

**BEFORE THE ZONING HEARING BOARD OF WASHINGTON TOWNSHIP, YORK
COUNTY, PENNSYLVANIA**

In re: Clifford Weaver & Joyce Weaver 711 Irishtown Road New Oxford, PA 17350	: No. ZHB-14-03 : : : : Special Exception and : Variances to operate a : Private individual airport : and vehicle and airplane: : restoration business
Property at: 2164 Baltimore Pike East Berlin, PA 17316	

PRESIDING: RICK RIDDLE, CHAIRMAN; GERALD MYERS, MEMBER¹

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

FINDINGS OF FACT

1. The Applicants are Clifford Weaver and Joyce Weaver, 711 Irishtown Road, New Oxford, PA 17350, contract purchasers of 2164 Baltimore Pike, East Berlin, PA 17316, property in the Rural Residential (RR) District. Applicants have applied for Special Exceptions to operate a Private Individual Airport and a Vehicle Repair Facility (including aircraft) at the property. Applicants appeared at the hearing along with their attorney, Marc Roberts, Esq.
2. A hearing was held on Wednesday, October 8, 2014, at 7:00 P.M. at the Washington Township Municipal Building, 14 Creek Road, East Berlin, PA 17316, with all notices provided as required by law.

¹ Vice-Chairman, Michael Pakenham, was absent due to illness. The Zoning Hearing Board has no alternate member and proceeded with the hearing with a quorum of two members with no objection from the applicants.

3. The applicants are the contract purchasers of a 33.79 acre parcel at 2164 Baltimore Pike, East Berlin, PA 17316. The property is a panhandle lot, with the panhandle serving as a turf airport runway since the mid 1960's. The pan of the lot fronts on Pa. Rt. 194, the Baltimore Pike. The property is laid out for use as residence with a 2,500 ft. private airport runway, but the property had been the subject of a 2008 zoning application to be used as a competitive drag strip raceway. Applicants here want to use the property for its historical use as a residence and private individual airport. Applicants also want to add an automobile and small aircraft painting and restoration business in the existing hanger. Applicants plan to reside at the property, which has a double-wide manufactured single-family residence, in addition to the existing 54 ft. x 54 ft. pole building hanger. Applicants plan no additional construction at the present time.

4. The property was first licensed in 1969 with the Commonwealth of Pennsylvania for use as a private airport and has continually been licensed since then. The airport has been used and licensed by prior owners and currently has a valid license with the Bureau of Aviation, Department of Transportation, as a Private (Individual) Airport. (App. Ex. No. 4).²

5. Mr. Chuck Brewster, Aviation Safety Specialist with the Bureau of Aviation, explained that a Private Individual Airport license limits the use of the property only to the owner and his invitees. The length of the runway and the surrounding trees and foliage puts the "displaced threshold," the point on the runway that the airplane is to touch down, at a location that limits the runway's use to aircraft no larger than a single-engine, 4-passenger airplane. (See App. Ex. No. 5) Emergency helicopters could also use the property as a landing area without permission.

² In 1988, Kenneth Wolf, then owner of the property, was granted a Special Exception to use the property to restore antique airplanes and to use the existing airplane runway. Application of Kenneth Wolf, No. 88-3 (November 23, 1988).

6. Applicants also want to use the existing pole building/hanger for an automobile and aircraft restoration business to be known as Circle W Restorations. Mr. Weaver testified that he currently operates such a business and that the demand for restoration of classic cars and aircraft requires a larger property and enclosed facility. The property, with its airport turf runway, existing hanger, and existing residence, should meet the needs of his automobile and aircraft customers. Applicants will reside at the property.

7. A number of neighbors appeared at the hearing and testified. Joan Baker, 2170 Baltimore Pike, presented a letter, from her and her husband, in support of the application. Susanne Sardino, 2138 Baltimore Pike, supported the application. Mike Loges, 2211 Baltimore Pike, supported the application. Virginia Boden, 2132 Baltimore Pike, supported the application. Terry Becker, 35 Reynolds Road, mentioned that prior owners had extended the runway and had run drainage onto his property. Thomas and Bonnie Raber, 2184 Baltimore Pike, supported the application. Wesley Watson, 2188 Baltimore Pike, supported the application.

8. Wade and Judy Resh, 65 Reynolds Road, adjoining property owners, submitted a letter indicating their support for the application.

CONCLUSIONS OF LAW

1. In the Rural Residential District, an Airport use is permitted by Special Exception, Section 303(c)(4) by specifications in Section 705; and a Vehicle Repair Facility is permitted by Special Exception by specifications in Section 747. The Zoning Hearing Board finds that applicants meet all the specific requirements of Sections 705 and 747 for the proposed uses.

2. The Zoning Hearing Board finds that the uses of the property as a residence with a private individual airport are pre-existing non-conforming uses and are not subject to the limitations of one principal use on a lot. The Zoning Hearing Board designates that use of the property for a Vehicle Repair Facility as the principal use of the lot.

DECISION

1. On a motion by the Board (Mr. Riddle moving, Mr. Myers seconding) to grant applicants a special exception pursuant to Ordinance Section 303(c)(4) to operate a private individual airport within the specifications of Ordinance Section 705 at 2164 Baltimore Pike, East Berlin, PA 17316, as set forth in the application and exhibits and as testified to the hearing, the motion passed two votes in favor and no votes against.

2. On a motion by Board (Mr. Riddle moving and Mr. Myers seconding) to grant applicants a special exception pursuant to Ordinance Section 303(c)(45) to operate a vehicle sales, service and/or repair facility, including the restoration of small aircraft, with the specifications of Ordinance Section 747, at 2164 Baltimore Pike, East Berlin, PA 17316, as set forth in the application and exhibits and as testified to at the hearing, the motion passed two votes in favor and no votes against.

APPLICANTS SHALL ABIDE BY ALL FEDERAL, STATE AND LOCAL LAWS AND ORDINANCES PERTAINING TO PERMISSIONS GRANTED BY THIS DECISION.

APPLICANTS SHALL PROCEED PURSUANT TO THIS DECISION IN ACCORDANCE WITH THE TESTIMONY AND EXHIBITS PRESENTED AT THE HEARING.

WASHINGTON TOWNSHIP
ZONING HEARING BOARD

11/3/14

Date

By:

Rick Riddle

Rick Riddle, Chairman

11-3-14

Date

By:

Gerald E. Myers

Gerald Myers, Member

ANY PERSON AGGRIEVED BY THE DECISION OF THE WASHINGTON TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF YORK COUNTY. THE APPEAL MUST BE FILED WITHIN 30 DAYS FROM THE MAILING DATE OF THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW.

NO CONSTRUCTION WILL BEGIN UNTIL A PERMIT IS ISSUED. A BUILDING PERMIT MUST BE APPLIED FOR AND ISSUED WITHIN 6 MONTHS OF THE MAILING DATE OF THIS DECISION.

MAIL DATE: 11/3/14