

# YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313

Phone (717)741-3861 Fax (717)741-5009

The June 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  
Timothy Salvatore, Member  
Albert Granholm, Member  
Jeffrey Rehmeier, Esquire, Solicitor  
Lisa Frye, Zoning Officer

## MINUTES OF APRIL 26, 2022

The Zoning Hearing Board minutes of the April 26, 2022, meeting were approved.

## DECISIONS OF APRIL 26, 2022

The Zoning Hearing Board decisions of the April 26, 2022, meeting were approved.

## SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2022-12 and 2022-13 - withdrawn.

MOTION: On Application 2022-12 and 2022-13 to accept withdrawal of both applications.

MOTION MADE BY: Anthony Pantano  
SECONDED BY: William Descar  
MOTION PASSED UNANIMOUSLY

York Stenographic Services, Inc.  
2303 East Philadelphia Street, York, PA 17402 (717) 854-0077

York Township Zoning Hearing Board  
Tuesday, June 28, 2022  
Page 2

Application 2022-14: Brian J. Singer for BLM Construction LLC requests a Variance to reduce the front yard setback requirement by approximately 4' on property located at 228 Troy Road, Dallastown, PA in a Residential Medium (RM) District.

Present: Brian Singer  
Jennifer King

MOTION: On Application 2022-14, Brian J. Singer for BLM Construction LLC requests a Variance to reduce the front yard setback requirement by approximately 4' on property located at 228 Troy Road, Dallastown, PA in a Residential Medium (RM) District, that the Variance be approved.

MOTION MADE BY: Timothy Salvatore  
SECONDED BY: John Myers  
MOTION PASSED 5-1, Anthony Pantano voted negatively.

Application 2022-15: Hutton York Queen Street, PA ST, LLC requests a Variance of Section 265-615 requiring structures housing car washing apparatus not to be set closer to the street right-of-way line than 100' on property located at 2700 South Queen Street, York, PA in a Commercial Shopping (CS) District.

Present: Stacey MacNeal, Esquire  
Claire Pincock  
Mark Zimmerman

MOTION: On Application 2022-15, Hutton York Queen Street, PA ST, LLC requests a Variance of Section 265-615 requiring structures housing car washing apparatus not to be set closer to the street right-of-way line than 100' on property located at 2700 South Queen Street, York, PA in a Commercial Shopping (CS) District, that the application be approved.

CONDITIONS: Approval is conditioned upon the

York Stenographic Services, Inc.  
2303 East Philadelphia Street, York, PA 17402 (717) 854-0077

York Township Zoning Hearing Board  
Tuesday, June 28, 2022  
Page 3

access site from Queen Street not changing from the presented design in such a way that it affects the internal traffic flow on the property.

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

Application 2022-16: Corey Nichol and Stefanie Beers request a Special Exception to construct a fence greater than 3' high in a front yard on property located at 92 Reynolds Mill Road in a Residential Low Density (RL) District.

Present: Corey Nichol  
Stefanie Beers

MOTION: On Application 2022-16, Corey Nichol and Stefanie Beers request a Special Exception to construct a fence greater than 3' high in a front yard on property located at 92 Reynolds Mill Road in a Residential Low Density (RL) District, that the application be approved.

CONDITIONS: Maximum height of fence at 5'.

MOTION MADE BY: Anthony Pantano  
SECONDED BY: Timothy Salvatore  
MOTION PASSED UNANIMOUSLY

ATTEST:

