

YORK TOWNSHIP

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

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

Those in attendance were:

James Barnes, Chair
William Descar, Secretary
Timothy Salvatore, Member
Jeffrey Rehmeier, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF AUGUST 23, 2022

The Zoning Hearing Board minutes of the August 23, 2022, meeting were approved.

DECISIONS OF AUGUST 23, 2022

The Zoning Hearing Board decisions of the August 23, 2022, meeting were approved.

REQUEST FOR EXTENSION

Burkentine and Sons Builders, Inc. requests an extension of Special Exception 2021-12 to establish a Multi-Family Dwelling use on property located along the north side of Springwood Road at the intersection of Pauline Drive (113.03 acres) in Mixed Residential Commercial (MRC) and Residential High Density (RH) zoning districts.

Present: Kyle Gillespie

MOTION: On Burkentine and Sons Builders, Inc. requests an extension of Special Exception 2021-12 to establish a Multi-Family Dwelling use on property located along the north side of

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

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Springwood Road at the intersection of Pauline Drive (113.03 acres) in Mixed Residential Commercial (MRC) and Residential High Density (RH) zoning districts, that a six-month extension be approved.

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

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2022-18: Shania Gaddist requests a Special Exception to establish a Home Occupation (Nail Salon) on property located at 871 Twilight Drive, York, PA, in a Residential Low Density (RL) District.

Present: Shania Gaddist
 Patricia Gaddist

MOTION: On Application 2022-18: Shania Gaddist requests a Special Exception to establish a Home Occupation (Nail Salon) on property located at 871 Twilight Drive, York, PA, in a Residential Low Density (RL) District, that the Special Exception be approved.

CONDITIONS: Hours of operation be limited from 8:00 a.m. to 2:00 p.m. on weekdays. Customers be required to park in the driveway. No more than two residents be permitted to park in the driveway during hours of operation. That the mailbox for the residence be moved to the driveway closest to the fire hydrant.

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

Application 2022-19: Alessandro Peccetti requests a Special Exception to construct a fence greater than 3' high in a front yard on property located at 82 Hudson Boulevard, Red

York Stenographic Services, Inc.
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Lion, PA in a Residential High Density (RH) District.

Present: Matthew Eby

MOTION: On Application 2022-19, Alessandro Peccetti requests a Special Exception to construct a fence greater than 3' high in a front yard on property located at 82 Hudson Boulevard, Red Lion, PA in a Residential High Density (RH) District, that the Special Exception be approved.

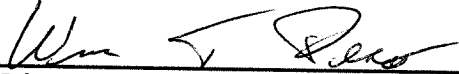
CONDITIONS: Compliance with the distance and spacing set forth in the application, and HOA approval.

MOTION MADE BY: Timothy Salvatore

SECONDED BY: William Descar

MOTION PASSED UNANIMOUSLY

ATTEST:



William Descar, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2022-18
Hearing Date: October 25, 2022
Applicant: Shania Gaddist
Property Owner: Savora & Patricia Gaddist
Property: 817 Twilight Drive
UPI: #54-000-16-0095-00-00000
Existing Zoning District: Residential Low Density (RL)

Relief Requested- Special Exception under the York Township Zoning Ordinance of 2012, as amended (the "Ordinance") and pursuant to Section 265-640 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 Applicant was present. The Owners were present. Owner Patricia Gaddist testified along with the Applicant.
3. The Applicant is seeking a Special Exception to establish a Private Nail Salon as a Home Occupation (the "Home Occupation" or the "Use").
4. The Use will be in the dwelling on the Property.
5. The Applicant provided the following information with regard to the Home Occupation:
 - a. The Applicant will be the only person providing nail services.
 - b. The Salon area will consist of 234 square feet.
 - c. The dwelling itself consists of 2,392 square feet.
 - d. Only one customer is expected to be on the Property at a time.
 - e. Not more than four customers are expected per day.
 - f. The Salon area is on the first level of the home.
 - g. There are two ways to enter it.
 - h. Customers will enter using a walkway and a ramp to a deck area, which then leads to a door to the Salon.
 - i. The driveway on the Property has parking for four vehicles.
 - j. The Applicant understands that she must meet any and all applicable law relative to the Home Occupation, including but not limited to, Building Codes and Licensure requirements.
 - k. The bathroom adjacent to the Salon will be improved and shall be made accessible as required by the Americans with Disabilities Act.

