

YORK TOWNSHIP

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The July 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
John Wilson, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF MAY 23, 2023

The Zoning Hearing Board minutes of the May 23, 2023, meeting were approved.

DECISIONS OF MAY 23, 2023

The Zoning Hearing Board decisions of the May 23, 2023, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Application 2023-03: Mark Anderson requests a Special Exception to construct a fence higher than 4' in a front yard area on property located at 2350 Merrill Road, York, PA in a Residential Low Density (RL) District.

Present: Mark Anderson

MOTION: On Application 2023-03, Mark Anderson requests a Special Exception to construct a fence higher than 4' in a front yard area on property located at 2350 Merrill Road, York, PA in a

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

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Residential Low Density (RL) District, that the application be approved.

CONDITIONS: That the fence remain existing as shown on the application.

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

A motion was made to admit the pictures into the record that were attached to the application.

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

Application 2023-05: Elke Moyer requests a Variance to allow for additional 320 s.f. for an Accessory Unit, Single Bedroom, on property located at 768 South Franklin Street, Red Lion, PA, in a Residential Agricultural (RA) District.

Present: Elke Moyer

MOTION: On Application 2023-05, Elke Moyer requests a Variance to allow for additional 320 s.f. for an Accessory Unit, Single Bedroom, on property located at 768 South Franklin Street, Red Lion, PA, in a Residential Agricultural (RA) District, that the application be approved.

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

Application 2023-06: First Capital Community Transport Partners successor to York Regional Emergency Medical Services, Inc. f/k/a Yoe Fire Company Ambulance Service, Inc., requests two Variances for 1) to allow reduction of required 25' setback for an essential services building to 16' on the north side of the building and 2) to allow construction of a retaining wall within the required

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setback at the southern property line on property located at 2607 Course Road, York, PA, in a Commercial Shopping (CS) District.

Present: Stacey MacNeal, Esquire
 Byron Trout
 Donald Potter

MOTION: On Application 2023-06, First Capital Community Transport Partners successor to York Regional Emergency Medical Services, Inc. f/k/a Yoe Fire Company Ambulance Service, Inc., requests two Variances for 1) to allow reduction of required 25' setback for an essential services building to 16' on the north side of the building and 2) to allow construction of a retaining wall within the required setback at the southern property line on property located at 2607 Course Road, York, PA, in a Commercial Shopping (CS) District, that the application be approved.


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

Application 2023-04: Shamil and Natalie Shah request a Variance of the required 10' side yard setback for a swimming pool located at 817 Sage Hill Drive, Red Lion, PA, in a Residential Low Density (RL) District.

A motion was made for a continuance on Application 2023-04 for the August 22, 2023 meeting.

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

ATTEST:



 William Descar, Secretary

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

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2023-03
Hearing Date: July 25, 2023
Applicant: Mark D. Anderson
Property Owner: Mark D. and Stephanie S. Anderson
Property: 2350 Merrill Road
UPI: #54-000-25-0032.00-00000
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.A. of the Ordinance.

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 is seeking a Special Exception to construct a fence higher than 4' in a front yard area on property located at 2350 Merrill Road, per Section 265-513.A of the Ordinance (the "Special Exception").
3. Mr. Anderson provided testimony as follows:
 - a. In or about May of 2023, Mr. Anderson applied for a permit to construct a fence in the back yard area of the property.
 - b. Upon installation of the fence, the Applicant requested an inspection and the person conducting the inspection indicated that the fence was in violation of Section 265-513.A of the Ordinance because the fence was more than three (3) feet in height and located on or adjacent to the neighbor's front yard.
 - c. Nothing in the notice of violation received by the Applicant stated an issue with respect to encroachment into the street right-of-way on Clarkson Drive.
 - d. Applicant testified that that fence was actually located on or adjacent to his neighbor's side yard.
 - e. A seven (7) foot hedgerow runs along the Applicant's rear property line.
4. With regard to the Special Exception criteria, Applicant offered the following:
 - a. That the intended purpose of the proposed use is consistent with the objectives set forth in the York Township Comprehensive Plan.
 - b. That the proposed use is in the best interest of the surrounding properties and the community at large.
 - c. That the property in question will be operated and maintained suitably.
 - d. That there are adequate and available utility services and facilities such as sanitary stormwater, sewer, water, fire, police and other public facilities.