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

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2022-14

**Hearing Date:** June 28, 2022

**Applicant:** Brian J. Singer for BLM Constructions, LLC

**Property Owner:** Jennifer L. King

**Property:** 228 Troy Road  
UPI: #54-000-31-0074-00-00000

**Existing Zoning District:** Residential Medium (RM) District

**Relief Requested-** Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-1010.

---

## 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. Brian J. Singer was present on behalf of the Applicant, BLM Construction, LLC.
3. The Applicant is seeking a Variance from Section 265-1010 to allow intrusion into the front setback.
4. With the Application, there were included the following:
  - a. Letter from Christine Hudgins, CRNP, Memorial Family Medicine at Greensprings, indicating that the erection of a new, covered porch would aid the Property Owner.
  - b. Aerial maps of adjacent dwellings with measurements showing the distances from them to the nearby streets, including Ridgeland Drive and Troy Road.
  - c. A Resident Application for Permit.
  - d. King Porch and Siding summary of work to be done.
  - e. Certificate of Liability Insurance for the Applicant.
  - f. A Building Permit, fee schedule and related plan review.
  - g. A number of photographs of the Property, including those showing the existing pad by the front door, the proposed location of the new porch, and the new porch design, along with its covering.
5. Brian J. Singer provided testimony on behalf of the Applicant as follows:
  - a. The Owner desires to replace the existing cement pad by the front door with a new, covered front porch, which would exit the house at a different location (the "Replacement Front Porch").
  - b. Currently, the front door provides the only access at the front of the Property.
  - c. The Property itself slopes substantially from the front to the rear, with a grade differential of approximately 8 to 10 feet.

- d. Construction would involve removal of the existing pad.
  - e. Thereafter, a new pad would be poured.
  - f. The existing front door would become a window.
  - g. The double windows to the West of the front door would be converted to French double doors.
  - h. The Replacement Front Porch pad would have a roof covering on it as well.
  - i. The Owner would keep her car at the top of the driveway in the event of bad weather, so there would be less shoveling to do to access it.
  - j. The Replacement Front Porch will make it easier to shovel out the front door and reach the vehicle.
  - k. The edge of the Replacement Front Porch would line up near the existing sidewalk.
6. There were questions present to the Applicant and Owner, which were addressed as follows:
- a. The concrete pad of the Replacement Front Porch would line up so that you could step off the front porch onto the sidewalk.
  - b. The posts that would support the covering on the Replacement Front Porch would be positioned so that they would be just beyond where the existing sidewalk meets the Replacement Front Porch.
  - c. The Replacement Front Porch would extend approximately 10 feet from the dwelling.
  - d. The Replacement Front Porch would extend approximately 2 feet beyond the existing sidewalk.
7. In response to the criteria for the Variance, the Applicant offered the following:
- a. The unnecessary hardship that exists is due to unique physical circumstances or conditions, including the slope of the Property from front to rear and accessibility to the dwelling, particularly in bad weather, 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 the Variance 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 be detrimental in any way, nor will it impact 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, especially since there are other dwellings in the vicinity that intrude into the front setback distances greater than are being proposed in this Application.
  - 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 as the intrusion into the front setback in this instance is minimal.
8. There were no questions from the audience.
9. There was no testimony for or against the Application.
10. The Zoning Officer indicated no opposition from the Township perspective.


## CONCLUSIONS OF LAW

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

1. The lack of impact on the neighborhood is a significant factor in this Decision.
2. The Applicant has met the Variance criteria.

Accordingly, Timothy Salvatore moved, and John D. Myers seconded, to grant the Variance to reduce the front yard setback requirement on the Property located at 228 Troy Road in a Residential Medium (RM) District. The motion passed with a vote of four to one, with James Barnes, John D. Myers, William Descar and Timothy Salvatore voting in favor of the motion and Anthony Pantano voting against the motion.

WITNESS/ATTEST

  
William Descar, Secretary

YORK TOWNSHIP  
ZONING HEARING BOARD

By:   
James Barnes, 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.

