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Christian R. Miller, Direct E-mail:
cmiller@mpl-law.com

May 23, 2023



Clint N. and Tracy L. Leakway
680 Cornhill Road
Etters, PA 17319

VIA REGULAR MAIL

RE: Fairview Twp. Zoning Hearing Board – No. 2023-05

To Whom It May Concern:

Enclosed please find the fully executed decision of the Fairview Twp. Zoning Hearing Board for Docket No. 2023-05 related to Mark and Suzann Chesek's zoning hearing board application, heard and decided by the Zoning Hearing Board on May 18, 2023.

Thank you.

Very truly yours,

MPL LAW FIRM

Christian R. Miller, Esquire

Enclosure

Cc: Fairview Township Zoning Hearing Board (c/o Stephen Waller, Zoning Officer)
Atty. Stacey MacNeal (via email only)

BEFORE THE FAIRVIEW TOWNSHIP
ZONING HEARING BOARD

DECISION

IN RE: APPLICATION OF CLINT N. & TRACY L. LEAKWAY
APPLICATION NO. 2023-05

APPLICANT(S): Clint N. and Tracy L. Leakway, husband and wife
HEARING DATE: May 18, 2023
DECISION DATE: May 18, 2023
APPEARANCES: Tracy L. Leakway – Applicant
Clint N. Leakway – Applicant
Erica Towns, Esq. (Attorney for Applicant)
Randy Gardner (in opposition to the Application)
James Lease (in opposition to the Application)
Scott Huntsberger (in opposition to the Application)
Susan Huntsberger (in opposition to the Application)
Deborah Jenson (in support of the Application)
Stephen Waller, Township Zoning Officer

EXHIBITS: Exhibit 1 – Application (including all submittals in support)
Exhibit A – Deed
Exhibit B – Photo of Property
Exhibit C – Tax Map Aerial and photo
Exhibit D – Aerial View
Exhibit E – Plot Plan/Drawing
Exhibit F – Photos
Exhibit G – Photos
Exhibit H – Photos
Exhibit I – Current Venue Rental Agreement
Exhibit J - Photos
Exhibit K – Letter correspondence in support (see below)

LETTER SUBMITTAL: Geary Hunstberger, dated May 18, 2023 (Exhibit K)
Brittany Bear and Jeff Svendsen, dated May 12, 2023 (Exhibit K)
Grover Herr and Mary Herr, dated May 16, 2023
Email from “JR Young jyoung1994@live.com” dated May 18, 2023

SUBJECT PROPERTY: 680 Cornhill Road, Etters, PA 17319

BACKGROUND

This decision of the Fairview Township Zoning Hearing Board (the “*Board*”) is from an application filed by Clint N. and Tracy L. Leakway (the “*Applicant(s)*”) with Fairview Township (the “*Township*”) (the “*Application*”), seeking zoning relief under the Township’s Zoning Ordinance (the “*Ordinance*”) for a special exception under Section 300-20, Table 5-2 – Permitted Uses in the RS Zoning District, and Section 300-76(B) (pursuant to subsection (11)). The zoning

relief is for the operation of an accessory use of agri-tainment/agri-tourism at their property located at 680 Cornhill Road, Efters, PA 17319 (the "*Property*"), which is located Township's Single Family Residential (RS) Zoning District.

A hearing was held on the Application on Thursday, May 18, 2023 at 6:00 p.m. at the Fairview Township Building. The Zoning Hearing Board was represented by Timothy Mader (Chairman), Mark Perry (Vice Chairman), and Keith Bashore. All published, mailed, and posted notices were duly given, with no objection thereto being made in writing or orally at the time of the hearing. Questioning/testimony in opposition to the Application was offered by Township residents as noted herein. After hearing the testimony and viewing the evidence in this matter, the Board makes the following determinations:

FINDINGS OF FACT

1. Applicants are the current owners of the Property, purchased on January 6, 2003, which is located Township's Single Family Residential (RS) Zoning District (the "*RS Zone*") and consists of roughly 10.09 acres.
2. The Property is improved with a residential dwelling and an out-building/barns, with a privacy fence as depicted on Exhibit E, and otherwise open field with Christmas tree plantings (with some wooded areas), and it has large residential dwelling lots adjoining it on all sides except one location (which has an unknown non-residential use (ID No. 27000QG0078A0)).
3. The Property is currently used as Applicants' residential dwelling and an agricultural operation as a wholesale Christmas tree farm.
4. The Property is accessed by a one (1) lane driveway/access drive to Cornhill Road.
5. The Application proposes an accessory use of agri-tainment/agri-tourism at the Property, with such use centered on special occasion venues (mainly weddings, as well as other similar events) (the "*Proposed Use*"), which is a permitted use in the RS Zone by special exception pursuant to the regulations of §300-76(B) (specifically subsection (11)) of the Ordinance.
6. The Proposed use would be for a special event venue, as well as to provide farm-related tours to school children during the Christmas tree season.
7. Applicants have hosted a number of special events/weddings at the Property prior to the Application, with these being for friends and family as well as to third parties prior to knowledge that the Proposed Use was not permitted without special zoning relief.
8. The Proposed Use would not involve the construction of any permanent structure, just a temporary venue tent, which would be erected on Thursday or Friday and removed on Monday morning for each event hosted at the Property, and port-o-potties that would also be delivered pre-event and removed post-event.

