

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
FEBRUARY 12, 2018**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
Sande Cunningham
David Seiler
John Schmitt
Chris Shuttlesworth

ALSO IN

ATTENDANCE: Jessica Fieldhouse, Director of Community Development
Raphael Caloia, Assistant Planner
Gavin Markey, Solicitor
Sue Sipe, Stenographer

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. He welcomed new board member Chris Shuttlesworth.

2. REORGANIZATION

MR. SCHMIDT MOVED TO RECOMMEND APPOINTMENT OF THE FOLLOWING SLATE OF OFFICERS FOR 2018:

Dale Achenbach, Chairman
David Seiler, Vice Chairman
Sande Cunningham, Secretary

SECONDED BY MR. SEILER. MOTION UNANIMOUSLY PASSED.

3. ACTION ON THE MINUTES

A. DECEMBER 7, 2017

MOTION MADE BY MR. SEILER TO APPROVE THE MINUTES OF DECEMBER 7, 2017 AS PRESENTED. MR. SCHMITT SECONDED. MOTION UNANIMOUSLY PASSED.

Chairman Achenbach asked Mr. Caloia if the cases were properly advertised. He responded that notifications had been made.

3. OLD BUSINESS

Attorney Markey noted the Zoning Hearing Board's decision for the York Valley Inn case was upheld in the appeal. Copies were provided to the Board.

4. NEW BUSINESS

1. Case ZHB-18-01 James Coll – 495 Meridian Lane

All witnesses were sworn in.

John Runge, Gordon Brown & Assocs.

Mr. Caloia indicated the applicant is seeking relief from S.325-20.C which addresses requirements for the R-10 Zoning District. The applicant is proposing to demolish the current structure located on the property and construct a new single-family home. Because of the layout of the lot and the existing conditions they are requesting to allow the house to be set 5 ft. closer to the road and the existing 35 ft. setback.

Mr. Runge noted in their application there was a 5 ft. dimensional variance. The existing house is over the setback line of 35 ft. The reason for the variance is there was an approved subdivision plan occurring in 1968 establishing the Haines Acres development with the setback 30 ft. He noted most of the homes in the area have the 30 ft. setback. Mr. & Mrs. Coll have lived in the current house since 1981. They are working with a builder to determine the layout of the house to accommodate Mrs. Coll's physical limitations. The house will be built on the same foundation which extends over the 35 ft. setback. This was substantiated by submitted drawings and aerial photos. Mr. Runge reviewed the parameters identified in S.325:

A - The nature of the unique physical circumstances or conditions particular to the property in question and not shared by the other properties in the vicinity: Mr. Runge stated this is an existing residential home which will remain. The owners are requesting to exceed the current setback requirements of 35 ft. He confirmed the attached Exhibit plan reflects the 2-3 ft. that goes over the 35 ft.

B – Why there is no possibility the applicant can develop and make reasonable use of the property in strict conformity with provisions of the zoning ordinance: Mr. Runge stated the lot is totally developed with patios and a built-in swimming pool in the rear. With the demolition of the existing home the applicant is building on the same foundation in order to meet the current requirements. He confirmed the corner lot has 2 – 35ft. setbacks, however, they are only asking for one which is the frontage along Meridian Avenue. The other one they will meet.

C – Why the unnecessary hardship has not been created by the applicant: Mr. Runge noted because of the existing nature of the house since the development was established, what is creating the hardship is the change in zoning ordinance and they need relief from that to accommodate the proposed improvements and by keeping the house on the existing foundation.

D – Why the variance if authorized, will not alter the essential character of the zoning district or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of the development and adjacent properties, nor be detrimental to the public welfare: Mr. Runge explained it is an existing residential home – they are not changing anything. Trying to keep it as close to the original.

E. Why the variance if authorized will represent the minimal variance that will be of relief and will represent the least modification possible of the regulations and use in issue: Mr. Runge indicated they are keeping the existing home on this same foundation – they are not looking to alter anything other than going over the setback by 2-3 ft.