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2022-15

**Hearing Date:** June 28, 2022

**Applicant:** Hutton York Queen Street PA ST, LLC

**Property Owner:** Charles L. and Dorothy E. Vernon

**Property:** 2700 South Queen Street  
UPI: #54-000-10-0001-C0-00000

**Existing Zoning District:** Commercial Shopping (CS) District

**Relief Requested-** Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-615.D.

---

## 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. Attorney Stacey MacNeal of Barley Snyder was present as counsel to the Applicant. Mark Zimmerman of Morris Knowles and Associates, Inc. was present as engineer. Claire Pincock of MD Acoustics, LLC was also present on behalf of the Applicant.
3. The Applicant is proposing to remove the existing structure on the Property and to erect in its place a car wash (the "Car Wash").
4. A car wash is a Use allowed by right in the Commercial Shopping (CS) District. However, a Variance is needed from Section 265-615.D. to allow the structure housing the washing apparatus for this Car Wash to be less than 100 feet from any street right-of-way line.
5. Attorney MacNeal presented to the Board a packet of Exhibits that included the following:
  - a. Exhibit 1 – A Site Plan for a ModWash in York Township, Pennsylvania
  - b. Exhibit 2 – A Tax Map photograph of the Property as it currently exists.
  - c. Exhibit 3 – A Trip Generation and Stacking Analysis for the Proposed ModWash by David E. Wooster and Associates, Inc., with supplements
  - d. Exhibit 4 – An aerial photograph of the Property and those in the vicinity
  - e. Exhibit 5 – MC Acoustics, LLC Noise Assessment for the Proposed ModWash Car Wash, including related exhibits.
6. Attorney MacNeal called Mark Zimmerman who testified as follows:
  - a. He is a Civil Engineer.
  - b. He has over 20 years of experience.
  - c. He is a Vice President at Morris Knowles and Associates, Inc.
7. Attorney MacNeal questioned Mr. Zimmerman who testified as follows:

- a. He is familiar with and was involved in the preparation of Exhibit 1, which is a revised Site Plan for the Car Wash.
- b. The Site Plan was changed after submission of the Application to move the Proposed Car Wash facility itself to the Southeastern portion of the Property, further away from Allegheny Drive.
- c. This adjustment was made because of the three high power electrical lines that travel across the Northern portion of the Property.
- d. With regard to Exhibit 1, the Property is .93 acres.
- e. The Property has a width of 165 feet.
- f. The Property is currently used for sales of recreational vehicles.
- g. The Property was previously utilized, and the building thereon constructed to be, a bank.
- h. Access to the Property is currently via South Queen Street and Allegheny Drive.
- i. The building would be demolished to allow for the installation of the Car Wash.
- j. If the Property were redeveloped as a Car Wash, access to Allegheny Drive would be discontinued.
- k. That would allow only access via South Queen Street.
- l. The Car Wash will be an automatic express style Car Wash.
- m. The housing for the Car Wash itself would be 3,650 square feet (the "Building").
- n. The Building would have a length of 100 feet.
- o. The length of the Building is necessary to allow sufficient area for drying, as there will be three rows of internal dryers.
- p. There will be 16 on Property vacuum stations, to the North of the Building.
- q. There would be parking adjacent to the Building and the vacuum stations.
- r. There would be microfiber towels available to dry vehicles.
- s. Access to the Car Wash would only be via South Queen Street.
- t. The Applicant would seek a Highway Occupancy Permit from PennDOT.
- u. The Applicant desires full access via South Queen Street.
- v. When entering the Property, there would be bug preparation (pre-wash) stalls to the right (the North).
- w. Beyond the bug preparation stalls, there would be stalls for employee parking.
- x. Customers would pay at the kiosks along the Western portion of the Property.
- y. The kiosks would be cashless.
- z. The Car Wash could accommodate 1 car every 30 feet.
- aa. The extensive dryers inside the Building are designed to eliminate excess water leaving the Property in the Winter.
- bb. After going through the Building, and receiving a Car Wash, customers could then vacuum and hand dry their vehicles.
- cc. The automated system offers a number of benefits to the car wash process.
8. With regard to the specific requirements for a Car Wash in Section 265-516, the Applicant provided the following:
  - a. Public water and public sewer facilities shall be provided and gray water recycling will be implemented.
  - b. There shall be more than 60 foot long on-site stacking, which precedes the washing process.
  - c. The drying area shall be provided for more than 6 vehicles.
  - d. The Building structure housing washing apparatus will not be further than 100 feet from South Queen Street and thus the Variance is needed.
  - e. Trash and recycling receptacles shall be provided and routinely emptied to prevent scattering of litter.