6. In response to the Special Exception criteria for a Home Occupation in Section 265-640, the Applicant offered the following:
 - a. The Applicant is the only person that will be undertaking the Home Occupation and shall be a full-time resident of the Property.
 - b. No more than twenty-five percent of the gross floor area of the dwelling unit will be used for the Home Occupation.
 - c. There will be no displays or changes to the building façade.
 - d. No sign is expected, although any sign will be less than one square foot.
 - e. The storage of materials, products or machinery used for the Home Occupation shall be wholly enclosed, shall not be visible from adjacent streets or properties, and shall not be included as part of the twenty-five percent under Subsection (b) above.
 - f. The Home Occupation shall be conducted entirely within the dwelling.
 - g. No deliveries are expected and if there are any, they would not restrict traffic circulation
 - h. Traffic generated by the Home Occupation shall not exceed volumes that would normally be expected in a residential neighborhood.
 - i. The Home Occupation shall not produce dust, obnoxious odors, vibrations, lighting glare, fumes or smoke detectable on any adjacent streets or properties, nor shall it produce electrical interference.
 - j. The disposal of all materials, fluids and gases shall be in a manner which complies with all regulations of the York Township Water and Sewer Authority and all other applicable government codes.
 - k. No goods are expected to be sold, but if any are, they would be incidental to the Salon services.
 - l. The Home Occupation will not utilize explosive, highly flammable or hazardous materials.
 - m. The hours of operation finally proposed where 8:00 am until 2:00 pm Monday through Friday.
 - n. The Applicant shall request the permit for the Home Occupation required by the Ordinance, including all necessary information.
 - o. The Applicant understands the limitations of a Home Occupation permit.
 - p. The Applicant understands that the permit shall expire annually and be subject to the appropriate renewal process.
 - q. The Applicant understands that inspections are required per the Ordinance and York Township personnel shall have the right of access.
 - r. There shall be at least two parking spaces on the Property available for the Home Occupation.
7. 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.
8. In response to questions from the Board, the Applicant answered as follows:
- a. Access to the Salon will be utilizing the sidewalk adjacent to the dwelling.
 - b. Supplies include polishes and acrylics, but not in any bulk quantities.
 - c. There are currently four vehicles utilized by residents of the dwelling, including the Applicant, her brother and the Owners.
 - d. The Owners park in the driveway.
 - e. The Applicant and her brother park in the street, in front of the dwelling.
 - f. The Applicant has had some delay in the process because of approvals that were necessary and are being obtained.
9. In response to questions from the audience, the Applicant stated as follows:
- a. There would be no employees and only the Applicant would provide services.
 - b. The customer flow that has existed sporadically prior to the hearing will be the same after.
 - c. Parking for residents of the dwelling and customers of the Home Occupation will be in the driveway and in front of the dwelling.
10. There was testimony evidencing concern with regard to the Home Occupation, and in particular the vehicular traffic and safety.
11. Owner, Patricia Gaddist provided testimony as follows:
- a. She and her husband intend to move the mailbox from its present location to the other side of the driveway, near the fire hydrant.
 - b. The movement of the mailbox will facilitate more parking in front of the dwelling.
 - c. Only two vehicles for residents of the dwelling will be parked on the street.
 - d. The Home Occupation is not intended to be permanent, but to be a stepping stone for the Applicant.
12. The Township Zoning Officer expressed no concerns with the Special Exception, but did remind the Applicant that all other permitting and approvals must be obtained for the Use.
13. Conditions were developed and they include the following:
- a. The hours of operation for the Home Occupation shall only be between 8:00 am and 2:00 pm on weekdays.
 - b. Any customers who are provided services pursuant to the Home Occupation shall park in the driveway on the Property.
 - c. There shall be no more than two cars, owned or utilized by residents of the dwelling, parked in the driveway to preserve the aforementioned parking for customers.
 - d. The mailbox shall be moved to the other side of the driveway, adjacent to the fire hydrant, to enable more street parking in front of the dwelling.
- (Collectively the "Conditions")

CONCLUSIONS OF LAW

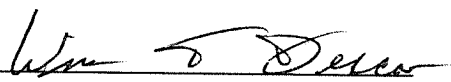
Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes as follows:

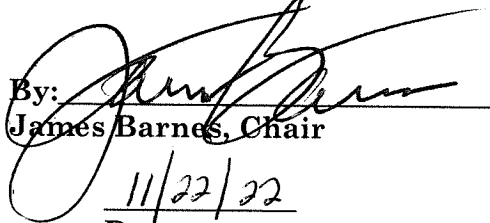
1. The Applicant has met the specific criteria for a Special Exception for a Home Occupation as set forth in Section 265-640.
2. The Applicant has met the general criteria for a Special Exception as set forth in Section 265-1009(c).
3. The imposition of the Conditions is necessary for the grant of relief.