F. S.325-190.F-3 -

- A. Unique physical circumstances or conditions including integrity, narrowness or shallowness of the lot size or shape, or exceptional topographic or other physical conditions to the particular property, and that the unnecessary hardship is due to such conditions and not that circumstances or condition

generally created by the provisions of the chapter in the neighborhood or district in which the property is located: Mr. Runge reiterated it is an existing property, fully developed with patios, outbuildings and an in-ground pool that are in place. With the nature of the improvements there is minimal room for modification and in order to minimize expenses and to maintain existing structure size they will be using the same foundation which does exceed the limits of the 35 ft. setback by 2-3 ft.

- B. Because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with provisions of this chapter and that the authorization of the variance is therefore necessary to enable responsible use of the property: Mr. Runge indicated they are currently using the property responsibly and are looking to make improvements and minimize what they can do by utilizing the existing foundation because of the zoning change which is 2-3 ft. over the existing setback line.
- C. The unnecessary hardship has not been created by the applicant: Mr. Runge stated the existing home over time with the ordinance change went from a 30 to a 35 ft. setback. In the R-10 zone they do not allow the frontage averaging the setback based on homes within 200 ft. of the existing property.
- D. The variance if authorized will not alter the essential character of the neighborhood or the district – as noted by Mr. Runge in D above.
- E. The variance if authorized will represent the minimal variance that will accord relief and will represent the least modification: Mr. Runge indicated the applicant is matching the existing foundation which would be the least modification and appropriate in their request for the 5 ft. dimensional variance to match the previously approved setbacks that were on the 1968 plan.

Chairman Achenbach asked Mr. Runge for confirmation that the application is signed by Mr. Coll and represented by Mr. Runge. He indicated that whatever Mr. Runge states on their behalf represents their position and opinion. Mr. Runge concurred and stated he was in conversation with the Colls on his presentation and they reviewed the document before it was submitted.

Ms. Fieldhouse confirmed Staff has coordinated with Mr. Runge with regard to the application. She indicated she had no concerns about the owner's wishes being represented accurately.

Attorney Markey stated in accordance with the ordinance change and adjusted setbacks, the variance in this instance is justified since it falls in line with prior cases presented where it is a small variance in relationship to a permitted use, in this case the residential dwelling. He noted the applicant has presented the case and reviewed the criteria with the Staff report. He noted there is a reduced burden and the adjustment is a reasonable request which would weigh in favor of granting the variance.

It was noted there were no renderings of the proposed house. Mr. Runge indicated the Colls are working with an architect and a local builder on the project. The schematics have not yet been submitted. When the plan is confirmed it will be submitted to the Township for the building permit process.

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

MR. SEILER MOVED IN THE CASE OF ZHB-18-01 THAT A VARIANCE BE APPROVED FOR THE 30 FT. SETBACK AS OPPOSED TO A 35 FT. SETBACK ON THE NEW RESIDENTIAL STRUCTURE. MR. SCHMITT SECONDED. MOTION UNANIMOUSLY PASSED.

B. Case Z-18-02 Predix Properties, LLC- 2309 E. Philadelphia Street

All witnesses were sworn in.

Attorney Alex Snyder

Seth Predix

Ms. Fieldhouse referred to the new section of the ordinance recently created and adopted as a text amendment to address the language for “adaptive re-use” to multi-family residential. She noted initially the applicant requested a rezoning for the property. The Board of Supervisors denied the rezoning and requested that Staff instead create a text amendment which would make adaptive re-use of non-residential structures in an R-7 zoning district a use permitted via special exception.

Chairman Achenbach referred to the note in the Staff Briefing “Please note the applicant’s write up was prepared prior to the final approval of the text amendment language. The Final Text amendment for the Adaptive Re-Use to Multifamily Residential did not include a section on Building Restoration. Thus, Section IV. Legal Basis. B. Building Restoration, parts 1. Through 4. have no applicability to this special exception request.”

Ms. Fieldhouse clarified the applicant provided their application the day after the Board of Supervisors had approved the text amendment. She had initially crafted it to have a section on building restoration to provide guidance for historic structures.