9. Special events would only be held at the Property from April 1st to Oct. 31st, only on Fridays or Saturdays, and the events would start as early as 9 am (but not in all cases) and be required to cease at or before 9 pm.

10. The Proposed Use does not require any employees, although Applicants would monitor each special event personally, and would hire contractors for parking assistance (one individual) and security (one individual).

11. Each special event held at the Property would be subject to a Rental Agreement, which Applicant introduced as Exhibit 1, and each special event would require a permit from the Township, which Applicant would obtain on a per event basis.

12. All alcohol used and consumed at special events would be supplied by the individuals hosting the special event, and would be served by a RAMP certified bartender selected from a list of bartenders supplied by the Applicants to the individual hosts.

13. All individual hosts holding a special event at the Property will be required to obtain special event insurance coverage to insure against any losses or injuries related to the special event, including without limitation alcohol service coverage.

14. Applicants additionally testified that they have insurance coverage for the Proposed Use, including coverage related to alcohol service as contemplated by the Proposed Use.

15. The Proposed Use will be limited to DJs to supply all music for special events, no live music will be permitted at the Property for special events.

16. All special events will be limited to 150 or less guests, including the hosts putting on the special event.

17. Food for all special events will be through caterers or food trucks, but in all cases through third party vendors and not supplied or provided by the Applicants.

18. Neighbors testified that the current/post special events created noticeable noise that could be heard on their respective properties, despite the large size of such lots (including without limitation the Huntsbergers, James Lease, Robert Brennan and Randy Gardner).

19. Deborah Jenson, the neighbor directly adjoining the Proposed Use, testified that she would be most impacted by the Proposed Use, but stated to date there were not any adverse impacts from the events, that noise was not a concern despite being able to hear noise from special events within her house, and that the events were well-operated.

20. Stephen Waller, Township Zoning Officer, testified on behalf of the Township. Mr. Waller confirmed the notice requirements for the Application have been met, including published notice through Penn Live on May 4th and 11th, posted notice on the Property on May 11th, and mailed notice to surrounding property owners on May 11th.

21. Mr. Waller also provided factual and procedural background related to Applicants' prior use of the Property similar to the Proposed Use, and the steps taken by the Applicants to arrive at this Application, including going through the textual amendment process with the Township, whereby the Township passed a textual amendment which provided for the relief being requested by the Application.

CONCLUSIONS OF LAW

1. The Applicant has failed to establish the elements required for a special exception for an agri-tainment/agritourism in the RS Zone as required by Section 300-76(B) and under the general requirements for a special exception under Section 300-99(E)(3) to permit the Proposed Use. Specifically, Applicant failed to establish it met the following regulations:

a. Section 300-76(B)(4) requires the Applicants to establish the "[a]ctivities associated with the agri-tainment/agri-tourism use(s) shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line." Applicant failed to establish the Proposed Use would be conducted in such a way that noise would not be noticeable beyond the boundaries of the Property.

b. Section 300-99(E)(3)(b)(2) requires the Applicants to establish "[t]he proposed use shall not detract from the use and enjoyment of adjacent or nearby properties." Applicant failed to establish the Proposed Use would not adversely effect the use and enjoyment of the neighboring property owners.

c. Section 300-99(E)(3)(b)(3) requires the Applicants to establish "[t]he proposed use will not substantially change the character of the subject property's neighborhood." Applicant failed to establish the Proposed Use was not a change to the character of the Property's surrounding neighborhood, which is primarily residential in nature.

DECISION

Mr. Mader moved to deny the special exception request under § 300-76(B) of the Ordinance to permit the accessory agri-tainment/agritourism use at the Property within the RS Zone because the Applicants failed to meet all of the specific and general criteria requirements for the grant of a special exception as set forth in § 300-76(B) (for specific requirements) and § 300-99(E)(3)(b) (for general requirements) of the Ordinance based on the evidence presented at the hearing. Mr. Bashore seconded the motion. Upon a vote, the Fairview Township Zoning Hearing Board unanimously approved the motion to deny the relief requested in the Application.

APPLICANT SHALL ABIDE BY ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND ORDINANCES PERTAINING TO PERMISSIONS GRANTED BY THIS DECISION (IF APPLICABLE).

APPLICANT SHALL PROCEED PURSUANT TO THIS DECISION IN ACCORDANCE WITH THE TESTIMONY AND EXHIBITS PRESENTED AT THE HEARING (IF APPLIABLE).

Date: 5/23/23



Timothy Mader, Chairmen

ANY PERSON AGGRIEVED BY THIS DECISION OF THE FAIRVIEW TOWNSHIP ZONING HEARING BOARD MAY APPEAL TO THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA. THE APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS FROM THE MAILING OF THESE FINDINGS OF FACT, CONCLUSIONS OF LAW AND THE ABOVE DECISION.

