

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 James Barnes, Chair.

Those in attendance were:

James Barnes, Chair
John Myers, Vice Chair
William Descar, Secretary
Anthony Pantano, Asst. Secretary
Glenn Myers, Member
Jeffrey Rehmeier, Esquire, Solicitor
Lisa Frye, Zoning Officer

ELECTION OF OFFICERS

A motion was made and approved for James Barnes to serve as Chair.

A motion was made and approved for John Myers to serve as Vice Chair.

A motion was made and approved for William Descar to serve as Secretary.

A motion was made and approved for Anthony Pantano to serve as Assistant Secretary.

ANNUAL REPORT

A motion was made and approved to approve the Annual Report for 2021.

MINUTES OF SEPTEMBER 28, 2021

The Zoning Hearing Board minutes of the September 28, 2021, meeting were approved.

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

York Township Zoning Hearing Board
 January 25, 2022
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DECISIONS OF SEPTEMBER 28, 2021

The Zoning Hearing Board decisions of the
 September 28, 2021, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES, APPEALS

Application 2022-01: Chris McGraw and Beverly Jones request
 a Special Exception to construct a fence higher than 3' in
 a front yard area on property located at 176 Nancy Avenue,
 York, PA in a Residential Medium Density (RM) District.

Present: Chris McGraw
 Beverly Jones

MOTION: On Application 2022-01, Chris McGraw and
 Beverly Jones request a Special Exception to
 construct a fence higher than 3' in a front yard
 area on property located at 176 Nancy Avenue,
 York, PA in a Residential Medium Density (RM)
 District, that the application be approved.

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

Application 2022-02: Amy Gadberry requests a Special
 Exception to construct a fence higher than 3' in a front
 yard area on property located at 300 Blue Ridge Drive,
 York, PA, in a Residential Low Density (RL) District

Present: Amy Gadberry

MOTION: On Application 2022-02, Amy Gadberry
 requests a Special Exception to construct a fence
 higher than 3' in a front yard area on property
 located at 300 Blue Ridge Drive, York, PA, in a
 Residential Low Density (RL) District, that the
 application be approved.

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MOTION MADE BY: Glenn Myers
SECONDED BY: Anthony Pantano
MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2022-02

Hearing Date: January 25, 2022

Applicant: Amy Gadberry

Property Owner: Amy Gadberry

Property: 300 Blue Ridge Drive
UPI: #54-000-10-0057-00-00000

Existing Zoning District: Residential Low Density (RL) District

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. Amy L. Gadberry was present representing herself as the Applicant.
3. The Applicant is seeking a Special Exception to install a fence (the "Fence"), a portion of which could be adjacent to Pocono Drive.
4. The dwelling fronts on Blue Ridge Drive, but its driveway and rear yard front on Pocono Drive.
5. 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").
6. The Applicant provided the following exhibits:
 - a. A Detailed Plan showing the dimensions of the Fence and its relationship to the roadways.
 - b. Two photographs of the portion of the Property along Pocono Drive.
 - c. One photograph of the area behind the house when looking at it from Pocono Drive.
7. The Applicant testified as follows:
 - a. She currently has a wireless fence. However, she would like a 6 foot tall Fence, to create screening and privacy.
 - b. Her Fence will not connect to any of the fencing that her neighbor has in place.
 - c. The Fence will be vinyl, white in color and solid.
 - d. The Fence will be located within the side and rear Property lines.
 - e. Based upon the Detailed Plan, Fence will start at the front of the dwelling and move 26.5 feet in line with the front of the house and somewhat parallel to Blue

Ridge Drive, then the Fence will go 97 feet toward the rear corner of the Property, and from the rear corner it will go 123 feet along the back of the Property toward Pocono Drive, with the Fence then going along Pocono Drive approximately 36 feet at a location approximately 27 feet from the center of the road, thereafter the Fence will then return to the rear of the house, going approximately 33 feet along the driveway.

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. 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.
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 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.
10. There were no questions from the Board.
11. There were no questions or testimony from the public participating in the meeting.
12. 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:

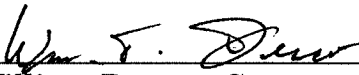
1. The Applicant has met the specific criteria for the Fence in Section 265-513.
2. The Applicant has met the general criteria for a Special Exception in Section 265-1009(C).

