

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 James Barnes, Chair.

Those in attendance were:

James Barnes, Chair
John Myers, Vice Chair
William Descar, Secretary
Glenn Myers, Asst. Secretary
Timothy Salvatore, Member
George Cronin, Member
Jeffrey Rehmyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF APRIL 27, 2021

The Zoning Hearing Board minutes of the April 27, 2021, meeting were approved.

DECISIONS OF APRIL 27, 2021

The Zoning Hearing Board decisions of the April, 2021, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES, APPEALS

Application 2021-07: Keri Garrety and Josh Hallman request a Special Exception to construct a fence higher than 3' in a front yard area on property located at 145 Perring Drive, Dallastown, PA, in a Residential Medium Density (RM) District.

Present: Josh Hallman

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

York Township Zoning Hearing Board
Monday, May 24, 2021
Page 2

MOTION: On Application 2021-07, Keri Garrety and Josh Hallman request a Special Exception to construct a fence higher than 3' in a front yard area on property located at 145 Perring Drive, Dallastown, PA, in a Residential Medium Density (RM) District, that the application be approved.

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

ATTEST:



~~William Descary, Secretary~~
Lisa Frye, Zoning Officer

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2021-07
Hearing Date: May 24, 2021
Applicant: Keri Garrety and Josh Hallman
Property Owner: Keri Garrety
Property: 145 Perring Drive
UPI #54-000-45-0025-00-00000
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 witness, the Board finds as follows:

1. The foregoing information and the Application, including its attachments, are incorporated by reference.
2. Josh Hallman was present representing himself as the Applicant.
3. The Applicant is seeking a Special Exception to install a Fence (the "Fence"), portions of which shall be on areas of the Property that are adjacent to Perring Drive.
4. Thus, approval of a Special Exception is necessary because that portion of the Property is considered to be subject to a front set-back and the Fence, in that location, is subject to a height restriction of 3 feet, unless a Special Exception is granted (with such approval being the "Special Exception").
5. The Applicant provided the following exhibits, with the Application:
 - a. An aerial photograph with the marked location of the Fence as Exhibit A.
 - b. A hand drawing of the Property is Exhibit B.
 - c. Snyder's Custom Fencing drawing as Exhibit C.
 - d. Consents from certain neighbors is Exhibit D.
 - e. Explanation of his consent from Mark A. Rhine as Exhibit E.
 - f. A photograph from Perring Drive of the closest angle to the Fence as Exhibit F.
 - g. A photograph taken from the corner of the existing fence to show the intersection and stop sign as Exhibit G.
 - h. A photograph showing where the stop sign is relevant to the existing fence in corner at the closest point to Perring Drive as Exhibit H.
 - i. A photograph on Franklin Square Drive showing the middle of the street to where the existing fence is and where it would be replaced as Exhibit I.
 - j. A photograph taken from the middle of Franklin Square Drive to show where the new Fence would connect to the side of the house as Exhibit J.

- k. A photograph taken from the middle of the street showing where the existing fence is and where it would be replaced as Exhibit K.
 - l. A photograph showing where the intersection on Franklin Square Drive and where a driver would make a right hand turn as Exhibit L.
 - m. A photograph of the stop sign on the corner of Perring Drive and Franklin Square Drive to show where the Fence would be as Exhibit M.
6. The Applicant testified as follows:
- a. The Applicant wants to place the Fence in the yard of the Property and the Fence will be 4 ½ feet tall.
 - b. The Applicant desires to build the Fence to create a play area that will be safe for his 2 children, ages 4 and 6, and his pet, a 2 year old German Shepard.
 - c. The Fence will be picket style, not privacy style, black in color, aluminum and finished on both sides.
 - d. The Fence will not affect traffic.
 - e. There is an existing fence on the property, partially in the front setback along Perring Drive which fence about 3 feet in height and consists of wooden slacks. The proposed Fence will replace the wooden existing fence and also encompass more of the backyard. F.
 - f. Based upon the drawing and testimony provided the Fence will connect to the side of the house between the driveway and rear thereof on the portion of the house fronting Perring Drive and go approximately 30 feet towards Perring Drive, and then the Fence will run parallel to Perring Drive approximately 116 feet, in an arc to the rear corner of the property, furthest behind the house, then the Fence will run 112 feet along the rear property line, then the fence will go 42 feet towards the front of the property on Franklin Square Drive at which point it will turn back towards the front corner of the house and go 54 feet. The Fence will be 7 feet from the Perring Drive curb line and 32 feet from the center of Perring Drive.
7. 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. A finished side of the Fence shall face public right-of-way.
 - d. There shall be no barbed wire or similar type wire utilized on the Fence.
 - 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.
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 Fence shall be consistent with the Township's development objectives as established in the Comprehensive Plan.
 - b. The proposed Fence will be in the best interest of properties in the general area, as well as the community at large, when viewing the proposed Fence 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 Fence 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 Fence and Property has adequate ingress, egress, interior circulation of pedestrians and vehicles, off-street parking and accessibility to the existing Township street system.
 - f. The Fence 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 or testimony from the public participating in the meeting.
 10. However, Exhibit D consisted of the consents of neighbors of the Applicant including Robert Stein, Thomas and Barbra Wolf, John and Virginia Kiecb, Mark Rhine, and Beth Jacoby, all indicating their support of the grant of the Special Exception.
 11. The Township Zoning Officer expressed no concerns with regard to the Fence.

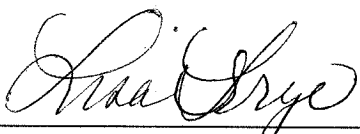
CONCLUSIONS OF LAW

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

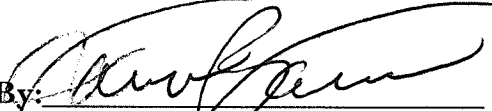
1. The Applicant has met the specific criteria for the Fence in Section 265-513.
2. The Applicant has met the general criteria for a Special Exception in Section 265-1009(C).

Accordingly, Glenn Myers moved, and Timothy Salvatore seconded, to grant the Special Exception to construct a Fence higher than 3 feet in a front yard on the Property located at 145 Perring Drive in a Residential Medium Density (RM) District. The motion passed anonymously, with Jim Barnes, John D. Myers, Glen Myers, Timothy Salvatore, and William Descar voting in favor of the motion.

WITNESS/ATTEST


~~William Descar, Secretary~~
Lisa Frye, Zoning Officer

YORK TOWNSHIP
ZONING HEARING BOARD

By: 
James Barnes, Chair
6/22/21
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.