MAIL DATE: _____



ZONING HEARING BOARD APPLICATION
YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER
Name: Clint N. Leakway and Tracy L. Leakway
Address: 680 Corn Hill Road, Etters, PA 17319

EXISTING OWNER OF PROPERTY:
Name: Clint N. Leakway and Tracy L. Leakway
Address: 680 Corn Hill Road, Etters, PA 17319

Phone: 717-409-4381

PROPERTY LOCATION:
Address: 680 Cornhill Road, Etters, PA 17319
UPI No.: 27-000-QG-0089.M0-00000
Lot Size: 10 acres
Date Purchased: January 6, 2003
Location: Fairview Township

PRESENT USE OF PROPERTY:
Single-family residence with agricultural
operation.

EXISTING ZONE: (RS) Single- Family Residential

❖ Part 2:

ZONING REQUEST (Identification of the applicable request(s)):

- () SUBSTANTIVE CHALLENGE
(X) SPECIAL EXCEPTION
() VARIANCE
() APPEAL OF THE ZONING OFFICERS DECISION

SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the
specific section(s) of the Zoning Ordinance involved in the request):
§300-20 (Table 5-2), §300-76.B, and §300-99.E(3)

❖ Part 3:

DESCRIPTION OF REQUEST:

See attached narrative.
[Multiple blank lines for description]

❖ *Part 4*

LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 200 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
See attached.		

PROPERTY OWNERS WITHIN 200'

UPI No., Address, & Use	Owner	Mailing Address
27-000-QG-0078.A0-00000 Corn Hill Road (Commercial)	James J. Wilson	4 Parthemore Circle Lewisberry, PA 17339
27-000-QG-0089.P0-00000 Cornhill Road (Residential)	Robert J. & Susan M. Huntsberger	660 Corn Hill Road Etters, PA 17319
27-000-QG-0089.C0-00000 660 Corn Hill Road (Residential)	Robert J. & Susan M. Huntsberger	660 Corn Hill Road Etters, PA 17319
27-000-QG-0089.N0-00000 664 Cornhill Road (Residential)	Grover A. & Mary E. Herr	664 Corn Hill Road Etters, PA 17319
27-000-16-0067.00-00000 655 Corn Hill Road (Residential)	Darren & Andrea Rumsey	655 Corn Hill Road Etters, PA 17319
27-000-16-0066.00-00000 279 Kernel Lane (Residential)	Walter R. Young, Jr. & Sarah L. Kramer	279 Kernel Lane Etters, PA 17319
27-000-16-0003.00-00000 280 Kernel Lane (Residential)	Larry E. Straub, Jr. & Kathleen L. Straub	280 Kernel Lane Etters, PA 17319
27-000-16-0002.00-00000 667 Corn Hill Road (Residential)	Merle Smyser	667 Corn Hill Road Etters, PA 17319
27-000-QC-0076.E0-00000 673 Cornhill Road (Residential)	Nancy L. Kreitzer and George A. Kreitzer, Jr.	673 Corn Hill Road Etters, PA 17319
27-000-QG-0076.H0-00000 671 Cornhill Road (Residential)	Brent Andrew Stapleton	671 Corn Hill Road Etters, PA 17319
27-000-QG-0089.D0-00000 688 Corn Hill Road (Utility)	Pennsylvania American Water Company	PO Box 2738 Camden, NJ 08101
27-000-QG-0089.K0-00000 686 Cornhill Road (Residential)	Henry T. Doherty, III & Denise M. Doherty	686 Corn Hill Road Etters, PA 17319
27-000-QG-0089.R0-00000 665 Bamberger Road (Residential)	Chandlee & Carrie Bryson	665 Bamberger Road Goldsboro, PA 17319
27-000-QG-0089.Q0-00000 661 Bamberger Road (Residential)	Randy A. & Tracy L. Gardner	661 Bamberger Road Etters, PA 17319

27-000-QG-0080.W0-00000 Valley Road (Agricultural)	Geary J. Huntsberger a/k/a Joe Geary	225 Big Spring Road Etters, PA 17319
27-000-QG-0080.X0-00000 268 Valley Road (Residential)	Derrick E. Goodling	268 Valley Road Etters, PA 17319

❖ *Part 5 For office use only:*

ZONING HEARING BOARD CHECKLIST

Application Received: _____

Property Zoned: _____

Asking for Special Exception, Variance or Appeal: _____

Case No.: _____

Fees Paid: _____

Hearing Date: _____

Draft Public Notice sent to Attorney for review: _____

Notice sent to Newspaper: _____

Notice Published in Newspaper: _____

Notice Mailed to Property Owners in 225ft. Buffer: _____

Public Notice Posted on Property: _____

ZHB Packets Mailed and Emailed: _____

I. DESCRIPTION OF REQUEST

Clint and Tracy Leakway propose to operate a rustic wedding/special event venue as well as educational tours on their ten-acre property located at 680 Corn Hill Road, Etters, PA 17319. The proposed use will not require the construction or erection of additional structures and, given its relatively remote location, will have no adverse impact on adjacent neighbors. More specifically, the Property is surrounded by other larger residential lots, some of which consist of non-conforming, existing commercial operations. The property is situated in the RS – Single-Family Residential Zoning District, and the proposed use is permitted by Special Exception as agri-tainment/agri-tourism.