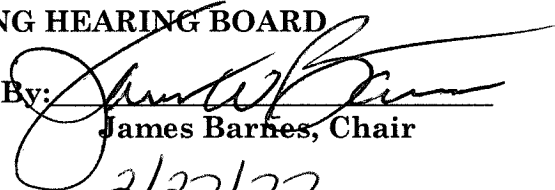
Accordingly, William Descar moved, and Anthony Pantano seconded, to grant the Special Exception to construct a Fence higher than 3 feet in a front yard on the Property located at 300 Blue Ridge Drive in a Residential Low Density (RL) District. The motion passed anonymously, with Jim Barnes, John D. Myers, William Descar, Anthony Pantano and Glenn Myers voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP

ZONING HEARING BOARD


William Descar, Secretary

By: 
James Barnes, Chair
2/22/22
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: 2022-01

Hearing Date: January 25, 2022

Applicant: Chris McGraw and Beverly Jones

Property Owner: Christopher W. McGraw and Beverly J. Jones

Property: 176 Nancy Avenue
UPI: #54-000-20-0006-00-00000

Existing Zoning District: Residential Medium Density (RM) District

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. Christopher W. McGraw and Beverly J. Jones, were present representing themselves as the Applicant.
3. The Applicant is seeking a Special Exception to install a fence (the "Fence"), a portion of which would be adjacent to Ebony 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. Drawing on graph paper showing the dimensions of the Fence and its relationship to the house.
 - b. Fence design sample photographs.
6. The Applicant testified as follows:
 - a. They moved into the Property in July, 2021. Previously, they lived in Stewartstown and had experience at the municipal level.
 - b. Prior to their ownership, the Property could have been maintained better.
 - c. The Property fronts Nancy Avenue.
 - d. Since obtaining ownership, they took down a number of trees along Ebony Drive.
 - e. The Applicant owns two Mastiffs, which are large dogs.
 - f. There are many walkers and bikers along Ebony Drive, and there are concerns that the large dogs could be alarming to them.
 - g. Currently, they take their dogs out on leads.

- h. The proposed Fence will be 54 inches in height.
 - i. The proposed Fence design will be the "Richmond" on the Exhibit referenced in 5(b) above. Specifically, it will consist of upper and lower rails, with two rails along the top and one along the bottom. Between the rails will be pickets, but they will not extend above the top rail. The Fence would be made of metal and black.
 - j. Based upon the drawing provided, the Fence will connect at the rear edge of the house and project approximately 35 feet toward Ebony Drive, then the Fence will go toward the rear of the Property approximately 72 feet along Ebony Drive, then along the rear of the Property, 110 feet, at which time it will turn toward the front of the Property and run 70 feet, and then 13 feet to connect with the addition on the rear of the house.
 - k. The total length of the Fence will be 300 feet.
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. In response to questions from the Board, the Applicant responded as follows:
- a. They confirmed that the Fence would be no close than 25 feet from the center line of Ebony Drive.

- b. The Fence would be along the Property line at the rear of the Property, but the Applicant shall maintain the area around the Fence.
 - c. At all locations, the Fence will be on or inside the Property line.
 - d. There is a remaining tree along Ebony Drive and the Fence will not interfere with it.
10. There were no questions or testimony from the public participating in the meeting.
 11. The Township Zoning Officer expressed no concerns with regard to the Fence.

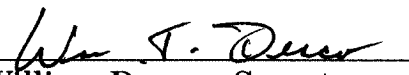
CONCLUSIONS OF LAW

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 William Descar seconded, to grant the Special Exception to construct a Fence higher than 3 feet in a front yard on the Property located at 176 Nancy Avenue in a Residential Medium Density (RM) District. The motion passed anonymously, with Jim Barnes, John D. Myers, William Descar, Anthony Pantano and Glenn Myers voting in favor of the motion.

WITNESS/ATTEST


William Descar, Secretary

YORK TOWNSHIP ZONING HEARING BOARD

By: 
James Barnes, Chair

2/22/22
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.