Attorney Snyder provided a presentation marked as Applicant’s Exhibit A describing the project which was previously a church. He noted the building was originally a school built around 1912. It is approximately 2.1 acres. He noted the church ran into issues with ADA accessibility for its proposed use and HVAC code issues. It is currently being used at various times for classes. He noted they had requested rezoning as the property is in the R-1 small lot residential district. It abuts the mixed-use district so in the R-7 district this re-use or adaptation into an apartment building would not have been permitted despite the size of the lot. He noted residents were concerned about how rezoning might affect the neighborhood in terms of allowing future uses. Residents were in favor of the project but were also concerned about how the creek might be involved in rezoning. Following the Board of Supervisors denial, the Township worked on the text amendment to allow Mr. Predix to proceed with the proposal on the site.

Attorney Snyder reviewed with Mr. Predix the specific criteria which if met would allow the special exception.

Mr. Predix stated he is native of York County and is in the business of recycling old buildings into industrial loft style apartments. Since 2009 he has completed 14 projects in the county including two tobacco warehouses, a chocolate factory and paint factory. The renovation includes rehabbing the old structures, including addressing environmental concerns, expose the brick, hardwood floors if salvageable and the beams to an open floor plan model, typically one and two bedrooms between 700 to 1200 sq. ft. His target resident is a professional typically single or married not wanting a large house. Completed projects include City View Lofts in North York, M Street Suites, which was former the Gene David’s Silk Mill and the Keystone Colorworks building. He recently completed 450 Madison Avenue, a 5200 sq. ft. building in the city of York.

Mr. Predix stated the property fits well into his model. He will update the codes and ADA standards, installing new electric, plumbing, roof, mechanical and electrical pool, as well as new transformers, blacktop and windows.

Mr. Predix indicated the existing building will be maintained as it appears – he provided a photo of the current building. The size of the building is 13,000 sq. ft. This project proposes 12 apartments, 8 – 1-bedroom apartments and 4 – 2-bedroom apartments. He described the surrounding property noting there

is a large parking lot which will be reduced. They are proposing 30 parking spaces – 2 spaces per unit, plus 6 visitor spaces. Mr. Predix stated they do not expect the flow of traffic to differ from the current flow and in fact because it will be a residential property traffic would be decreased in the area.

Mr. Predix indicated they are planning on installing a small patio for the residents. There will also be new exterior lighting for safety with the parking area as well as a dumpster which will meet the Township ordinance. Landscaping, shrubs, garden trees will also be planted in accordance with the ordinance.

Mr. Predix stated there is an ingress/egress into the property off Philadelphia Street. The property has an ingress/egress against the building and then also an egress providing in the parking lot, resulting in one way in and two ways out. He noted the property will not connect with Kent Street.

Mr. Predix confirmed the dumpster will be contracted privately, as well a recycling dumpster. This was noted by the drawing marked as Applicant's Exhibit B.

It was noted that Predix Property Management will be the on-site manager.

Attorney Snyder reviewed the requirements of the adaptive re-use ordinance:

- Density factor of not more than 30 units per acre: As reflected in the petition the subject property is 2.17 acres with proposed 12 apartment units which results in a density factor of 5.53 units per acre.
- Section 4.B of the application reflects building restoration which as noted by Ms. Fieldhouse that portion of the text amendment was taken out in the final version. As Mr. Predix testified, the plan is to keep the existing façade of the building the same with multiple improvements.
- Off street parking – the requirements of S.325-116 shall be met and it was noted there will be a requirement of 2 parking spaces per unit (24 spaces). There will be 30 spaces on the plan.
- Off street parking lots with 3 or more spaces shall be buffered from abutting residences by hedge material placed on 3 ft. centers. Alternatively, a 4-5 ft. fence may be erected which provides a visual screen. Mr. Predix pointed out on the site plan since there are more than 30 spaces there will be buffering to adjoining property. He noted as part of the land development process the Township will be able to assure compliance with the ordinance.
- Habitual square footage requirements for a 1 bedroom. Mr. Predix indicated there will be 8 -1 bedroom and 4 – 2 bedroom apartments. The minimum sq. ft. for a 1 bedroom would be 550 sq. ft. Under the text amendment for a 2 bedroom it would be 700 sq. ft. He pointed out on the drawings all units in excess of those minimums. The smallest unit is 790 sq. ft. The 2 bedrooms are all over 1000 sq. ft.
- Recreational dedication shall be completed per the requirements in S289-49 of the Ordinance. This would be satisfied as of the land development process. The Township would suggest having a payment in lieu of that. The applicant is requesting to leave it open ended so they can determine if they will dedicate space on the property.
- Part E - trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled days for trash pickup. The yard and building area requirements for the district must be complied with. Mr. Predix referred to the site plan noting where the dumpster would be located and the screening. The screening would be addressed as part of the subdivision and land development process and could be a condition to the approval if granted.