II. SPECIAL EXCEPTION SPECIFIC CRITERIA

(1) Agri-tainment/agri-tourism use(s) may involve a wide range of uses, such as: corn mazes; hayrides; petting farms; on-farm tours with demonstrations of farming practices, techniques and methods; and other similar fee-based agricultural-related activities, as long as it is directly related to, remains secondary and clearly incidental to, and is compatible with the active farm, agricultural operation, or agri-business.

The proposed use involves a special event venue that incorporates and highlights the agricultural use of the property, as well as educational on-farm tours. As such, its purpose is to combine the elements and characteristics of agriculture, entertainment, recreation, and education in support of the existing agricultural operation. The use is limited in duration, intensity, and location, being clearly subordinate to the residential and agricultural use of the property. The use is also compatible with the active agricultural operation with a limited area devoted to the use and hours that are designed to avoid conflict with the agricultural use of the property. The agricultural operation of the property is as a Christmas Tree Farm, and the owner does not anticipate agri-tainment/agri-tourism events during the holiday season.

(2) Where practicable the agri-tainment/agri-tourism use(s) shall be conducted within an existing agriculture, farm, or other accessory building. All portable structures and signs used as part of the agri-tainment/agri-tourism use(s) shall be removed from the site at the end of the harvesting season and shall be inconspicuously stored when viewed from adjacent lot lines.

Special events will occur in an existing impervious outdoor area with a portable commercial-sized tent that will be removed at the conclusion of the applicable event.

(3) The sales of goods or merchandise may occur on the premises, limited to those goods or merchandise that are produced on the premises, or are customarily incidental to the agri-tainment/agri-tourism use(s) and directly related thereto.

The Applicants will not engage in the sale of goods or merchandise.

(4) Activities associated with the agri-tainment/agri-tourism use(s) shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and other performance standards in accordance with Article VII of this chapter, relating to performance standards for all uses.

The proposed use will occur on a ten-acre lot, which is primarily surrounded by open land and other large residential lots, several of which have existing commercial uses. As a result, the proposed use will not be noticeable at or beyond the property line. The Applicants will comply with the Township's noise ordinance. Additionally, the property is sufficiently large to provide ample parking, especially given that any lessee of the Property would be limited to 150 attendees, excluding event staff. The Applicants also propose the use of a parking attendant to ensure the flow of traffic is safe and efficient and to otherwise eliminate traffic congestion. Corn Hill Road is a paved collector road with ample width and capacity to handle the proposed traffic. There is adequate sight distance at the property's driveway for vehicles to easily enter and exit the property. The proposed use will not produce glare, air pollution, water pollution, or other obnoxious matter or radiation.

(5) All parking, loading, and outdoor storage areas agri-tainment/agri-tourism use(s) shall be provided with screening of not less than eighty-percent opacity in accordance with Article VII of this chapter, relating to buffer and screening regulations:

The parking area for the proposed use is screened by an existing fence as well as vegetation and topography of the Property.

(6) No part of agri-tainment/agri-tourism use(s) shall be located within 75 feet of any side or rear lot line, nor 150 feet from an abutting property in the RS and/or VR Zoning Districts or existing residential use in the RL, RMU and/or VMU Zoning Districts.

The proposed use will not occur within 150 feet from any abutting property line.

(7) Vehicular access to the agri-tainment/agri-tourism uses shall be limited to the same driveway or access drive connection, as applicable with the public street right-of-way that serves the active farm, agricultural operation, or agri-business. No additional roadway connection shall be permitted for the agri-tainment/agri-tourism use(s).

Vehicular access to the proposed use is restricted to the property's approximate 200-yard driveway originating at Corn Hill Road. No other access point exists or is permitted.

(8) The hours of operation and activities shall be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.

The proposed special event hours and hours for tours are limited to 9:00 a.m. to 9:00 p.m. April 1 through October, and 9:00 a.m. to 6:00 p.m. November through March.

(9) Drive-through uses shall be prohibited.

The use does not involve drive-through sales.

(10) The agri-tainment/agri-tourism use(s) shall not involve any illegal activity

The use does not involve any illegal activity.

(11) As permitted by Special Exception in the RS District subject to the following additional requirements:

a. Minimum lot size of ten (10) acres.

The property is 10 acres, as shown on the York County Tax Map and the Applicants' deed.

b. Property contains an existing agricultural operation.

The Property contains an existing agricultural operation, which is a Christmas tree farm.

c. Use does not include the erection or construction of any new structures for the agri-tainment/agri-tourism operation. It may utilize existing agricultural structures in compliance with the Township's applicable building codes.

The proposed use will not include the erection or construction of any new structures for the agri-tainment/agri-tourism operation.

d. The use will occur no more than two (2) days a week with no more than thirty (30) events per year.

The Applicants propose to use the Property, in part, as an outdoor rustic wedding/special event venue, with such events occurring primarily during peak season (Spring and Summer) and traditionally on Fridays and Saturdays. A maximum of two such events would occur in any one week and the aggregate number of weddings that would occur in a year is less than thirty (30). Educational tours are expected to be limited and would not result in the property being used more than two (2) days a week or thirty (30) times per year.

e. Hours of operation are limited to 9:00 a.m. to 9:00 p.m. April 1 through October and 9:00 a.m. to 6:00 p.m. November through March. No Sunday operations.