- e. That the property has adequate access to York Township's street system, as well as off-street parking.
 - f. That the proposed use will be in conformance with the applicable requirements of the Township's Zoning Ordinance and applicable SALDO regulations.
5. Section 265-513 of the Ordinance sets forth the following specific criteria for a fence:
 - 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.
 6. Chairman Barnes observed that, depending on the location of the street right-of-way on Clarkson Drive (between 33' and 50'), Applicant's fence may encroach into the street right-of-way. The Township's Zoning Officer was not immediately aware of the extent of the street right-of-way for Clarkson Drive.
 7. On behalf of the Township, Zoning Officer Frye did not indicate any particular concerns with the grant of the Variance.
 8. At the conclusion of Applicant's testimony, Chairman Barnes provided an opportunity for anyone from the audience to ask questions of the Applicants, offer testimony in favor of the Application, or offer testimony against the Application.
 9. No one at the meeting sought to ask questions of the Applicant nor offer testimony in relation to the Application, and as such, Chairman Barnes closed the testimony for this case.

CONCLUSIONS OF LAW

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

1. Section 265-513.A of the Ordinance permits, by special exception, a fence in excess of three feet (3') to be erected in the front yard of a residential use.
2. Applicant is seeking retroactive approval for the six foot (6') fence that was installed along Applicant's rear lot line.
3. The Applicant has met the general criteria for a Special Exception, as outlined in Section 265-1009.C of the Ordinance.
4. The Applicant has met the specific regulations for a fence outlined in Section 265-513.A.
5. To the extent that Applicant's fence encroaches on the street right-of-way of Clarkson Drive, Applicant may be required to remove those portions of fence that are so encroaching.

Accordingly, a motion was made by Board Member Anthony Pantano, and seconded by Board Member William Descar, to grant the special exception being requested by the Applicant to construct a fence higher than 4' in a front yard area on property located at 2350 Merrill Road, York, PA in a Residential Low Density District, with the condition that the fence be erected in accordance with the specifications outlined in the application and not within the Clarkson Drive street right-of-way. The Board voted unanimously 5-0 to approve this motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD

William T. Descar
William Descar, Secretary

By: James Barnes
James Barnes, Chair
8/22/23
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: 2023-05
Hearing Date: July 25, 2023
Applicant: Elke Moyer
Property Owner: Elke and Amanda N. Moyer
Property: 768 South Franklin Street
UPI: #54-000-GK-0028.F0-00000
Existing Zoning District: Residential Agricultural (RA) District

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-602.A. of the Ordinance.

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 in this decision.
2. The Applicant is seeking approval of an Accessory Unit and a Variance to allow for an additional 320 square feet in that Accessory Unit within the residential dwelling located on the Property, which size exceeds the maximum amount of habitable floor area permitted by Section 265-602.A. of the Ordinance (the "Variance").
3. The Applicant, Elke Moyer, personally appeared before the Board and presented testimony at the hearing.
4. Ms. Elke Moyer provided testimony as follows:
 - a. Ms. Moyer resides at 768 South Franklin Street, Red Lion, PA.
 - b. Ms. Moyer and her daughter recently purchased the above-referenced property.
 - c. The intention has always been for more square footage to be added to the home for Ms. Moyer's occupancy, or in the alternative, for Ms. Moyer to build another dwelling elsewhere on the property.
 - d. Ms. Moyer's daughter has a total of five children (with two recent additions), which makes the present living situation congested.
 - e. Ms. Moyer is employed by the Pennsylvania Supreme Court, and this employment is hybrid – meaning that Ms. Moyer partially works in the office and partially works remotely from the property (approximately a 50/50 division).
 - f. Accordingly, Ms. Moyer needs space within the dwelling that is sufficiently private to meet her work obligations.
 - g. After speaking with various contractors, Ms. Moyer cannot afford to building a separate dwelling elsewhere on the property.
 - h. Accordingly, Ms. Moyer intends to add square footage to the existing dwelling by building on top of the existing garage.