9. The Applicant provided more testimony as follows:
  - a. The Building will be setback further than 50 feet from South Queen Street, which would cause it to exceed the required setback in the CS District for other uses in the area.
  - b. The Property is subject to two front yards, with one along South Queen Street and the other along Allegheny Drive.
  - c. Allegheny Drive and South Queen Street are not perpendicular.
  - d. The Property exceeds the minimum required for the Use.
  - e. The side and rear setbacks shall be met, as will the front setback from Allegheny Drive.
  - f. Lot coverage is proposed as 77%.
10. There was testimony with regard to Exhibit 3 to include the following:
  - a. The Trip Generation Report includes a stacking analysis.
  - b. It is expected that it would be a 3 minutes travel time from a vehicle once paying at the kiosks to it exiting the Building and having the car wash completed.
  - c. Stacking will exist such that vehicles shall not back up and onto South Queen Street.
  - d. The number of trips generated by the Car Wash shall be less than a fast food restaurant.
  - e. The impact of the Car Wash shall be less than other allowed uses in the Zone.
  - f. There will be 16 drying spots.
  - g. There will be a dumpster located just off the entrance of the Property.
  - h. When the dumpster is emptied, the bug preparation stalls and employee stalls can be used to allow for a turnaround.
  - i. The Car Wash will be open from 8:00 am until 8:00 pm.
  - j. If 100 foot setbacks for car washes were applied to both Allegheny Drive and South Queen Street, then only 12% of the Property could be utilized as shown on the Building Setback Exhibit from ModWash prepared by Morris Knowles, which was submitted with the Application.
11. The Applicant offered further testimony with regard to Exhibit 4, showing the variety of other uses in the area.
12. 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, including the angle between South Queen Street and Allegheny Drive, the electrical lines across the Property and the necessary internal circulations for a Car Wash 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 a Car Wash.
  - 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.
- 13. Attorney MacNeal also argued that the Variance would be dimensional, involving only setback that could not be met, and accordingly, a lesser degree of proof is necessary for zoning relief.
- 14. In response to questions, the Applicant indicated that customers would stay in their vehicles while the vehicles were being washed.
- 15. The Applicant confirmed that, contrary to what was shown in the Application, there would only be 2 kiosks for payment and not 3.
- 16. Attorney MacNeal called Claire Pincock who provided information about herself as follows:
  - a. She is employed by MC Acoustics, LLC.
  - b. Her business address is in Chandler, Arizona.
  - c. She is an acoustical consultant.
  - d. She has her INCE-USA Board Certification from the Institute of Noise Control Engineering.
- 17. Attorney MacNeal questioned Ms. Pincock with regard to Exhibit 5, and Ms. Pincock answered as follows:
  - a. She undertook the assessment detailed in and prepared the document that constitutes Exhibit 5.
  - b. She analyzed the noise that would be generated by the Car Wash for purposes of confirming compliance with Section 265-527.A. of the Ordinance.
  - c. The process generally included determining the ambient noise level at the Property now.
  - d. After determining the ambient noise level, she ran tests involving the proposed Car Wash utilizing a model.
  - e. As part of the test, she calculated noise levels that would be generated by the blowers that would be in the Building on the Property.
  - f. That enabled her to determine that the Car Wash would not create noise that would exceed levels permitted by the Ordinance.
  - g. She also stated that placement of the Building any closer to South Queen Street would further reduce the ambient noise generated by the Building on the Property.
- 18. There were no further questions from the audience.
- 19. There was no testimony for or against the Application.
- 20. On behalf of the Township, the Zoning Officer indicated that she had nothing further to add.
- 21. In response to a question from a Board member, it was confirmed that the stacking distance is at least 100 feet.
- 22. It was confirmed that the Use as proposed would not result in a substantial change in access from South Queen Street.
- 23. There was proposed to the Applicant a Condition that there would be no substantial change to the South Queen Street access that would alter the on-site layout, to include internal traffic flow, distances, stacking and sound. The Applicant indicated that such a Condition would be acceptable (the "Condition").

## CONCLUSIONS OF LAW

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

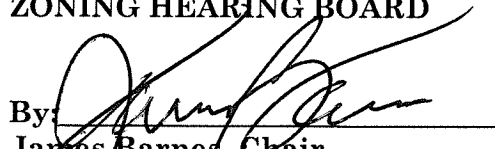
1. The Applicant has met the criteria for a Car Wash, except for Section 265-615.D.
2. The Applicant has designed the Car Wash to create substantial stacking for vehicles.
3. The Applicant has met the criteria for a Variance, especially given the shape of the Property, its location at a non-perpendicular intersection of two roads, and the existence of the power lines.
4. Since the Applicant is seeking a single, dimensional Variance, the Board recognizes that in the absence of relief, the zoning requirements may work an unreasonable hardship on the Owner's pursuant of a permitted Use.
5. The Board recognizes that the Applicant, while seeking this dimensional Variance is asking only for a reasonable adjustment for the Zoning regulations in order to utilize the Property in a manner consistent with the applicable regulations.
6. Further, the Board notes that the grant of the Variance would not result in any Use that would unduly conflict with the characteristics of the surrounding neighborhood.
7. The imposition of and compliance with the Condition is a prerequisite necessary to zoning relief in this matter.

