

# YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313  
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York Township Zoning Hearing Board  
Tuesday, October 27, 2009  
6:00 p.m.

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

Those in attendance were:

Teri Hollway, Chair  
William Yanavitch, Vice-Chair  
Albert Granholm, Secretary  
John Wimbley, Member  
Glen Myers, Alternate Member  
Shirley Sterner, Alternate Member  
Lisa Frye, Zoning Officer  
Jeffrey Rehmeier, II, Esq., Solicitor

## MINUTES AND DECISIONS OF SEPTEMBER 22, 2009

The Zoning Hearing Board minutes and decisions made at the September 22, 2009, meeting were approved.

Appl.2009-26: Appeal from the Decision of the Zoning Officer of a Notice of Violation of a Cease and Desist Order.

Continued until November 24, 2009, meeting at the request of the applicant.

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

York Township Zoning Hearing Board  
Tuesday, October 27, 2009  
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HEARINGS

Appl.2009-27: James L. Markey III requests a Special Exception for a shed that exceeds 240 square feet on property located at 230 Green Valley Road in a Farming-Open Space (F-O) zone.

Present: James Markey III

Information on the application was presented and after discussion the request was approved, pending a written decision.

Appl.2009-28: Southern County Catering, Inc. requests a Special Exception for a use not specifically allowed (banquet facility) on property located at 150 Country Club Road in a Farming-Open Space (F-O) zone.


Present: Andrea Anderson, Esq.  
David Briggs  
Jeff Bryan

Information on the application was presented and after discussion the application was approved, pending a written decision.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

ATTEST:

  
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Albert Granholm, Secretary

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2009-28  
**Hearing Date:** October 27, 2009  
**Applicant:** Southern County Catering, Inc.  
**Property Owner:** Red Lion Area School District  
**Property:** 150 Country Club Road, Red Lion, PA 17356  
UPI# 54-000-GK-0051.00-00000  
**Existing Zoning District:** F-O

**Relief Requested-** Special exception relief requested under the York Township Zoning Ordinance of 1996, as amended (the “Ordinance”) and pursuant to Section 265-14 thereof.

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## 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 and enclosures, are incorporated by reference.
- 2) The Applicant was represented by Andrea Anderson, Esquire, David Briggs of South County Catering, Inc. and Jeff Brian of the Red Lion Area School District.
- 3) The Applicant is seeking approval to operate a banquet facility and catering business on a portion of the premises leased from the owner as shown on the map attached to the Application (the “Leased Premises”), which includes the Clubhouse Building (the “Banquet Facility”).
- 4) The Banquet Facility will be offering services similar to social and fraternal club or organizations, which are allowed as a special exception in the Farming – Open space zone.
- 5) The Banquet Facility was previously allowed pursuant to Section 265-139B.(1)a – as an accessory use to the preexisting golf course.
- 6) In support of the Application, Mr. Briggs testified as follows:
  - a. The Applicant will use the existing club house building (the “Building”), which has two kitchens within it.
  - b. The upper floor of the Building is the main hall, which can accommodate approximately 200 to 250 people.
  - c. The lower floor in the Building is a smaller meeting room that could accommodate 75 to 100 people.
  - d. It is not likely that both the upper and lower floor will be used at the same time.
  - e. The parking on the Leased Premises is 162 spaces, along with 8 handicap spaces.

- f. Events that will be offered will include wedding receptions and reunions. Additionally, meetings will also be hosted
  - g. The Applicant will offer valet parking for special events.
  - h. Events could be held at any time of the day, and on any day of the week.
  - i. The Applicant has no plans to obtain a liquor license for the Property.
  - j. However, bartending services will be provided, for which insurance will be obtained.
  - k. They might use the Banquet Facility to support offsite catering.
  - l. The Applicant expects to have approximately 14 to 20 employees on the Leased Premises at any time, per event.
  - m. There will be two full time employees, Mr. Briggs and the manager.
  - n. The use will be similar to that previously conducted on the Property, although the Applicant is hoping for a greater frequency of events.
  - o. The Applicant will have approximately three vehicles. One will be a van and another will be a large sport utility vehicle.
  - p. There will be limited use of the patio facilities adjacent to the Building.
  - q. There might be wedding ceremonies near the pond, below the Building.
  - r. The pool will not be used for any events.
  - s. The tennis courts might be used as a meeting place for certain outdoor events, such as a family reunion.
- 7) The Applicant received some feedback from the Community, and it was all favorable. The people that spoke with the Applicant were happy to see the Banquet Facility being contemplated for further use.
  - 8) Mr. Brian testified that the Red Lion Area School District will maintain all portions of the Property other than the Leased Premises.
  - 9) On behalf of the Township, the Zoning Officer indicated that the comments received were positive.
  - 10) The Applicant indicated the willingness to be subject to certain conditions previously applicable to the use of the building as a Banquet Facility as set forth in Section 265-139G, H, I.
  - 11) The Applicant indicated the willingness to accept a condition that the pool not be used as part of the Banquet Facility.
  - 12) The Applicant provided testimony in support of the special exception criteria set forth in Section 265-166D, most of which was primarily based upon the prior utilization of the Building and Leased Premises as a Banquet Facility, as follows:
    - a. The use will be in harmony with the orderly and appropriate development of the zoning district.
    - b. Adequate water, sewage, storm drainage, and fire and police protection are available for use.
    - c. The use of the adjacent land and buildings would not be discouraged and the value of the adjacent land and buildings would not be impaired by the location, nature, and heights of the buildings, walls and fences.
    - d. The use will not create further traffic congestion or cause commercial and industrial traffic to use residential streets.