- i. The footprint of the existing garage is static, and it would not make sense to build on top of only three quarters of the garage.
 - j. The addition, if it were built to match the size of the garage, would be larger than the 720 square feet permitted under the Ordinance.
 - k. Ms. Moyer spoke with all of her neighbors, and none of the neighbors voiced any concerns with the proposed square footage of the Accessory Unit.
5. With regard to the Variance criteria, the Applicant offered the following:
 - a. That an unnecessary hardship exists.
 - b. That this unnecessary hardship was not caused by the Applicant.
 - c. That the Variance, if granted, would not alter the essential character of the neighborhood.
 - d. That the Variance is the minimum variance needed to grant the necessary relief in this case.
6. Board Member Salvatore questioned why this application was not being presented as a request for a multi-generational single family home, in light of similar requests that have been historically granted. Board Member Salvatore also observed that while a variance is needed for the Applicant's Accessory Unit located over the existing garage, a multi-generational single family home (which is a separate and likely permissible dwelling) would involve a greater intrusion on and alteration of the existing character of the neighborhood.
7. Board Member Pantano indicated that, upon his review of the application, the proposed use is more in the way of a multi-generational home, which has been historically permitted in the Township and these types of requests will only become more prevalent based on the demographic trajectory of the Township.
8. Zoning Officer Frye stated that family members are permitted to occupy Accessory Units without coming before the Board for a special exception, so long as the Accessory Unit complies with the requirements set forth in Section 265-602 (including the amount of habitable floor area).
9. Upon invitation, no one at the hearing sought to cross-examine the Applicant.
10. Upon invitation, no one at the hearing sought to present testimony or evidence either in favor of or in opposition to the Application.
11. On behalf of the Township, Zoning Officer Frye did not indicate any particular concerns with the grant of the Variance.
12. Board Member Descar remarked that the subject property is isolated, surrounded by open area, the proposed addition would enhance the aesthetic of the dwelling, and on this basis, had no objection to the requested Variance.
13. Board Member Myers stated that he had no concerns regarding the requested Variance given that the property is approximately four (4) acres in size, the Accessory Unit will not increase the footprint of the dwelling, and when the proposed Accessory Unit is constructed, no one would notice the excess square footage from the exterior.
14. Board Member Pantano stated that he did not have any concerns with the requested Variance and suggested that the Variance may not be necessary given that some of the square footage of the proposed Accessory Unit would be utilized as a Home Occupation, and thus, not to be included in the habitable floor area calculation.
15. Board Member Salvatore indicated that he was in favor of granting the Variance and also expressed concerns with the amount of habitable floor area (720 square feet) afforded and the constitutional "quality of life" implications of this amount.
16. Chairman Barnes stated that, due to the size of the property, the minimal (or non-existent) impact that the Variance will have on surrounding properties, and the fact that the dwelling's footprint would not be increased, he was in favor of granting the Application.

CONCLUSIONS OF LAW

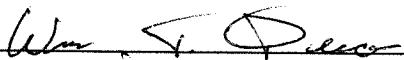
Based upon the Findings of Fact, and pursuant to applicable law, the Board concludes that the Accessory Unit use should be permitted with the variance requested as follows:

1. The existing residential dwelling is the unique physical characteristic of the property causing an unnecessary hardship in this case. The proposed location of the Accessory Unit is above the existing garage of the residential dwelling, which has an already-established footprint. The square footage of the existing garage exceeds the 720 square feet of habitable floor area permitted for an Accessory Unit. Accordingly, the unnecessary hardship is caused by the fact that the existing residential structure, which is peculiar to the property, does not lend itself to the construction of an Accessory Unit that complies with the 720 square foot habitable floor area requirement.
2. The Variance is necessary to enable the reasonable use of the Property.
3. The unnecessary hardship in this case was not created by the Applicant, as the Applicant purchased the Property with the residential dwelling already existing thereon.
4. The Variance, if granted, will not alter the essential character of the neighborhood or surrounding properties.
5. The Variance, if granted, will represent the minimum Variance that will afford relief and will represent the least modification possible to the regulation at issue.
6. The Variance in this case is a dimensional variance.
7. When seeking a “dimensional variance” within permitted use, owner is asking only for reasonable adjustment of zoning regulations in order to utilize property in manner consistent with applicable regulations; thus, grant of dimensional variance is of lesser moment than grant of “use variance,” since latter involves proposal to use property in manner that is wholly outside zoning regulation. *Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh*, 554 Pa. 249, 257, 721 A.2d 43, 47 (1998).
8. Under the relaxed, *Hertzberg* standard for granting a dimensional variance from a zoning ordinance, when addressing the element of unnecessary hardship, the quantum of proof needed to establish an unnecessary hardship as would support an application for a variance is lower for dimensional variances, and courts may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements, and the characteristics of the surrounding neighborhood. *Pequea Twp. v. Zoning Hearing Bd. of Pequea Twp.*, 180 A.3d 500 (Pa. Commw. Ct. 2018); *McCarry v. Haverford Twp. Zoning Hearing Bd.*, 113 A.3d 381, 385 (Pa. Commw. Ct. 2015).
9. The Applicant has satisfied the applicable criteria to warrant the grant of the dimensional variance being requested in this case, and as such, is entitled to the Accessory Unit use as proposed.