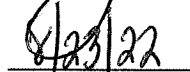
Accordingly, Timothy Salvatore moved, and William Descar seconded, to grant the Variance to permit the structures housing the washing apparatus to be less than 100 feet from any street right-of-way line on the Property located at 2700 South Queen Street in a Commercial Shopping (CS) District, subject to the imposition of the Condition. The motion passed unanimously with James Barnes, John D. Myers, William Descar, Timothy Salvatore and Anthony Pantano voting in favor of the motion.

### WITNESS/ATTEST

  
William Descar, Secretary

### YORK TOWNSHIP ZONING HEARING BOARD

By:   
James Barnes, 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.

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2022-16  
**Hearing Date:** June 28, 2022  
**Applicant:** Corey Nichols and Stefanie Beers  
**Property Owner:** Corey R. Nichols  
**Property:** 92 Reynolds Mill Road  
UPI: #54-000-06-0007-00-00000  
**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. The Applicants, Corey R. Nichols and Stefanie Beers were present, on their own behalf.
3. The Applicants are seeking a Special Exception to install a Fence (the "Fence"), a portion of which would be adjacent to Southern Hills Road.
4. The dwelling fronts on Reynolds Mill Road, but its driveway and rear yard front on Southern Hills Road.
5. Thus, approval of a Special Exception is necessary because that portion of the Property is considered to be subject to a front setback and the Fence, in that location, subject to a height restriction of 3 feet, unless a Special Exception is granted (with such approval being the "Special Exception").
6. The Applicants provided the following Exhibits with the Application:
  - a. A drawing of the Property showing Reynolds Mill Road, Southern Hills Road, the house, the garage, the driveway, the shed, and the Fence.
  - b. An aerial photograph of the Property with a marking as to where the Fence would be located.
  - c. Three photographs of a portion of the Property where the Fence would be located along Southern Hills Road.
  - d. Correspondence from the Applicants confirming the distance of the Fence from Southern Hills Road.
  - e. Installation Proposal #1 and Proposal #2 from Security Fence Company with details about the Fence.
7. Corey R. Nichols testified as follows:
  - a. The Fence would be located behind the dwelling.

- b. The Fence is desired to enclose the Applicants dogs and children.
  - c. The Fence would be no less than 4 feet in height and no more than 5 feet in height.
  - d. The Fence would be black, vinyl, chain link.
  - e. The Fence would be supported by black metal posts.
  - f. The Fence would be located at least 13 feet from Southern Hills Road.
  - g. The Fence would be more than 25 feet from the center of Southern Hills Road and behind the bush line as shown in the photographs referenced above.
  - h. The Fence will begin at the Southeastern corner of the house and go approximately 30 feet East.
  - i. The Fence will then go towards the South approximately 118 feet.
  - j. The Fence will go along the rear of the Property 91 feet toward Southern Hills Road.
  - k. The Fence will go along Southern Hills Road approximately 76 feet, with a gate in the middle of that run.
  - l. The Fence will go 46 feet back toward the shed along the driveway, with a 4 foot gate near the garage.
8. With regard to the Specific Criteria for 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.
  - 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.C., 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. The Township Zoning Officer provided a comment from a neighbor which expressed concern about the construction of the Fence in the front yard; however, that neighbor lived across Reynolds Mill Road and seemingly objected because of a concern with regard to visibility of a Fence along that road, which will not actually be at that location on the Property.
11. The Fence would be outside the clear site triangle at the intersection of Southern Hills and Reynolds Mill Roads.
12. There were no questions from the audience.
13. There was no testimony for or against the Application.
14. 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, Anthony Pantano moved, and Timothy Salavatore seconded, to grant the Special Exception to construct a Fence greater than 3 feet in a front yard on the Property located at 92 Reynolds Mill Road in a Residential Low Density (RL) District. The motion passed unanimously with James Barnes, John D. Myers, William Descar and Timothy Salvatore voting in favor of the motion.

WITNESS/ATTEST

  
William Descar, Secretary

YORK TOWNSHIP  
ZONING HEARING BOARD

By:   
James Barnes, Chair

8/23/22  
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.