The hours of operation for special events or tours are limited to 9:00 a.m. to 9:00 p.m. April 1 through October, and 9:00 a.m. to 6:00 p.m. November through March. The Applicants will not offer special events or tours on Sundays. (The Applicants may be conducting office work at other times, but such work would be limited to the existing home and would not involve anyone coming onto the property.)

f. No more than one hundred fifty (150) guests per event plus staff.

The Applicants will restrict attendance to no more than 150 guests, excluding event staff.

g. No less than fifteen (15) days prior to an event, the Owner shall submit an application for an event permit to the Township zoning officer to ensure compliance with the special exception approval decision. Such event permit application may be made for events scheduled to occur up to one (1) year in advance, and may include multiple scheduled events in the same application.

The Applicants shall comply with this requirement.

III. SPECIAL EXCEPTION GENERAL CRITERIA

(1) The proposed use shall be consistent with the purpose and intent of this chapter;

The purpose of the Township's Growth Area is to develop land with the full range of land uses. The single-family zoning district predominantly includes lower-density residential and related uses. This accessory use allows for a limited commercial use to support the existing agricultural and single-family use on the Property.

(2) The proposed use shall not detract from the use and enjoyment of adjacent or nearby properties;

The proposed use will not detract from the use and enjoyment of adjacent or nearby properties given the location of the Property. Specifically, the closest residential dwelling to the proposed use is approximately one hundred (100) yards away. The Property is otherwise surrounded by open land and several acres of trees. Additionally, the adjacent residential properties are screened by a fence and vegetation buffer, and the ordinance limits the intensity of this use such that it will not interfere with adjacent properties.

(3) The proposed use will not substantially change the character of the subject property's neighborhood;

The proposed use will not substantially change the character of the Property's neighborhood because the Property on which the proposed use would occur is surrounded by other larger residential lots, some of which have existing nonconforming commercial uses.

(4) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);

Adequate public facilities are available to serve the proposed use. Portable luxury restrooms will be rented for the use of event guests. There is adequate existing impervious area on the property for parking, and Corn Hill Road is sufficient to handle this occasional event traffic, with it being connected directly to major Township transportation corridors.

(5) The proposed use complies with this Article VI of this chapter relating to Floodplain Overlay Zoning District (FPO) and Chapter 151, relating to floodplains;

The proposed use does not occur in a floodplain.

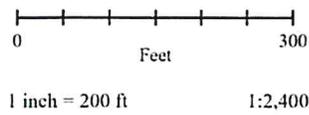
(6) The proposed use will not substantially impair the integrity of the most recent version of the Fairview Township Comprehensive Plan, and/or any other applicable plans adopted by the Township of Fairview.

The proposed use will not substantially impair the integrity of the most recent version of the Fairview Township Comprehensive Plan and/or any other applicable plans adopted by the Township of Fairview. To the contrary, the proposed use is consistent with the Fairview Township Comprehensive Plan, as it, among other things, preserves open space and supports an existing agricultural operation.

Parcel - 27000QG0089M000000



Owner - LEAKWAY CLINT N & TRACY L
Property Address - 680 CORNHILL RD
Tax Municipality - Fairview Twp
School District - West Shore School District
Class - Farm
Land Use - F - Rural Res With Acreage
Acres - 10
Assessed Land Value - \$ 6,260
Assessed Building Value - \$ 217,610
Assessed Total Value - \$ 223,870
Sale Date - Jan. 06, 2003
Sale Price - \$ 75,000
Deed Book - 1538, Page 4832



Legend

- Selected Parcel
- Parcels
- Municipal Boundary

Layers should not be used at scales larger than 1:2400 (Note: Pixilation will occur at scales 1" = below 200 Ft.)

Mapping Provided by

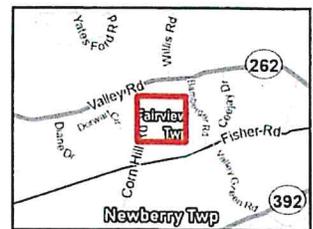


Aerial Photography - 2021

Last Updated: 12/16/2022



Inset Map



Disclaimer:
The York County Planning Commission provides this Geographic Information System map and/or data (collectively the "Data") as a public information service. The Data is not a legally recorded plan, survey, official tax map, or engineering schematic and should be used for only general information. Reasonable effort has been made to ensure that the Data is correct; however the Commission does not guarantee its accuracy, completeness, timeliness. The Commission shall not be liable for any damages that may arise from the use of the Data."