Accordingly, a motion was made by Board Member Timothy Salvatore, and seconded by Board Member Anthony Pantano, to grant the variance being requested by the Applicant to allow for an additional 320 square feet for an Accessory Unit, Single Bedroom, on property located at 768 South Franklin Street, Red Lion, PA in a Residential Agricultural (RA) District. The Board voted unanimously 5-0 to approve the motion.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD


William Descar, Secretary

By: 
James Barnes, Chair

8/22/23
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 265-10010. E. of the Ordinance.

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2023-06

Hearing Date: July 25, 2023

Applicant: First Capital Community Transport Partners, successor to York Regional Emergency Medical Services, Inc., f/k/a Yoe Fire Company Ambulance Service, Inc.

Property Owner: Yoe Fire Company Ambulance Service, Inc.

Property: 2607 Course Road
UPI: #54-000-HI-000-5.J0-00000

Existing Zoning District: Commercial Shopping (CS) District

Relief Requested- Variances under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-629.B. and Section 265-513.C.3. of the Ordinance.

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 herein by reference.
2. At the hearing, Applicant was represented in a legal capacity by Attorney Stacey MacNeal of Barley Snyder.
3. At the hearing, Byron Trout, PE ("Mr. Trout"), Senior Project Manager of Gordon L. Brown & Associates, and Donald Potter ("Mr. Potter"), President of First Capital Community Transport Partners, were present on behalf of the Applicant.
4. The Applicant is seeking two variances (1) to allow a reduction of the required twenty five foot (25') setback for an essential services building to sixteen feet (16') on the north side of the building; and (2) to allow construction of the retaining wall within the required setback of the southern property line on the property located on 2607 Course Road, York, PA ("Property") in the Commercial Shopping ("CS") District.
5. Mr. Trout and Mr. Potter were duly sworn-in by Chairman Barnes in advance of providing testimony at the hearing.
6. Mr. Potter provided testimony as follows:
 - a. First Capital Community Transport Partners ("Applicant") is a non-profit entity that was formed in 2019.
 - b. Applicant provides basic ambulance and paramedic service to the majority of York Township.
 - c. Applicant is a merger of the prior York Regional EMS (f/k/a Yoe Fire Company Ambulance Service) and West York Ambulance.
 - d. Yoe Fire Company Ambulance Service, Inc. has provided EMS services to York Township since 1972.

- e. In 2003, there was a meeting between the Township Commissioners and the Goodwill Fire Company, at which the principals of Goodwill Fire Company expressed concern that all of the responses were coming from the Yoe station.
 - f. Accordingly, Yoe Fire Company Ambulance Service worked with the Goodwill Fire Company and provided an ambulance for utilization at the Goodwill station to serve the northern end of the Township.
 - g. The Property was purchased by Yoe Fire Company Ambulance Service, Inc. in 2009, for the purpose of being able to build a freestanding ambulance station (instead of continuing to cohabitate with the Goodwill Fire Company) within the Township in the future and as needed.
 - h. The Property was strategically selected from a critical response perspective based on its location within the Township, as well as the road infrastructure surrounding the Property.
 - i. Up until this point in time, the Property remained undeveloped.
 - j. In January of 2023, Goodwill Fire Company has communicated to Applicant that, due to changing needs, it needs the space that Applicant currently occupies at the Goodwill station and that Applicant will need to vacate this space.
 - k. As such, Applicant intends to base its operations out of a proposed building situated on the Property.
 - l. The proposed building, which would be Applicant's only location within the Township, would provide space to house both on-duty and reserve ambulances, would provide space for crews to remain during twenty-four hour shifts, would provide space for completion of healthcare-related paperwork (limited number of office spaces), and would provide space for training EMS personnel.
 - m. Applicant foresees housing up to six ambulances at the proposed building on the Property.
 - n. With respect to the proposed garage, Applicant has purposefully designed this structure with two key elements: (1) the appropriate dimensions to house all of the necessary emergency vehicles and (2) a pull-through garage for purposes of ensuring workplace safety and facilitating a rapid response.
 - o. On Applicant's largest shift, Applicant anticipates having anywhere between six to ten (6-10) employees on the Property.
 - p. The proposed building is approximately 15,000 square feet, with approximately one-third of the building being used as the garage area.
 - q. The proposed development will not negatively impact or alter the essential character of the neighborhood or the surrounding properties.
7. Mr. Trout provided testimony as follows:
- a. The gross area of the Property is 1.6 acres and the net area is 1.3 acres.
 - b. The Property is located in the CS Zoning District, and the proposed use (essential services) is a permitted use within the CS Zone.
 - c. The Property will have a single access driveway onto Course Road situated at the southern end of the Property.
 - d. There are currently twenty parking spaces to be provided on the Property.
 - e. The Property slopes from the north to south, with Course Road being measured at a twelve degree slope in front of the Property.
 - f. The uses surrounding the Property are as follows: to the north, a Dollar General; to the east, a commercial office complex; to the south, stormwater facilities owned by the Township; and to the west, a tree farm.
 - g. The proposed development on the Property would meet all of the applicable setback requirements applicable to the CS Zone generally.
 - h. The proposed building would be less than forty-five feet (45').

