

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
JANUARY 3, 2013**

The Springettsbury Township Zoning Hearing Board held a regularly scheduled meeting on the above date at the Township offices located at 1501 Mt. Zion Road, York, Pennsylvania 17402.

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chair
James Deitch
John Schmitt
Sande Cunningham
Kevin Hevner
David Seiler, Alternate

NOT PRESENT: Michael Papa

ALSO IN

ATTENDANCE: John Elliott, Esq., Acting ZHB Solicitor
Angela Liddick, Deputy Zoning Officer
Sue Sipe, Stenographer

1. CALL TO ORDER

A. Chairman Achenbach called the meeting to order at 6:00 p.m. He introduced the members of the Board. Mr. Hevner will be filling in as a voting member due to the absence of Mr. Papa for this meeting.

Chairman Achenbach led the Pledge of Allegiance.

B. 2013 Zoning Hearing Board Reorganization of Officers

MOTION MADE BY MS. CUNNINGHAM TO ACCEPT THE FOLLOWING SLATE OF OFFICERS FOR 2013:

**CHAIRMAN – DALE ACHENBACH
VICE CHAIRMAN – JAMES DEITCH
SECRETARY – JOHN SCHMITT**

SECONDED BY MR. HEVNER. MOTION UNANIMOUSLY CARRIED.

2. ACTION ON THE MINUTES

A. October 4, 2012

The minutes were tabled for date and information correction. The correct minutes will be distributed prior to the next meeting.

Chairman Achenbach asked Ms. Liddick if all cases were properly advertised. She responded that notification had been made.

3. OLD BUSINESS - NONE

4. NEW BUSINESS

A. Case Z-12-13 Paul & Lois Noll – 1800 Idylwyld Road

All witnesses were sworn in.

General Case Summary: Article XXVII, Accessory Uses - 325-134. Accessory use development requirements.

B. Location. An accessory building or structure must be located to the rear of the principal building or structure. The rear setback shall be 10 feet. All required side setbacks shall be maintained.

G. For all residential uses, accessory buildings and structures shall be limited to 18 feet in height.

Comments: The applicant is requesting to install a 12'x24' accessory building on their property. The property is located in the center of Idylwyld Drive, on a circular parcel. All yards on this property are considered front yards. The reason for the requested variance is that an accessory building is not allowed in the front yard.

Recommendations: If the findings of Fact and Conclusions of Law meet with the approval of the Board, staff will support the applicant's variance request from section 325-142 to allow an accessory building in the "front" yard.

Mr. Noll stated their property is in the middle of a circle surrounded by Township road, creating a unique situation of not having a backyard. In accordance with the Ordinance it is classified as all front yard. The owners are requesting to place a shed on their property to the rear of their house. Mr. Noll confirmed that most of the surrounding homes in the neighborhood have one shed or more.

It was noted the briefing cites two different ordinance sections. Ms. Liddick noted the applicant provided her with an update on the size of the shed and it is over 150 sq. ft. which is the allowable dimension for a shed by definition according to the Ordinance.

The applicant identified the location of his property on the map of the neighborhood. Mr. Noll stated the shed would be placed between the pines and Idylwyld Road, close to the fence as shown on the map. He noted the shed would be placed 35 ft. from the center line of the road in accordance with the Ordinance. The size of the shed is 12x24 sq. ft. and eight ft. high. It will be the same color as the house. There will be no driveway to the entrance of the shed – only grass. They are planning to put a drain field underneath it with a stone pad.

Attorney Elliott stated the request is dimensional in nature and saw no issue with the request if the findings determine the property is unique such that it is impossible to comply because of having no rear yard by definition.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant.

Jane Heller (lives across the street from the applicant)

Ms. Heller was sworn in.

Ms. Heller stated she was not opposed to the shed and did not see any problem.

MS. CUNNINGHAM MOVED IN THE CASE OF Z-12-13 TO APPROVE THE VARIANCE FOR §325-134 FOR THE 12 X 24 SQ. FT. ACCESSORY STRUCTURE TO BE LOCATED AT THE REAR OF THE APPLICANT’S HOUSE, IN COMPLIANCE WITH ALL ASPECTS OF THE ORDINANCE. SECONDED BY MR. SCHMIDT. MOTION UNANIMOUSLY CARRIED.

B. Case Z-12-14 Eric Eshbach, Lot #9 Cinema Drive

All witnesses were sworn in.

General Case Summary:

Article XXVI, Supplemental Regulations.
325-121. Fences.

A. Fences may be erected, altered and maintained within the yards, provided any such fence or wall shall not exceed four feet in height.

Comments: The applicant is requesting to install a six foot fence in the front yard of the property. This project, The Goddard School, has been approved to construct a private day care center. The fence is needed to secure a play area for the children. According to the applicant, any lower would pose a security risk.

Recommendations: If the findings of Fact and Conclusions of Law meet with the approval of the Board, Staff will support the applicant’s variance request from section 325-121 to allow a six (6) foot fence in the front yard.

Mr. Eshbach indicated this case is in regards to the Goddard School. He noted he is the project architect with Premier Construction for their client Nina Patel. The applicant is proposing to install a six foot fence around the play area for the safety and security of the children at the daycare. The fence ordinance under a C-H Zoning district allows for a six foot fence to be in the sides and rear yard of the property. However, in the front yard there is a four foot requirement. Goddard’s School specs require there be a six foot fence around the play area for the purpose of child safety.

Mr. Eshbach provided a visual of the Goddard property with the school, noting the parking lot behind the school and towards the right side which shows the section of fence that is in the front yard of the property, facing onto Cinema Drive. The fence is set back the required distance. In front of the fence would be a large area of plants and trees and not readily visible from the road.

Mr. Eshbach also provided images of the type of aluminum fence they are proposing. He noted there is a street to the west of the property currently being constructed which causes a situation of two front yards. He pointed out this is not a residential area, but a commercial area.

Ms. Liddick noted their land development plan was recently approved by the supervisors and all the landscaping has been reviewed and is in compliance with the ordinance.

Attorney Elliott indicated this is a dimensional variance with outside influences imposing the inability to meet the requirements due to the absence of a traditional rear and front side yard configuration.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant.

MR. HEVNER MOVED IN THE CASE OF Z-12- TO APPROVE THE VARIANCE FOR §325-121 TO INSTALL A SIX FOOT FENCE IN THE FRONT YARD OF THE PROPERTY IN COMPLIANCE WITH ALL ASPECTS OF THE ORDINANCE. THE DESIGN OF THE FENCE SHALL BE AS PRESENTED BY THE APPLICANT. SECONDED BY MR. DEITCH. MOTION UNANIMOUSLY CARRIED.

5. ADJOURNMENT

Chairman Achenbaugh stated that Mr. Baugh will be leaving his position as Township Zoning Officer. He acknowledged Mr. Baugh for his years of service to the Township and expressed appreciation for his efforts.

Chairman Achenbach adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Secretary

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