Mr. Achenbach asked if there is a requirement in this section that would presume all utilities are connected directly to each individual unit. Ms. Fieldhouse provided a point of clarification noting this

redevelopment project probably will not go through a land development plan process but will have to go through the Uniform Construction Code plan review process and at that time the codes applicable to this redevelopment will apply and will require all necessary utilities.

Attorney Snyder confirmed there will be a connection to the sewer and public water both available to the property.

Att Snyder reviewed the general requirements for a special exception:

- The applicant can demonstrate that the proposed use will comply with all applicable provisions and be consistent with the purpose and intent of the zoning ordinance. The purpose of the R-7 zone is to provide reasonable standards to encourage the orderly expansion of and continued investment in small lot, single family residential development within the Township. By permitting adaptive re-use within the R-7 district, what Mr. Predix is proposing is more consistent with the R-7 district than what currently exists, since he will be turning the property back into residential use vs. some other limited commercial or public institutional type use.
- The proposed use does not detract from the use and enjoyment of adjoining or nearby properties. Attorney Snyder noted the screening requirements under the adaptive re-use amendment will be met. The existing façade of the building will be protected. The ingress/egress will be maintained and traffic flows will likely be reduced. In terms of the character of the neighborhood it is residential currently.
- Will not substantially change the character of the subject property's neighborhood. Attorney Snyder stated they believe the current use which is public institutional is less consistent with the character of the neighborhood than what is proposed.
- Will have adequate public facilities available to serve the proposed use – i.e., schools, fire, police, ambulance services, sewer or water other utilities, vehicular access, etc. In terms of schools and emergency service access there is ample parking, more than enough off-street parking to accommodate an ambulance or a fire truck.
- If within the flood plain overlay zone, how will compliance be accomplished with the requirements listed in S.325-75 and 325-82. Mr. Snyder stated the property is not in a flood plain overlay zone.
- Comply with those criteria listed in section 325-190.F-2 and all applicable regulations within the zoning ordinance. There are general criteria in connection with the special exception application. The intended purpose of the proposed use must be consistent with the Township's development objectives as established in the comprehensive plan. The comp plan reflects a rezoning of the property into a mixed use. It also borders on the village district so this is a limited zoning approval which would allow the church to be converted into a residential use, consistent with the existing R-7 District and would be a gateway to the surrounding commercial areas on the other side if there would be a rezoning in the future initiated by the Township.
- The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use shall be reviewed in relationship to what is in effect upon surrounding land uses in existing environmental conditions regarding the pollution of air, land and water, noise, potential hazards and congestion, illumination and glare, restrictions and natural lighting circulation. Attorney Snyder stated it is their believe that re-use of this property will be in the best interest of the area. There will be adequate off-street parking which will maintain the current flow of traffic and not increase the traffic. There will not be extensive outdoor lighting and glare that would impact adjoining neighbors. It will be a quiet residential area.

- The proposed use shall be suitable for the property in question and shall be designed constructed operated and maintained suitably for the anticipated activity and population served with a number of participating population frequency of use adequacy of space and generation of traffic. Mr. Predix testified the adaptive re-use of this property in to an apartment building is the best use for this property.
- Assurance shall be made as to the adequacy and availability of utility services and such as sanitary and storm sewers, water fire police and other public facilities and the ability of the Township to supply such services. Attorney Snyder referred to Ms. Fieldhouse's comment that the use and occupancy permits necessary to put residents in these apartments will not be granted unless they can establish they are adequately served by all the necessary utilities.
- The proposed use shall provide adequate ingress or egress and internal circulation of both pedestrians and vehicles. Off-street parking and accessibility to the existing proposed Township street system. Attorney Snyder noted the 30 off street parking spaces, when 24 are required.
- Will not substantially impair the integrity of the Township 2006 comp plan. Referred to previous testimony concerning this property within the residential neighborhood.