- i. The Property satisfies the minimum lot size requirement of 10,000 feet.
 - j. The Property satisfies the minimum lot width requirement of 100 feet.
 - k. The lot frontage of the Property complies with the minimum lot frontage requirement of 80 feet.
 - l. The maximum lot coverage of the Property with the proposed development (49%) would substantially comply with the maximum lot coverage requirement of 85%.
 - m. The setback requirements for essential service uses (twenty-five feet for front, rear, and sides) are more stringent than the applicable setback requirements for the CS Zone generally.
 - n. The steep slopes and embankments on the Property create an unnecessary hardship in this case.
 - o. If the requested dimensional variances are not granted in this case, this will substantially impair the ability of the Property to be utilized for this essential services purpose.
 - p. Applicant did not create the unnecessary hardship in this case, and the dimensions of the building as proposed are aimed towards meeting the present and future EMS needs of the Township.
 - q. The requested variances are the minimum variances needed to afford the necessary relief in this case.
 - r. The proposed development will include multiple retaining walls, as set forth in Applicant's Final Land Development Plan.
 - s. At their highest point, the retaining walls would be 13.5 feet in height.
 - t. All of the proposed retaining walls will be a minimum of 6 feet from the property lines.
 - u. The requested variance to the setback requirement for retaining walls meets the traditional variance criteria in this case.
8. Upon a question from the Board, the Applicant confirmed that, with respect to the retaining wall setback variance being requested, no more than an eight foot variance would be required.
 9. At the conclusion of Applicant's testimony, Chairman Barnes provided an opportunity for any meeting attendee to ask questions of the Applicant, offer testimony in favor of the Application, and to offer testimony in opposition to the Application.
 10. No one from the audience asked any questions of the Applicant or offered any testimony in relation to the Application (either for or against), at which point Chairman Barnes closed the testimony at the hearing.

CONCLUSIONS OF LAW

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

1. Section 265-407.D of the Ordinance sets forth the minimum setback for principal uses within the CS Zoning District as follows: front – twenty-five feet; side – ten feet; and rear – twenty feet.
2. Section 265-629.B of the Ordinance imposes more stringent setback requirements on an essential services use, stating *inter alia* “[e]ssential services buildings (fire, police, ambulance, etc.) shall have minimum front, side and rear setbacks of twenty-five (25) feet...”
3. Applicant's proposed development would be located within sixteen feet of the property line on the northern end of the building, and accordingly, Applicant seeks a variance of Section 265.629.B's twenty-five foot setback requirement to allow for this.
4. Section 265-513.C of the Ordinance establishes the relevant setbacks for retaining walls over six feet in height, stating *inter alia* “[r]etaining walls over six (6) feet in

- height shall add one (1) additional foot of setback for every one (1) foot of additional wall height in excess of six (6) feet (i.e. the height of the wall shall equal the setback).”
5. Applicant’s proposed retaining walls will be located no less than six feet from the property line but may be as high as 13.5 feet in certain locations, and accordingly, Applicant seeks a variance of Section 265-513.C’s setback requirement to allow for this.
 6. Both of the variances being requested in this case are dimensional in nature, and as such, are subject to the relaxed, *Hertzberg* mode of analysis for variances.
 7. Applicant offered testimony and evidence sufficient to establish each of the criteria for obtaining a variance pursuant to 265-1010.

Accordingly, a motion was made by Board Member John Myers, and seconded by Board Member William Descar, to grant both of the variances being requested by the Applicant (1) to allow reduction of the required 25’ setback from the essential service building to 16’ on the north side of the building and (2) to allow construction of a retaining wall within the required setback at the southern property line on property located at 2607 Course Road, York, PA in a Commercial Shopping District. The Board voted unanimously 5-0 to approve the motion.

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**



William Descar, Secretary

By: 

James Barnes, Chair

8/22/23
Date

The Variances 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 Variances, pursuant to Section 265-10010. E. of the Ordinance.