

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
JUNE 4, 2015**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
John Schmitt
Michael Papa
Sande Cunningham
David Seiler

ALSO IN

ATTENDANCE: Trisha Lang, Director of Community Development
Gavin Markey, Solicitor
Sue Sipe, Stenographer

NOT PRESENT: James Deitch

1. CALL TO ORDER:

A. Pledge of Allegiance

Chairman Achenbach called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board. Mr. Seiler served as a voting member.

2. ACTION ON THE MINUTES

A. MAY 7, 2015

MOTION MADE BY MR. SEILER, SECONDED BY MR. SCHMITT TO APPROVE THE MINUTES OF MAY 7, 2015 AS PRESENTED. MOTION UNANIMOUSLY CARRIED.

Chairman Achenbach asked Ms. Lang if the cases were properly advertised. She responded that notifications had been made.

3. OLD BUSINESS – None

4. NEW BUSINESS

A. Case Z-15-04 Steve and Dawn Trout

All witnesses were sworn in.

General Case Summary: Article XI, R-R Rural Residential District 325-27. Area and bulk requirements C. Setbacks. Minimum Side Yard Setback of 25'

Comments: The applicant is proposing to install a 24' wide by 28' deep attached garage on their .56 acre property located on 3880 Druck Valley Road. Construction of the garage as presented will leave only 10' between the garage and the property line shared with an adjacent residential property. As noted, the setback in this zoning district is 25'. Staff has attached some aerial and street front views of the site to reflect the character of the area.

Recommendations: If the findings of Fact and Conclusions of Law meet with the approval of the Board, staff would not oppose the applicant's request.

Mrs. Trout stated they are requesting a variance for the side setback in order to build a garage to be used to store and protect their vehicles, tools and valuable items from weather and theft. She noted their property is non-typical. Their lot is significantly smaller than the majority of the properties in their zone, which is approximately ½ acre. There are several obstacles on the property with 10 large boulders ranging from 5 ft. to 20 ft. wide which prohibits any building. Their septic drainage field is in the front yard and the well is in the rear yard. The rear of the property and the side of the property provide a wide drainage swale that moves the water from the property to the drain at the front of the house. They have exhausted all other locations on their property for the garage. The left side of the house is 32 ft. They had it re-measured to verify to avoid any issues in the future since they would like to change the setback to 8 ft. instead of 10 ft. They are not changing the size of the building which is 24 ft. wide. The house sits on an angle to the left and the property goes to the right so when measuring from the front it is larger than in the back. The obstructions on the property have been in existence since the house was built and there is no other place to build a garage. Mrs. Trout stated there would be access to the rear of the property with an adequate buffer from the adjacent property. They contacted an appraiser to determine if the proposed garage would cause any issues with their property value or any neighboring properties. The appraiser informed them that since there would be approximately 60 ft. between the properties after building the garage, it would not cause a value change in the property.

Other discussion included:

- The adjoining house has a garage in the back of their property.
- There are 3 small pine trees in the area where the garage would be built which would be removed.
- Discussion regarding placing a buffer of evergreen trees in the 10 ft. setback after the garage is built, to which the applicant agreed if determined necessary.
- A silver trailer is parked at the side of their property. Ms. Lang reviewed the requirements for outside trailers noting that a trailer cannot be parked in a front yard. She also stated the Ordinance specifies that trailers which are pulled can be parked on a lawn area. The applicant indicated they were unaware of those requirements and would move the trailer to the rear of the property.
- It was noted there is a shed that sits at the far back end of the property which holds various equipment.

Chairman Achenbach referred to a letter submitted from a neighbor, Gilbert & Cynthia David.

Attorney Markey stated would it be appropriate to introduce their commentary and marked the letter dated June 2, 2015 as Protestants #1.

Gilbert and Cynthia David - 3882 Druck Valley Road

Witnesses were sworn in.

Mrs. David stated they moved there for privacy and for space and felt that 15 ft. is too much and they want to have the setback preserved for their privacy and space. She expressed concern about how the added garage would affect their property value and also affect any options they may have for that side of the property. She indicated they have several acres behind their house and were considering adding an access road.

Attorney Markey stated with respect to the neighbors in terms of future access drive or other development that may take place on their site, everything will be measured from their property line and not from the extension of the garage if approved. He noted if the variance was approved, it should not affect their future plans since the Board is evaluating the variance requests based on the specific facts applicable to the

applicant's property. He did not see it creating a precedent that would harm the neighbors from anything they may want to do that is in compliance. He stated the applicant has provided a site plan and have adequately outlined the unique physical features their property, including boulders, swales and a drain field which would limit their options to place an addition. Attorney Markey recommended if the Board was inclined to consider the variance, a condition be placed on the approval to state that a pine tree buffer be placed within the 8 ft. setback as approved by the zoning officer, to assure an effective visual buffer.

Concern was expressed regarding the ability of emergency vehicles to pass through the side yard to access the rear of the property if imposing a requirement for shrubbery in the 10 ft. setback.

Mr. Trout stated there is a swale on the other side of the house with a fence and a tree line. If they are required to put a row of trees at the side of the proposed garage that will remove any access to the yard.

Chairman Achenbach encouraged the applicant to do whatever they can to shield the trailer from their neighbors.

Chairman Achenbach called for motion.

MS. CUNNINGHAM MOVED IN THE CASE OF Z-15-04 TO APPROVE THE VARIANCE WITH THE CONDITION THAT THE TRAILER CURRENTLY PARKED BETWEEN THE HOUSE AND THE PROPERTY LINE BE PARKED BETWEEN THE END OF THE NEW GARAGE AND THE PROPERTY LINE BEHIND THE STRUCTURE. MR. SCHMITT SECONDED. MOTION UNANIMOUSLY PASSED.

B. Case Z-15-05 Redeemed Christian Church of God

Ms. Lang reported the applicant had requested a continuance in order to further review their application and come back before the Board at the July 8th meeting.

MR. PAPA MOVED TO ACCEPT THE CONTINUANCE OF CASE Z-15-05 UNTIL THE JULY 8TH MEETING. MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY PASSED.

5. ADJOURNMENT

CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:47 P.M.

Respectfully submitted,

Secretary

ja/ses