TAX PARCEL NO. 27-QG-89M

1037

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yn

FIDUCIARY DEED

THIS DEED made the 6th day of January, ~~2002~~²⁰⁰³, between J. ROBERT HUNTSBERGER and ROSEMARY C. HUNTSBERGER, Executors of the Last Will and Testament of GEARY W. HUNTSBERGER, deceased, AS TO AN UNDIVIDED ONE-HALF INTEREST, and ROSEMARY C. HUNTSBERGER, ^{un}remarried widow, in her own right, AS TO THE OTHER UNDIVIDED ONE-HALF INTEREST, of 815 Corn Hill Road, Etters, Pennsylvania 17319, parties of the first part, hereinafter called Grantors,

- AND -

CLINT ^C N. LEAKWAY and TRACY L. LEAKWAY, husband and wife, of the second part, hereinafter called Grantees.

WITNESSETH:

WHEREAS, Geary W. Huntsberger and Rosemary C. Huntsberger, his wife, became seized, in fee, of and in a certain tract of land situate in the Township of Fairview, County of York, and Commonwealth of Pennsylvania, being more particularly described in a Deed from the Elmer E. Brunner Estate dated March 26, 1953, and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Record Book 37-L, at page 486; and

WHEREAS, the said Geary W. Huntsberger and Rosemary C. Huntsberger, his wife, did convert ownership from Tenancy by the Entireties to Equal Tenants in Common by describing said premises as Tract #9 in a Deed dated March 21, 1987, and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Record Book 95-C, at page 377; and

WHEREAS, the said Geary W. Huntsberger departed this Earthly life on March 27, 2002, having first made his Last Will and Testament, in writing, dated October 9, 2000. Said Will was offered for probate in the Office of the Register of Wills of York County, Pennsylvania on April 9, 2002, and is found in proceedings docket to Estate No. 67-02-00553; and

WHEREAS, upon probate the said Rosemary C. Huntsberger, surviving spouse, and J. Robert Huntsberger were appointed Executors of the Last Will of Geary W. Huntsberger; and

WHEREAS, pursuant to the authority granted to them, the said J. Robert Huntsberger and Rosemary C. Huntsberger do undertake the conveyance hereinafter set forth.

NOW, THIS DEED WITNESSETH, that the said J. Robert Huntsberger and Rosemary C. Huntsberger, for and in consideration of the sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) to them in hand paid by the said Grantees, at and before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, released, and confirmed, and by these presents and by force and virtue of said recited Last Will, do grant, bargain, sell, alien, release, and confirm unto the said Grantees, all of the Grantors' right, title, and interest in and to:

ALL THAT CERTAIN tract of land, together with improvements thereon erected, all situate in the Township of Fairview, County of York, and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the centerline of Corn Hill Road (T-974), at the common point of adjoiner of Lots #7 and #8 with said centerline; thence extending in and through the centerline of Corn Hill Road the following two courses and distances: North twenty-one (21) degrees twenty-seven (27) minutes twenty-one (21) seconds East, for a distance of forty-five and forty hundredths (45.40) feet to a point; thence continuing in and through said centerline by an arc or curve to the left having a radius of five hundred thirty-five (535) feet, for an arc length of one hundred thirty and eight hundredths (130.08) feet to a point in the center of said roadway at Lot #9; thence departing from the Corn Hill Road cartway, and extending along Lot #9 the following two courses and distances: South eighty (80) degrees thirteen (13) minutes fifty-two (52) seconds East, through a point on the easternmost dedicated right-of-way line of Corn Hill Road, a distance of twenty-five and two hundredths (25.02) feet from the origin of this call, for a total distance of seventy-three and seventy-four hundredths (73.74) feet to a steel pin; thence North seventy-seven (77) degrees fifty (50) minutes thirty-six (36) seconds East, for a distance of three hundred forty-six and twenty-nine hundredths (346.29) feet to a steel pin; thence continuing along Lots #9 and #8, North six (06) degrees thirty-seven (37) minutes forty-six (46) seconds West, for a distance of two hundred eighty-nine and twenty-eight hundredths (289.28) feet to a steel pin at lands now or formerly of James J. Wilson; thence extending along said lands, North seventy-eight (78) degrees two (02) minutes fourteen (14) seconds East, for a distance of two hundred one and sixty-two hundredths (201.62) feet to a concrete monument; thence North sixteen (16) degrees twenty-four (24) minutes twenty-nine (29) seconds West, for a distance of three hundred fifty-five and thirty-four hundredths (355.34) feet to a concrete monument; thence South seventy-five (75) degrees forty (40) minutes thirty-two (32) seconds East, for a distance of one hundred fifty-three and sixty-six hundredths (153.66) feet to a steel pin; thence North nine (09) degrees forty-one (41) minutes fifty-two (52) seconds East, for a distance of eighty-eight and thirteen hundredths (88.13) feet to a steel pin; thence South sixty-nine (69) degrees fifty-five (55) minutes thirty-two (32) seconds East, for a distance of one hundred eighty-nine and eighty-four hundredths (189.84) feet to a steel pin at Lot #11 on the hereinafter mentioned plan; thence extending along Lot #11 the following three courses and distances: South twenty (20) degrees four (04) minutes zero (00) seconds West, for a distance of four hundred twenty-four and three hundredths (424.03) feet to a steel pin; thence South seventy-seven (77) degrees six (06) minutes forty-three (43) seconds East, for a distance of four hundred seventy and one hundredth (470.01) feet to a steel pin; thence South seven (07) degrees fifty-nine (59) minutes thirteen (13) seconds East, for a distance of two hundred thirty-six and ninety-six hundredths (236.96) feet to a steel pin at Lot #7; thence extending along Lot #7 the following two courses and distances: South eighty-two (82) degrees zero (00) minutes forty-seven (47) seconds West, for a distance of nine hundred eighty-three and forty-seven hundredths (983.47) feet to a steel pin; thence continuing South eighty-eight (88) degrees ten (10) minutes forty-one (41) seconds West, through a steel pin set on the easternmost dedicated right-of-way line of Corn Hill Road, a distance of twenty-seven and twenty-two hundredths (27.22) feet from the terminus of this call, for a total distance of two hundred thirty-seven and fifty-six hundredths (237.56) feet to a point in the centerline of Corn Hill Road, said point marking the place of **BEGINNING**.