Accordingly, Timothy Salvatore moved, and William Descar seconded, to grant the Special Exception to establish a Home Occupation (Nail Salon), on the Property located at 817 Twilight Drive in a Residential Low Density (RL) Zone, subject to the Conditions. The motion passed unanimously with James Barnes, Timothy Salvatore and William Descar voting in favor of the motion.

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**


William Descar, Secretary

By: 
James Barnes, Chair
11/22/22
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: 2022-19
Hearing Date: October 25, 2022
Applicant: Alessandro Peccetti
Property Owner: Alessandro Peccetti
Property: 82 Hudson Boulevard
UPI: #54-000-66-0127-00-00000
Existing Zoning District: Residential High (RH) 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. Matthew Eby, contractor was present on behalf of the Applicant and the owner.
3. The Applicant is seeking a Special Exception to install a Fence (the "Fence"), a portion of which would be adjacent to Avon Drive.
4. The dwelling fronts on Hudson Boulevard, but its backyard also fronts on Avon Drive.
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, 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 with the Application:
 - a. A drawing showing the proposed layout of the Fence.
 - b. Tax parcel information identifying the Property location.
 - c. Residential Aluminum Fence System illustrations.
 - d. A photograph of the Property and the location within which the Fence would be located.
7. Mr. Eby testified as follows:
 - a. The Fence would be located to the rear of the dwelling.
 - b. The Fence would be made of aluminum.
 - c. The height of the Fence would be 4 feet.
 - d. The Fence would be black in color.
 - e. Approval of the Fence has been sought from the Homeowners' Association, although such approval has not been granted because the Association is awaiting approval by the Zoning Hearing Board.
 - f. The Fence would be the Model 32202 rail-flat top, as shown in the Application.

- g. The Fence is expected to be approximately 6 feet off the rear Property line of the Property.
 - h. The Fence is expected to be on the Property line in the location opposite Avon Drive.
 - i. The Fence will begin at the Eastern portion of the dwelling and go approximately 15 feet toward Avon Drive.
 - j. At that location, the Fence will be 30 feet from the centerline of Avon Drive.
 - k. The Fence will then go 59 feet along Avon Drive toward the rear of the Property.
 - l. The Fence will then go 35 along the rear of the Property.
 - m. The Fence will then go 35 back toward the dwelling.
 - n. The Fence when connecting to the dwelling, would be connected at the common wall between the Property and the adjacent dwelling.
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 Zoning Officer of behalf of the Township expressed no concerns with regard to the Special Exception.
11. There were no questions from the audience.
12. There was no testimony for or against the Application.

13. Two Conditions were established as follows:

- a. That the Fence shall be sufficiently distance from Avon Drive and not in the clear-sight triangle.
- b. That the Homeowners' Association grant its approval of the Fence. (Collectively the "Conditions").

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.
3. In order for the relief to be granted, the Conditions must be imposed.

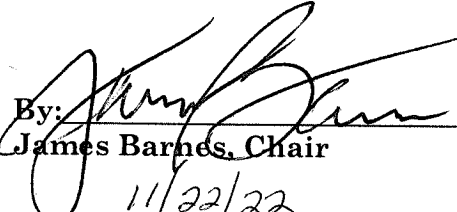
Accordingly, Timothy Salvatore moved, and William Descar seconded, to grant the Special Exception to construct a Fence greater than 3 high feet in a front yard on the Property located at 82 Hudson Boulevard, subject to the imposition of the Conditions, in a Residential High Density (RH) District. The motion passed unanimously with James Barnes, William Descar and Timothy Salvatore voting in favor of the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD



William Descar, Secretary

By: 

James Barnes, Chair
11/22/22
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.