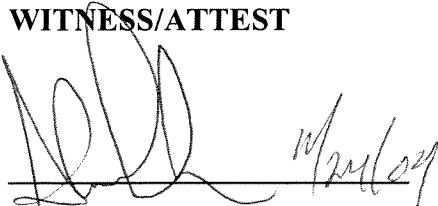
## **CONCLUSIONS OF LAW**

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

- 1) The Board finds that the Banquet Facility use was operated on the Property previously and used successfully in that way.
- 2) The Board finds that the grant of a special exception, for a use not provided for, as set forth in Section 265-14 is appropriate, based upon the facts in this matter.
- 3) The Board finds that the imposition of certain conditions would be appropriate to the grant of a special exception, including the following:
  - a. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residents. In addition, all off-street loading and dumpsters shall be screened from adjoining property owners.
  - b. Exterior lighting other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
  - c. Any exterior speaker/public address system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
  - d. The swimming pool area shall not be used as part of the Banquet Facility.  
Collectively (the "Conditions")

**Accordingly, William Yanavitch moved and John Wimbley seconded, to grant the Special Exception for the Banquet Facility, subject to the imposition of Conditions, and that no other relief granted or portion of the Ordinance waived. The motion passed with a vote of 4-1, with Teri Hollway, William Yanavitch, John Wimbley, and Shirley Sterner voting in favor and Al Granholm voting against..**

**WITNESS/ATTEST**

  
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**YORK TOWNSHIP  
ZONING HEARING BOARD**

By:   
Teri L. Hollway, Chair

11 24 09  
Date

The zoning relief granted herein is valid for a period of six (6) months from the date of its authorization (which authorization is deemed to be granted on the date that the Zoning Hearing Board rendered a decision at the hearing or in writing, whichever comes first) pursuant to Sections 265-145A. (3) and 265-146 of the Ordinance, unless the Applicant has proceeded to obtain a building permit or submit a land development plan.

# DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

**Application Number:** 2009-27  
**Hearing Date(s):** October 27, 2009  
**Applicant:** James L. Markey III  
**Property Owner:** James L. Markey III  
**Property:** 230 Green Valley Road, York, PA 17403  
UPI# 54-000-GI-0085.00-00000  
**Existing Zoning District:** F-O

**Relief Requested-** Special exception relief requested under the York Township Zoning Ordinance of 1996, as amended (the "Ordinance") and pursuant to Sections 265-39.A(2) and 265-166 thereof.

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## 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 and enclosures, are incorporated by reference.
- 2) The Applicant was present and represented himself.
- 3) Mr. Markey would like to seek approval for the installation of one detached accessory shed, measuring 12 feet by 24 feet, located at the southeastern portion of his Property (the "Shed").
- 4) In support of this Application, Mr. Markey testified as follows:
  - a. He resides at 230 Green Valley Road, York, PA 17403 (the "Property").
  - b. The Shed would be located 6 feet from the property lines, thus meeting required minimum setbacks.
  - c. The Shed would not exceed 15 feet in height.
  - d. The Shed would be used for general residential storage.
  - e. He spoke with many of his neighbors, who had no issues with the installation of the Shed.
  - f. The Shed would be located in a wooded, hilly area, and therefore screened from adjoining property owners.
  - g. In accordance with Section 265-39A.(2), footnote 5, the size of the accessory Shed will be less than that of the principal residence, and further, the Shed will be used for a valid residential accessory purpose, that of home storage.
- 5) In support of the special exception criteria set forth in Section 265-166 of the Ordinance, the Applicant testified as follows:

- a. The use will be in harmony with the orderly and appropriate development of the zoning district.
  - b. There is adequate water, sewage, storm drainage, and fire and police protection for the Property.
  - c. The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location or nature of the Shed.
  - d. The Shed will not create traffic congestion or cause commercial or industrial traffic to use residential streets.
- 6) On behalf of the Township, the Zoning Officer indicated that there were no concerns.

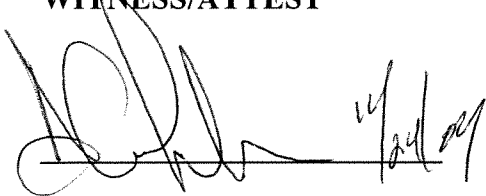
**CONCLUSIONS OF LAW**

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

- 1) The Board finds that the specific criteria for the Shed as set forth in Section 265-39A.(2) footnote 5 have been met.
- 2) The Board finds that the Applicant has met the general criteria for a special exception as set forth in Section 265-166D.

**Accordingly, Al Granholm moved and John Wimbley seconded, to grant the Special Exception for one detached accessory Shed as requested by the Applicant and that no other relief granted or portion of the Ordinance be waived. The motion passed with a vote of 5-0, with all members voting in favor.**

**WITNESS/ATTEST**



**YORK TOWNSHIP  
ZONING HEARING BOARD**

By: Teri L. Hollway  
**Teri L. Hollway, Chair**

11.24.09  
**Date**

The zoning relief granted herein is valid for a period of six (6) months from the date of its authorization (which authorization is deemed to be granted on the date that the Zoning Hearing Board rendered a decision at the hearing or in writing, whichever comes first) pursuant to Sections 265-145A. (3) and 265-146 of the Ordinance, unless the Applicant has proceeded to obtain a building permit or submit a land development plan.