CONTAINING 10.0 acres to the dedicated right-of-way line, and 10.0991 acres to the property line, being designated as Lot #8 in accordance with a final plan of subdivision prepared for Geary W. and Rosemary C. Huntsberger by Hoover Engineering Services, Inc., dated April 25, 2002, and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Plan Book RR, at page 1118.

UNDER AND SUBJECT, NEVERTHELESS, to all notes, comments and rights-of-way of record, as well as an easement for placement and maintenance of a sanitary facilities pump station found of record in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Land Record Book 373, at page 451 (including all rights and interest in a 20 foot wide sanitary sewer easement in which a force main presently exists).

BEING A SMALL PORTION OF TRACT #9 OF THAT SAME PREMISES which Geary W. Huntsberger and Rosemary C. Huntsberger, husband and wife, by Deed dated March 12, 1987, and recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania in Record Book 95-C, at page 377, granted and conveyed unto Geary W. Huntsberger and Rosemary C. Huntsberger, husband and wife, as Equal Tenants in Common. The said Rosemary C. Huntsberger executes this instrument not only as an Executor of the Will of her deceased husband, but also in her own right.

TOGETHER WITH all singular the streets, ways, water, watercourses, rights, liberties, privileges, hereditaments, and appurtenances whatsoever thereunto belonging or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all of the estate, right, title, interest, property, claim, and demand whatsoever of said Grantors in law, equity, or otherwise howsoever, of, in, and to the same and every part thereof.

TO HAVE AND TO HOLD, the said premises above described, and the hereditament and premises hereby granted or mentioned and intended so to be, with the appurtenances unto said Grantee, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns forever.

AND the said Grantors, for themselves, and for their heirs, successors and assigns, do for their act only covenant, promise, and agree to and with the said Grantees, their heirs, successors and assigns, that the said Grantors have not done, committed, or knowingly or willingly suffered to be done or committed, any act, matter, or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, are, shall, or may be impaired, charged, encumbered, in title, charge, estate, or otherwise howsoever.

IN WITNESS WHEREOF, the said Executors hereby set their hands and seals the day and year above first written.

WITNESS:

[Handwritten signatures of witnesses]

THE ESTATE OF GEARY W. HUNTSBERGER

By: *J. Robert Huntsberger*

J. Robert Huntsberger - Executor

And: *Rosemary C. Huntsberger*

Rosemary C. Huntsberger - Executor

Rosemary C. Huntsberger

ROSEMARY C. HUNTSBERGER

LAW OFFICE
Wm. D. SCHRACK, III

YORK COUNTY
ASSESSMENT OFFICE



0188100

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF York :

On this, the 6th day of January, ~~2000~~²⁰⁰³, before me, a Notary Public, the undersigned officer, personally appeared **J. ROBERT HUNTSBERGER and ROSEMARY C. HUNTSBERGER**, Executors of the Last Will and Testament of **GEARY W. HUNTSBERGER**, and **ROSEMARY C. HUNTSBERGER**, an unremarried widow, in her own right, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

W. L. Bode
Notary Seal
Vicki L. Bode, Notary Public
Dover Boro, York County
My Commission Expires Oct. 23, 2003
Member, Pennsylvania Association of Notaries
NOTARY PUBLIC



I Certify This Document To Be
Recorded In York County, Pa.



Paul G. Reisinger
Recorder of Deeds

I HEREBY CERTIFY that the precise address of the Grantees herein is:
506 Shelley's Lane, Etters, Pa. 17319

Rohla King
For the Grantee

LAW OFFICE
Wm. D. Schrack, III

RECORDER OF DEEDS
YORK COUNTY
PENNSYLVANIA

INSTRUMENT NUMBER
2003001037

RECORDED ON
Jan 06, 2003
2:51:40 PM

JCS/ACCESS TO JUSTICE	\$10.00
STATE TRANSFER TAX	\$750.00
AFFORDABLE HOUSING	\$11.50
STATE WRIT TAX	\$0.50
PIH NUMBER FEES	\$2.00
RECORDING FEES	\$13.00
FAIRVIEW TOWNSHIP	\$375.00
WEST SHORE SCHOOL DISTRICT	\$375.00
COUNTY ARCHIVES FEE	\$2.00
ROD ARCHIVES FEE	\$3.00
TOTAL	\$1,542.00

