

YORK TOWNSHIP

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

February 24, 2026, 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
Anthony Patano, Secretary
Jesse Snyder, Asst. Secretary
Timothy Salvatore, Member
Jeffrey Rehmyer, Esquire, Solicitor
Lisa Frye, Zoning Officer

MINUTES OF JANURARY 27, 2026

The Zoning Hearing Board minutes of the January 27, 2026, meeting were approved.

DECISIONS OF JANURARY 27, 2026

The Zoning Hearing Board decisions of the January 27, 2026, meeting were approved.

SPECIAL EXCEPTIONS/VARIANCES/APPEALS

Appl. 2026-03: Tyler and Samantha Rathof request a Special Exception to install a fence higher than 4' high in a front yard area in accordance with Section 265-513.A on property located at 2532 Pine Grove Road, York, PA, in a Commercial Office (CO) District.

Present: Tyler Rathof
Samantha Rathof

MOTION: On Appl. 2026-03, Tyler and Samanth Rathof request a Special Exception to install a fence higher than 4' high in a front yard area in accordance with Section 265-513.A on property located at 2532 Pine Grove Road, York, PA, in a Commercial Office (CO) District., that the

York Township Zoning Hearing Board
Tuesday, February 24, 2026
Page 2

application be approved.

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

ATTEST:



Anthony Pantano, Secretary

DECISION OF THE YORK TOWNSHIP ZONING HEARING BOARD

Application Number: 2026-03
Hearing Date: February 24, 2026
Applicant: Tyler and Samantha Rathof
Property Owner: Tyler and Samantha Rathof
Property: 2532 Pine Grove Road, York, PA 17403
UPI: #54-000-HI-0411.00-00000
Existing Zoning District: Commercial Office (CO) 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. The Applicant, Tyler and Samantha Rathof, were present representing themselves.
3. The Applicant is seeking a Special Exception to install a fence higher than 4 feet (the "Fence") in a front yard area in accordance with Section 265-513.A. of the Ordinance.
4. Mr. Rathof explained the background resulting in the request for the special exception as follows:
 - a. The Applicant purchased the Property in September of 2025.
 - b. As a condition of settlement for the purchase, a septic system had to be installed.
 - c. An inspector representing the Township came to inspect the septic system.
 - d. That inspector voiced concerns about condition of the adjoining land, located to the west of the Property, known as 2528 Pine Grove Road (the "Adjoining Property").
 - e. The inspector had concerns regarding the condition of the Adjoining Property, including vehicles, debris, and other items that may be considered junk.
 - f. The neighbor believed that the Applicant made a complaint about their property. Accordingly, the neighbor installed a large sign, which was installed into the ground on white slated board, with the words "F__ __Ku" painted in bright red (the "Sign").
 - g. The Sign points directly at the Property.
 - h. The Applicant has two small children.
 - i. The Applicant does not desire to have their children see the Sign on a daily basis because of its profane nature.
 - j. Accordingly, the Fence is desired to obstruct any view of the Sign.

5. Regarding the Fence, the Applicant testified as follows:
 - a. The dwelling on the Property is a pre-existing non-conforming use both in terms of the zoning district and the fact that it does not have frontage on Pine Grove Road.
 - b. The Fence will be made of pine and treated.
 - c. The Fence will run directly across the western boundary line of the Property.
 - d. The Fence will not impede drainage.
 - e. The Fence will not be on the Adjoining Property.
6. Regarding the criteria for a fence in Section 265-513.A., the Applicant testified as follows:
 - a. The Fence shall not surround the tennis court.
 - b. The Fence shall not be constructed within the public right-of-way or within a required clear sight triangle.
 - c. The finished side the Fence shall face the Adjoining Property.
 - d. There shall be no barbed wire on the Fence.
 - e. The Fence shall not be electrically charged.
 - f. The Fence may be located on but not over the Property line with the Adjoining Property.
 - g. The Fence shall not be constructed to obstruct drainage.
7. Kimberly Ettinger, a co-owner of the Adjoining Property, questioned the Applicant about their mailbox. She also questioned if the Fence will be on the property line, to which the Applicant answered it would not be over the property line.
8. There were no other questions for the Applicant.
9. Mrs. Ettinger then provided testimony as follows:
 - a. She initially indicated that she was opposed to the grant of the Special Exception for the Fence.
 - b. After she heard that the Fence would not be on her property, she withdrew her objection.
10. 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.

11. From the Township perspective, the Zoning Officer indicated that there is no concerns regarding the Application, grant of Special Exception, or the Fence.

CONCLUSIONS OF LAW

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

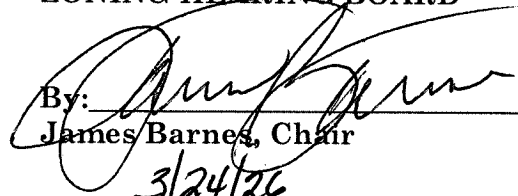
1. The Applicant has met the specific criteria for a Fence in Section 265-513.A.
2. The Applicant has met the general criteria for a Special Exception in Section 265-1009.C.

Accordingly, Jesse Snyder moved and Anthony Pantano seconded, to grant the Special Exception to install a fence higher than 4 feet in a front yard area in accordance with Section 265-513.A., on the Property located at 2532 Pine Grove Road, York, PA 17403 in a Commercial Office (CO) District. The motion passed unanimously, with Jesse Snyder, Anthony Pantano, James Barnes, and Timothy Salvatore, John D. Myers all members voting in favor.

WITNESS/ATTEST

YORK TOWNSHIP
ZONING HEARING BOARD


Anthony Pantano, Secretary

By: 
James Barnes, Chair
3/24/26
Date

USE THIS PARAGRAPH ONLY IF APPROVAL GRANTED

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.