

YORK TOWNSHIP

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

York Township Zoning Hearing Board
Tuesday, June 22, 2010
6:00 p.m.

The June 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
Shirley Sterner, Secretary
Glenn Myers, Assistant Secretary
David N. Fishel, Member
William Descar, Alternate Member
Susan S. Miller, Alternate Member
Lisa Frye, Zoning Officer
Jeffrey Rehmeyer, II, Esq., Solicitor

SWEARING IN OF NEW MEMBERS

David N. Fishel was sworn in as a new member, and William Descar and Susan S. Miller were sworn in as alternate members.

A motion was made to appoint Shirley Sterner as Secretary and Glenn Myers as Assistant Secretary.

MOTION MADE BY: William Yanavitch
SECONDED BY: David Fishel
MOTION PASSED UNANIMOUSLY

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

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MINUTES OF MAY 25, 2010

The Zoning Hearing Board minutes of the May 25, 2010, meeting were approved.

DECISIONS OF May 25, 2010

The Zoning Hearing Board decisions of the May 25, 2010, meeting were approved.

HEARINGS

Appl.2010-17: Daniel J. Innerst requests a Special Exception to establish a Farm Occupation (farm and lawn care equipment repair business) on property located at 815 Hess Farm Road in a Farming-Open Space (F-O) zone.

Present: Daniel Innerst

I move that Appl.2010-17, Daniel J. Innerst requests a Special Exception to establish a Farm Occupation (farm and lawn care equipment repair business) on property located at 815 Hess Farm Road in a Farming-Open Space (F-O) zone, be approved.

MOTION MADE BY: Glenn Myers
SECONDED BY: Shirley Sterner
MOTION PASSED UNANIMOUSLY

Appl.2010-18: Calabrese Good Architects, Inc., requests a Special Exception to establish Commercial Recreation Facilities (Outdoor) on property located at 2700 Mount Rose Avenue in Commercial-Shopping (C-S) and Farming-Open Space (F-O) zones.

Present: Keith Good
Kevin Bankos

I move that we accept a continuance per the outline that Attorney Rehmeyer addressed.

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

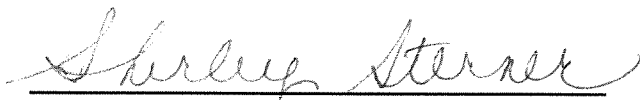
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MOTION MADE BY: William Yanavitch
SECONDED BY: Shirley Sterner
MOTION PASSED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

ATTEST:


Shirley Sterner, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2010-17
Hearing Date: June 22, 2010
Applicant: Daniel J. and Beth A. Innerst
Property Owner: Same
Property: 815 Hess Farm Road, Dallastown, PA 17313
UPI 54-000-FJ-0024.00-00000
Existing Zoning District: F-O

Relief Requested- Special exception under the York Township Zoning Ordinance of 1996, as amended (the "Ordinance") and pursuant to Section 265-139.2 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 represented himself.
3. The Applicant explained that he would like to conduct on the Property a repair facility for farm and lawn care equipment (the "Farm Occupation").
4. The Applicant testified as follows:
 - a. He currently farms his Property and additional acreage in the area.
 - b. His son helps with the farming.
 - c. As part of their farming efforts, they often repair farm, garden, and lawn equipment of the own, as well as for friends and neighbors.
 - d. The Applicant is seeking the approval of the Farm Occupation since it relates to the farm use and will provide a means of supplemental income.
 - e. Equipment that might be repaired as part of the Farm Occupation would include tractors and other farm equipment, lawn mowers, rototillers, and snow blowers.
 - f. The repair work would be completed in the existing barn presently on the Property, the location of which is highlighted in the Application materials (the "Barn").
 - g. The Barn is a metal building measuring approximately 40 feet by 84 feet.
 - h. The Barn has a cement floor.
 - i. The Barn is heated by a coal stove, although additional heat might be added.
 - j. The Barn has water outside via hydrant.
 - k. There is no septic or sewer service to the Barn.
 - l. The Barn is set back about 300 feet from Hess Farm Road.

- m. There is an existing stone driveway and parking area adjacent to the Barn that will be used for access.
 - n. As part of the Farm Occupation, there would be on site certain inventory and supplies, to include spark plugs, batteries, and some chemicals, but only in aerosol cans (for example, brake cleaner).
 - o. All materials shall be handled and stored appropriately in accordance with all applicable rules and regulations.
 - p. Many of the necessary parts will be picked up by the Applicant, although some might be delivered occasionally via UPS or other carrier service, which presently happens now.
 - q. There will be a sign noting the business as described in the Application, showing the Applicant's name, telephone number, and the provision of "Farm + Lawn Care Equipment Repair".
 - r. As part of the business, there might be occasional sales of used equipment, all of which will be collateral to the Farm Occupation.
5. In response to the specific criteria for a Special Exception for a Farm Occupation as set forth in Section 265-139.2 of the Ordinance, the Applicant confirmed as follows:
- a. His Property is actively farmed.
 - b. The Farm Occupation is secondary and compatible to the active farm use, as it represents a continuation of the repair work presently being conducted in the Barn.
 - c. The Farm Occupation will be conducted within one completely enclosed building, which is an existing farm building, namely the Barn.
 - d. All parking and loading areas shall be screened from adjoining roads and properties by existing landscaping as well as the distance of the Barn from them.
 - e. No part of the Farm Occupation shall be located within 100 feet of any side or rear lot line or within 300 feet of adjoining land within a residential district.
 - f. The Home Occupation shall occupy less than 4,000 square floor area, as it will only utilize a portion of the existing Barn, which has a total area of 3,360 square feet.
 - g. No more than 50% of the land devoted to the Farm Occupation shall be covered by buildings, structures, parking and loading areas or any other impervious surfaces.
 - h. The sign used for the Farm Occupation shall not exceed 10 square feet in size.
 - i. There shall be no non-farm subdivision of the Property.
6. In support of the general criteria for a Special Exception as set forth in Section 265-166D, the Applicant offered the following:
- a. The Farm Occupation is in harmony with the orderly and appropriate development of the zoning district, including the nature and intensity of the operations involved.
 - 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, nature and height of buildings, walls and fences.
 - d. The Farm Occupation will not create traffic congestion or cause commercial or 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 concludes that the Applicant has met the specific criteria for a Farm Occupation for a Special Exception as set forth in Section 265-139.2.
2. The Board concludes that the Applicant has met the general criteria for a Special Exception as set forth in Section 265.166.D of the Ordinance.

Accordingly, Glenn Myers moved and Shirley Sterner seconded, to grant the Special Exception to establish a Farm Occupation (farm and lawn care equipment repair business) on Property located at 815 Hess Farm Road in the Farming Open Space (F-O) zone. The motion passed with a vote of 5-0, with all members voting in favor.

WITNESS/ATTEST

**YORK TOWNSHIP
ZONING HEARING BOARD**

Shirley S Sterner
Secretary

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

7-27-10
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.