

YORK TOWNSHIP

190 Oak Road, Dallastown, Pennsylvania 17313

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

January 27, 2026, meeting of the York Township Zoning Hearing Board was called to order by John Myers, Vice Chair.

Those in attendance were:

John Myers, Vice Chair
Anthony Patano, Secretary
Jesse Snyder, Asst. Secretary
William Buck, Alternate Member
Jeffrey Rehmeyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

ELECTION OF OFFICERS FOR 2026

A motion was made and approved to elect James Barnes to serve as Chairman of the York Township Zoning Hearing Board.

A motion was made and approved to elect John Myers to serve as Vice Chairman of the York Township Zoning Hearing Board.

A motion was made and approved to elect Anthony Pantano to serve as Secretary of the York Township Zoning Hearing Board.

A motion was made and approved to elect Jesse Snyder to serve as Asst. Secretary of the York Township Zoning Hearing Board.

ANNUAL REPORT FOR 2025

The Annual Report for 2025 was approved as submitted.

MINUTES OF OCTOBER 28, 2025

The Zoning Hearing Board minutes of the October 28, 2025, meeting were approved.

DECISIONS OF OCTOBER 28, 2025

The Zoning Hearing Board decisions of the
October 28, 2025, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Appl. 2026-01: Andrew and Meghan Dubbs request a Variance to allow a deck in a front yard area on property located at 740 Summit Drive in a Residential Medium Density (RM) District.

Present: Meghan Dubbs
Heather Searle

MOTION: On Appl. 2026-01, Andrew and Meghan Dubbs request a Variance to allow a deck in a front yard area on property located at 740 Summit Drive in a Residential Medium Density (RM) District, that the application be approved.

MOTION MADE BY: Anthony Pantano
SECONDED BY: Jesse Snyder
MOTION PASSED UNANOMOUSLY

Appl. 2026-02: Kevin Muzzio requests a Variance to allow for a residential roof mounted solar energy system to exceed 30 kW (57.96 kW proposed) on property located at 2864 Deer Chase Lane in a Residential Low Density (RL) District.

Present: Kevin Muzzio
Daniel Diaz, American Home Contractors

MOTION: On Appl. 2026-02, Kevin Muzzio requests a Variance to allow for a residential roof mounted solar energy system to exceed 30 kW (57.96 kW proposed) on property located at 2864 Deer Chase Lane in a Residential Low Density (RL) District, that the application be approved.

MOTION MADE BY: Jesse Snyder
SECONDED BY: William Buck
MOTION PASSED UNANOMOUSLY

York Township Zoning Hearing Board
Tuesday, January 27, 2026
Page 3

ATTEST:


Anthony Pantano, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2026-01
Hearing Date: January 27, 2026
Applicant: Andrew and Meghan Dubbs
Property Owner: Andrew and Meghan Dubbs
Property: 740 Summit Drive, Dallastown, PA 17313
UPI: #54-000-14-0085.00-00000
Existing Zoning District: Residential Medium (RM) District

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265.506.

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, Meghan Dubbs, was present. Additionally, she had with her Heather Searle.
3. The Applicant is seeking a Variance from Section 265.506.
4. Mrs. Dubbs provided testimony as follows:
 - a. The Property fronts Summit Drive to the South and Kirsta Lane to the East.
 - b. The dwelling on the Property was built in 1972.
 - c. The front of the dwelling faces to the South and exposes only the first floor level.
 - d. The rear of the dwelling faces North and exposes the first floor and the basement area, which is set at ground level.
 - e. The Property slopes substantially from the South to the North.
 - f. On the Eastern side of the dwelling, facing Kirsta Lane, there is a door, which is beside the chimney and a window.
 - g. That door provides access to a walkway that leads to Kirsta Lane.
 - h. The dwelling has a brick exterior.
 - i. At the rear of the dwelling, there is an air conditioning unit.
 - j. The Applicant desires to install a deck on the Eastern side of the dwelling, which would be accessed from the existing side door.
 - k. The Applicant wants to utilize the existing doorway because of the brick exterior of the dwelling.
 - l. The Applicant does not believe that placement of a deck on the rear of the dwelling is feasible.
 - m. The deck would not intrude into the setback.

- n. The deck would not interfere with the clear site triangle of Kirsta Lane and Summit Drive.
- o. Other properties in the vicinity have decks along the side of their homes.
5. Heather Searle then testified as follows:
 - a. She is an architecture teacher at the York County School of Technology.
 - b. She has spent 25 years in the industry.
 - c. She believes the proposed location of the deck is the only feasible location for it.
6. 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 age of the dwelling and the slope of the Property, 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.
 - 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, especially since a number of homes in the vicinity of the property have decks on the side of them.
 - 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.
7. There were no questions from the Board.
8. There were no questions from the audience.
9. Ron Nowicki, who resides adjacent to the Property on Kirsta Lane, spoke in favor of the grant of the Variance, indicating he no reservation about the relief being granted.
10. Joan Miller, who resides on Summit Drive, also adjacent to the Property, voiced her support for the grant to the Variance.
11. There was no testimony in opposition to the variance.
12. On behalf of the Township, Lisa Frye indicated that she had no concerns. She noted that a permit would be required for the deck.

CONCLUSIONS OF LAW

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

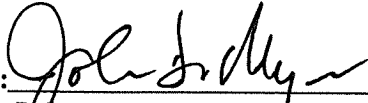
1. The Applicant has been the requirements for a Variance

Accordingly, Tony Pantano moved, and Jesse Snyder seconded, to grant the Variance to allow a deck in the front yard on the Property located at 740 Summit Drive in a Residential Medium Density (RM) District. The motion passed unanimously with John D. Myers, Anthony Pantano, Jesse Snyder, and William Buck voting in favor.

