

YORK TOWNSHIP

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The June meeting of the York Township Zoning Hearing Board was called to order by James Barnes, Vice Chair.

Those in attendance were:

James Barnes, Vice Chair
William Descar, Secretary
Anthony Pantano, Member
Kathleen Cronin, Member
Jeffrey Rehmeier, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF MAY 26, 2020

The Zoning Hearing Board minutes of the May 26, 2020, meeting were approved.

DECISIONS OF MAY 26, 2020

The Zoning Hearing Board decisions of the May 26, 2020, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2020-14: Timothy L. and Jana S. Salvatore request a Special Exception per Section 265-1009.B to establish a multi-generational home with three independent living spaces with separate and common ingress/egress for occupancy by owners, family, temporary guests and caretakers of the property and/or occupants on property located at 370 Sparton Road, York, PA in a Residential Agricultural (RA) District.

Present: Timothy Salvatore

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

York Township Zoning Hearing Board
Tuesday, June 23, 2020
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MOTION: On Application 2020-10, Timothy L. and Jana S. Salvatore request a Special Exception per Section 265-1009.B to establish a multi-generational home with three independent living spaces with separate and common ingress/egress for occupancy by owners, family, temporary guests and caretakers of the property and/or occupants on property located at 370 Sparton Road, York, PA in a Residential Agricultural (RA) District, that the application be approved.

CONDITIONS: Occupants of the property be family members or extended family members and caretakers for the family or the property, no leases to third parties, the property will not be subdivided nor will the dwelling unit be broken down into condominium use.

MOTION MADE BY: Kathleen Cronin
SECONDED BY: William Descar
MOTION PASSED UNANIMOUSLY

ATTEST:

Glenn Myers
William Descar, Secretary

Glenn Myers ASST

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2020-14
Hearing Date: June 23, 2020
Applicants: Timothy L. and Jana S. Salvatore
Property Owners: Timothy L. and Jana S. Salvatore
Property: 370 Sparton Road
UPI: 54-000-GI-0058-G0-00000
Existing Zoning District: Residential Agricultural (RA) Zone

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Sections 265-1009(B) and 265-304 thereof.

FINDINGS OF FACT

Based upon the evidence presented, and its evaluation of the credibility of the witness, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Timothy L. Salvatore was present as Applicant and Property Owner. He recused himself from the zoning hearing board for the meeting and the hearing on this Application.
3. The Board members involved with this Decision were Jim Barnes, who was presiding, and William Descar, Kathleen A. Cronin and Anthony Pantano. John D. Myers and Glenn Myers were absent.
4. The Vice Chairman of the Board administered the Oath to the above-referenced individual.
5. The Applicant was seeking approval of a multi-generational home (the "Home"), which approval would be in the form of a Special Exception for a use not otherwise allowed elsewhere in the Ordinance, pursuant to Section 265-304 (the "Special Exception").
6. In addition to the Application for the Special Exception, the Applicant also provided a two-page narrative and a number of articles with regard to multi-generational housing, households, homes and living (collectively the "Articles"), which living arrangements are becoming more prevalent in our country.
7. The Applicant provided background information with regard to the necessity for the Home, which included the following:
 - a. The Applicant has an adult, disabled child who is bound to a wheelchair.
 - b. The Applicant desires for family members, including parents/in-laws to reside in the Home too.
 - c. The Home will offer numerous socio-economic benefits to all who reside in it.
 - d. The Home will look like a single-family dwelling.

