 105 feet toward the North, along the hedgerow.
  - e. The Fence will go back approximately 12 feet to the Westernmost point of the house, midway along its side.
  - f. The Fence will consist of 4 x 4 treated lumber, with metal latticework inside, consistent with the photograph enclosed with the Application.
  - g. The Fence will consist of 4 x 4 posts with 6 foot centers.
  - h. There will be two 4 foot gates and one 8 foot developed length gate.
  - i. The purpose of the Fence is to keep the family dogs and children inside the yard.
  - j. The Fence will not be visible off the Property, because it will be inside of the existing hedgerows (on the sides) and the flower bed and trees (to the rear).
  - k. The adjoining neighbors have indicated that they have no objection to the Fence.
  - l. The location of the Fence and its screening from adjoining properties was evident from the numerous photographs that were enclosed with the Application.
8. With regard to the specific criteria with regard to a fence in Section 265-513, the following was offered:
- a. The Fence height will not be excessive, nor will it surround a tennis court.
  - b. The Fence shall not be constructed within the public right-of-way or within a required clear site triangle.
  - c. The finished side of the Fence shall face public right-of-way.
  - d. There shall be no barbed wire or similar type wire utilized.
  - e. The Fence shall not be electrically charged.
  - f. The Fence shall not be located on any property line or right-of-way line, but inside thereof.
  - g. The Fence shall not obstruct drainage.
9. 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 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.
- 10. There were no questions from the Zoning Hearing Board.
- 11. There were no questions from any public participants.
- 12. There was no testimony for or against the Applicant.
- 13. The Zoning Officer expressed no concerns with regard to the Fence on behalf of the Township.

**CONCLUSIONS OF LAW**


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

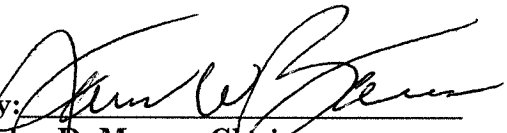
- 1. The Applicant has met the specific criteria for the Fence in Section 265-513.
- 2. The Applicant has met the general criteria for a Special Exception in Section 265-1009(C).

Accordingly, Jim Barnes moved, and Anthony Pantano seconded, to grant the Special Exception to construct a Fence higher than three feet in a front yard on the Property located at 88 Homeland Road in a Residential Low Density (RL) District. The motion passed unanimously with John D. Myers, 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~~  
JAMES W. BARNES  
VICE CHAIR  
6/23/2020  
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.