WITNESS/ATTEST


Anthony Pantano, Secretary

YORK TOWNSHIP
ZONING HEARING BOARD

By: 
John D. Myers, Vice Chair
02/24/2024
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: 2026-02
Hearing Date: January 27, 2026
Applicant: Kevin Muzzio
Property Owner: Kevin Muzzio
Property: 2864 Deer Chase Lane, York, PA 17403
UPI: #54-000-51-0022.00-00000
Existing Zoning District: Residential Low Density (RL) District

Relief Requested- Variance under the York Township Zoning Ordinance of 2012 (the "Ordinance") and pursuant to Section 265-691.

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. Kevin Muzzio was present as the Applicant. Daniel Diaz of American Home Contractors was present with him.
3. The Applicant is seeking a Variance to install a Noncommercial Solar Facility (the "Facility") on his dwelling that would also serve as a roof for the dwelling.
4. Section 265-691 of the Ordinance currently limits Noncommercial Solar Facilities to a maximum electrical generating capacity of 12 kilowatts.
5. Applicant would like to install a Facility that exceeds 12 kilowatts.
6. Mr. Muzzio explained the background with regard to his Property, the roof, and the Facility that necessitates the need for the Variance:
 - a. The roof on his dwelling has had issues, which necessitated its replacement.
 - b. There have been other issues arising regarding the dwelling too.
 - c. Accordingly, Mr. Muzzio investigated the possibility of a Tesla Solar Roof system.
 - d. He then had the system designed (which system is the Facility for which the Variance is sought), that would offset the energy use of the dwelling.
 - e. The Facility includes solar panels that would appear as if they were merely roof shingles.
 - f. The Facility would not sit on top of the roof of the dwelling but in fact be the roof of the dwelling.
 - g. On the front of his dwelling, he removed certain dormers to maximize the roof area that was facing to the sun.
 - h. The panels of the Facility that would serve as the roof would be 45x15 inches each or cut to fit as necessary.

- i. The panels would either generate solar power or simply be dummy panels (that would not generate power), but both would look essentially the same.
 - j. The Facility would cover approximately 70% of the electric bill for the dwelling from November through February.
 - k. In the spring and fall, the Facility should cover the entirety of the electric bill.
 - l. In the summer, the Facility would generate some excess power.
 - m. The dwelling itself is 7,500 square feet.
 - n. The dwelling has three HVAC units.
 - o. The dwelling is frequently subject to power loss.
 - p. On average, the dwelling loses power monthly.
 - q. The loss of the power is attributed to the number of trees along Green Valley Road and their impact on the electric lines.
 - r. The Facility was installed on the home already.
 - s. It was installed prior to the end of 2025 to capture the benefits of the tax credit and be ready for the winter season.
 - t. However, the Facility itself is not operational, but rather only serving as a roof on the dwelling.
 - u. The installation of the Facility took approximately a month.
 - v. The Facility was designed to generate 57.96 kilowatts, although the generation could be limited to 30 or even 12 kilowatts, although that would not involve utilizing the full capability.
7. On a personal note, Mr. Muzzio testified regarding certain family matters.
- a. His wife is a live transplant recipient
 - b. Because of that transplant, she has challenges with hot and cold temperatures.
 - c. She cannot tolerate extremes.
 - d. The loss of power, and the corresponding loss of heating, ventilation, and air conditioning, can be problematic, if not dangerous, to her.
 - e. Mr. Muzzio's sister also lives in the home.
 - f. She has survived a stroke.
 - g. She has a caretaker that cares for her.
 - h. The loss of power is also dangerous for Mr. Muzzio's sister.
8. Regarding the Noncommercial Solar Facilities, the Township Zoning Officer provided information as follows:
- a. The Township Commissioners are contemplating an amendment to Section 265-691 to allow for Noncommercial Solar Facilities up to 30 kilowatts.
 - b. That number was intended to be an increase over 12 kilowatts, but was not necessarily based on any particular calculation.
 - c. Moreover, the 30 kilowatts limit was not developed as a function of a property or dwelling size.
9. Daniel Diaz testified as follows:
- a. He is employed by American Home Contractors.
 - b. They are a Tesla Certified Installer of solar facilities
 - c. They are one of the leading installers on the East Coast.
 - d. The Solar Facility includes a battery backup.
 - e. Accordingly, solar power is generated and stored on site.
 - f. Therefore, in the event of a power outage, the power previously generated by the Solar Facility can be utilized.
10. 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 presence of trees in the vicinity that effect the transmission of electrical power from a commercial provider, frequent power

outages that effect the dwelling, and the medical necessity for electrical power for the occupants of the dwelling, 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 and safe use of the Property.
 - 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 because the Solar Facility appears as what would simply be a typical roof (it is not installed on the roof or on the ground)
 - e. The Variance, if authorized, would not substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - f. 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.
11. There were no questions from the audiences.
 12. There was no testimony for or against the Variance.
 13. From the Township perspective, Zoning Officer Lisa Fryer indicated no concern with the grant of relief pursuant to this application, particularly since the Township is considering an increase in the size (generational capacity) of Noncommercial Solar Facilities and this Facility looks like a roof.

CONCLUSIONS OF LAW

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


1. That the variance criteria have been met.

Accordingly, Jesse Snyder moved, and William Buck seconded, to grant the Variance to allow for a Noncommercial Solar Facility exceeding the limits of the Ordinance but not to exceed 57.96 kilowatts, on the Property located at 2864 Deer Chase Lane, in a Residential Low Density (RL) District. The motion passed with a vote unanimously with John D. Myers, Anthony Pantano, Jesse Snyder, and William Buck voting in favor.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD


Anthony Pantano, Secretary

By: 
John D. Myers, Vice Chair
02/24/2026
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.