INV: 366933 USER: C-JL
CUSTOMER
ROB KRUG



Google Earth

© 2023 Google

H - house

B - pole barn

T - tent

R - restroom

P - parking

— - property line

- - - - - 150'

— - - - - fence

Google Maps

Hank's Auto Parts
Sales & Services
Auto repair shop

Kernel Ln

Corn Hill Rd

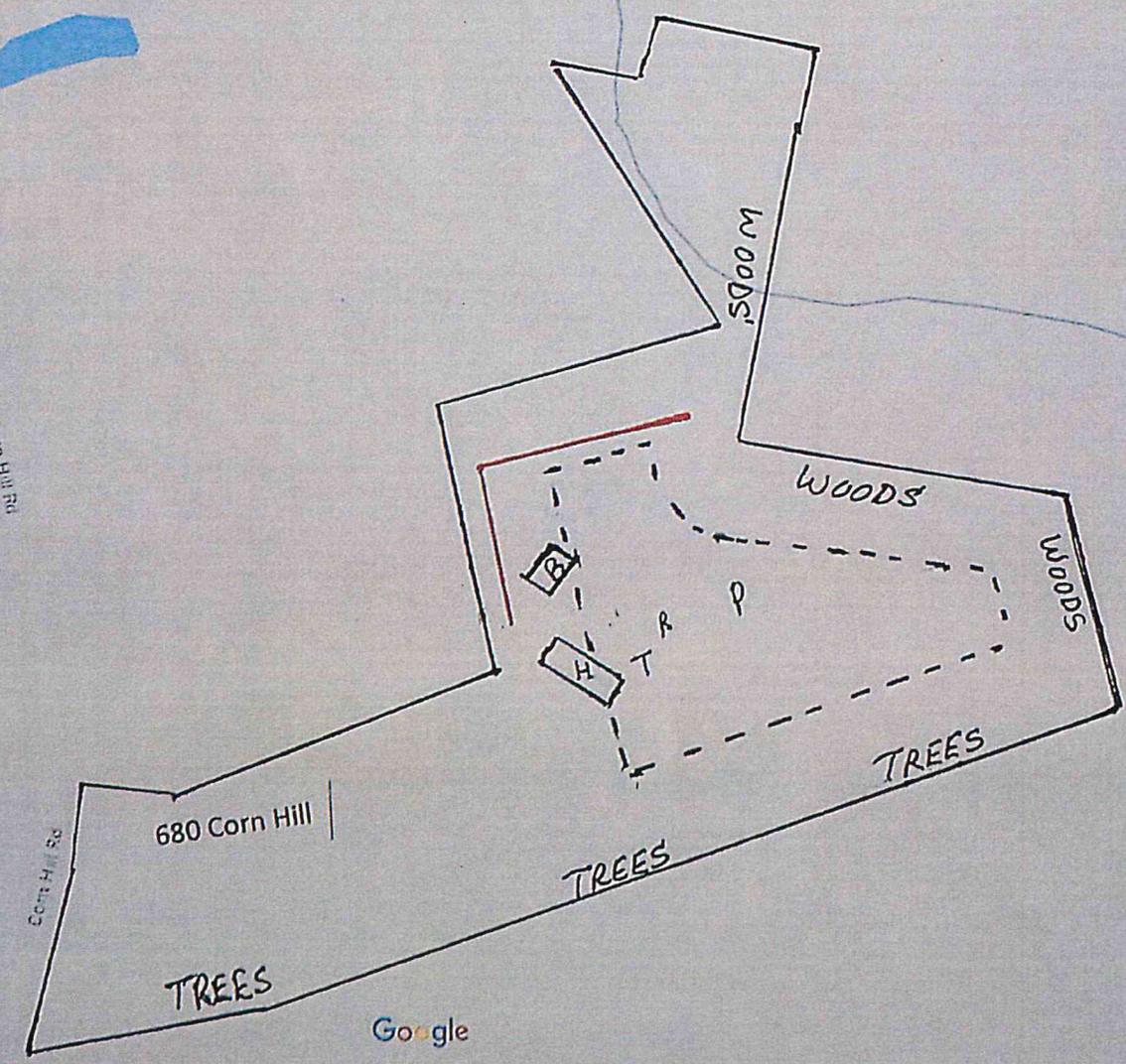
Corn Hill Rd

Corn Hill Rd

680 Corn Hill

Google

Map data ©2023 100 ft























Tax Parcel Information



5/1/2023, 5:13:48 PM

Roads

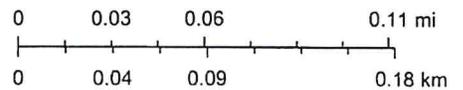
Image

State Road  Red: Band_1

Local Road  Green: Band_2

 Tax_Parcel  Blue: Band_3

1:4,514



York County Planning Commission: Joe Simora, Parcel Updated: 05/01/2023, Maxar



Address/LastName/PIDN



Measurement Tool

0 Miles

Measurement Result

0.25 Miles

Clear

Press CTRL to enable snapping

Secondary Printing Option

Map title: Tax Parcel Information

JSI A Portrait

Advanced

Print

0 150 300ft

77.502 40.171 Degree



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