In regard to a question concerning allowing RV, boats or trailers, Mr. Predix noted this would not be allowed on the property.

Mr. Predix noted the building will have a sprinkler system installed, as well as a fire alarm system, with fire walls, fire doors and insulation.

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

Alexandra Keener – Resident of Old East York

Witness sworn in.

Ms. Keener referred to the neighbor's concerns to a zoning change which instigated another solution. She indicated she was in favor of the applicant continuing with the project.

Attorney Markey stated in relation to the special exception, the applicant and solicitor have reviewed all requirements and demonstrated compliance with the specific criteria. The second portion of the special exception is to address the general standards and criteria and the applicant through testimony and evidence has demonstrated they comply with those provisions and there will not be any substantial detriment to public safety, health and welfare. He further noted there is no opposition to the case. He indicated Staff has recommended 5 conditions with which he concurred. He recommended on the condition referring to the fee in lieu of recreation dedication a proviso be added to state "unless otherwise revised by the Board of Supervisors as part of the final approval and permitting process.

Ms. Fieldhouse clarified the recreation dedication shall be completed per the requirements found in S.289-49 of the Township's subdivision and land development ordinance. The reason is this may not come before the Board of Supervisors except for the recreation portion if he were requesting to give land.

It was determined the recreation and dedication shall be completed per the requirements found in S.289-49 of the Township Subdivision and Land Development Ordinance.

Attorney Markey recommended adding #6 – the transcript of the testimony and all affirmations of fact shall operate as binding conditions on the applicant's approval to help preserve the integrity of the neighborhood and surrounding properties.

Attorney Snyder stated Mr. Predix's intention is to have Mr. Predix's property management company manage the property. However, he is requesting not having it listed as a condition, since at times he has used an alternate property management company. The ZHB noted their agreement with that request as long as it is maintained with the transcript.

Ms. Fieldhouse provided a point of clarification in the attorney's testimony, indicating he discussed the density factor stating it was 5 plus units per acre. She explained the density factor in the Township zoning ordinance is applied as a multiplier based on the number of bedrooms proposed in the unit. She noted Mr. Predix is proposing eight – 1-bedroom units which would count as 16 units, and four – 2-bedroom units which would count as 12 units. Consequently, the density factor proposed is 28 units – the allowance is 30 per acre. They have 28 per two acres.

Mr. Snyder indicated if in the future something changes with the property they would have to request a variance if they went above the factor.

Ms. Fieldhouse stated they would be required to obtain building permits for a construction project that would increase the density. Agreed by Attorney Markey.

MR. SEILER MOVED IN THE CASE ZHB-18-02 TO APPROVE THE SPECIAL EXCEPTION UNDER S.325-159.A WITH THE FOLLOWING CONDITIONS:

- 1. WHERE THE PARKING LOT ABUTS RESIDENTIAL USES, THE DEVELOPER MUST PROVIDE A SUITABLE PARKING LOT BUFFER AS STIPULATED IN S.325-159A.B.2.**
- 2. RECREATION AND DEDICATION SHALL BE COMPLETED PER S.289-49 OF SALDO.**
- 3. THE DEVELOPER MUST PROVIDE TRASH ENCLOSURE SCREENING THAT MEETS THE INTENT OF S.325-159A.**
- 4. THE DEVELOPER MUST ENSURE THAT SITE SIGNAGE IS IN COMPLIANCE WITH S.325-159A.**
- 5. THE DEVELOPER MUST ENSURE THAT THE REDEVELOPMENT MEETS ALL APPLICABLE ZONING AND BUILDING CODE REGULATIONS.**
- 6. TRANSCRIPT OF TESTIMONY AND ALL AFFIRMATIONS OF FACT ARE BINDING ON APPLICANT EXCEPT PROPERTY MANAGEMENT MAY CHANGE.**

MR. SHUTTLESWORTH SECONDED. MOTION UNANIMOUSLY PASSED.

7. ADJOURNMENT

CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 7:15 P.M.

Respectfully submitted,

Secretary

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