- e. The Home will utilize shared utilities, driveway and parking areas, common space and garages.
 - f. A key feature of the Home is that it will provide independent living for Applicant, child, and parents, to include areas to allow for separation and privacy, as well as areas that can be used in common in a familial setting.
8. The Applicant noted that on this Property, in the Zone referenced above, there could be constructed a single-family dwelling, a single-family dwelling with an accessory apartment, a single-family dwelling with an accessory farm dwelling, a single-family dwelling with an apartment and accessory farm dwelling, a group home, a rooming house, or a domiciliary care home, either by right or Special Exception.
9. The Applicant noted that the Home, as proposed, has remarkable similarities to those uses, subject to the explanation in the Application and in particular the Articles.
10. The Applicant provided a number of drawings as Exhibits to include the following:
 - a. A rendering of the Home.
 - b. A Plan Sheet for 370 Sparton Road, showing the proposed layout of the Home and access to it on the Property.
 - c. Three aerial tax maps of the Property and surrounding properties from the York County Assessment Office.
 - d. Floor Plans for the Home to be built on the Property (first and second floor), with the various dwelling areas (each a "Unit") being delineated in the colors yellow, red and blue.
 - e. A draft Restrictive Covenant Agreement, as initially proposed by the Township and revised by the Applicant, but remaining unsigned as the Township and Applicant determined that the approval process would go through the Zoning Hearing Board rather than be governed matter via a Restrictive Covenant Agreement.
11. The Applicant indicated the following:
 - a. There would be no lease in place for any member of the public or for any third parties to reside in the Home.
 - b. With regard to the Floor Plans, the yellow portions would be the main dwelling, the blue would be the handicap accessible apartment with the separate entrance to the side, and the red would be utilized as in-law quarters.
 - c. The design of the Home at large would be a rambling farmhouse.
 - d. The Home is intended to be similar in size to the homes in the adjacent development known as Deer Chase.
 - e. The Home could not be seen from Sparton Road, as it would be situated uphill from the road and behind a well-established buffer of trees.
 - f. If visible from any road, it might be visible from Iron Stone Hill Road, but only at a distance.
 - g. There might be constructed on the Property a garage, barn and/or workshop building.
 - h. There might also be constructed a building for storage space.
 - i. Each of the dwelling units in the Home would have its own kitchen facilities.
 - j. The Applicant did search for other properties that could accommodate the Home, but they proved to be unsuitable.
 - k. The Applicant was raised himself in a multi-generational home.
 - l. The Home would not be constructed or utilized to constitute a public or private nuisance in any fashion.
 - m. The Applicant contemplates that in the future there could be a caretaker residing in the Home who would take care of the Home, the Property and/or the occupants thereof.

12. With regard to specific needs to be served by the Home, the Applicant offered the following:
 - a. The Unit to be to their daughter in the wheelchair would have sufficient space and accessibility, as shown in blue on the Floor Plans.
 - b. The entrance to their daughter's Unit could be accessed from the outside.
 - c. The in-law quarters Unit would be accessed through the main house, although it would have exterior access to a porch, as shown in red on the Floor Plans.
 - d. The main dwelling Unit is shown in yellow on the Floor Plans, being part of the first floor and all of the second floor of the Home.
13. With regard 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 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. Electricity will be provided and other utilities, including water and sewer will be addressed on-site.
 - 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. With regard to Section 265-304(A), the Applicant confirmed:
 - a. The Home will be similar to uses that are permitted or allowed by Special Exception for the Property in the Zone.
 - b. The Home would meet all Ordinance requirements applicable to the Zone.
 - c. The Home would not constitute a public or private nuisance.
15. The following Conditions were discussed and Applicant agreed to the Conditions with regard to the grant of any relief:
 - a. The Property would not be subdivided at any time in the future to create an additional building lot, although a subdivision to allow a portion of the land to be attached to an adjacent property could be approved by the Township.
 - b. The Property and the Home would not be converted to condominium-style ownership, such that the Property would be one parcel, with the Home upon it, owned in fee simple.
 - c. There would be no rental to any third parties for purely residential purposes (however, a caretaker could reside in the Home and receive such lodging in exchange for services rendered in caring for the Property, Home and/or occupants thereof).

(Collectively the "Conditions").

16. From the Township perspective, the Zoning Officer indicated that there were no issues. The Zoning Officer further indicated that the Township had worked with the Applicant regarding their investigation of prior properties, as well as the current one. Further, the Township itself had suggested that zoning relief be sought from the Board to allow for the Home.

CONCLUSIONS OF LAW


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

1. The Home as proposed is similar to other uses as permitted or allowed by Special Exception for the Property in the Residential Agricultural Zone.
2. The Applicant has met all criteria for a Special Exception, including those set forth in Sections 265-304, 265-1009(B) and 265-1009(C).
3. The grant of relief, however, must be subject to the imposition of the Conditions.

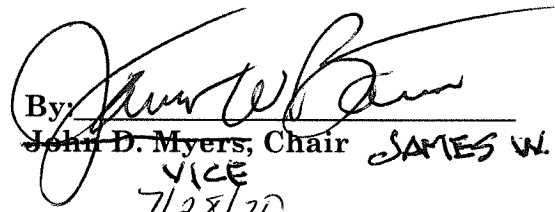
Accordingly, Kathleen A. Cronin moved and William Descar seconded, to grant the Special Exception pursuant to Section 265-1009 (B) and Section 265-304, subject to the imposition of the Conditions, to establish a multi-generational home with three independent living spaces with separate and common ingress/egress for occupancy by owners, family, temporary guests and caretakers of the Property and/or occupants on the Property located at 370 Sparton Road, in a Residential Agricultural (RA) District. The motion passed unanimously with William Descar, Jim Barnes, Kathleen A. Cronin and Anthony Pantano voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD



William Descar, Secretary
Glenn Myers ASST

By: 

John D. Myers, Chair JAMES W. BARNES
VICE
7/28/20
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.