

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
MAY 2, 2019**

MEMBERS IN

ATTENDANCE: David Seiler, Vice Chairman
Sande Cunningham, Secretary
Chris Shuttlesworth
Mark Bair

ALSO IN

ATTENDANCE: Raphael Caloia, Assistant Planner
Gavin Markey, Solicitor
Sue Sipe, Stenographer

NOT PRESENT: Dale Achenbach, Chairman

1. CALL TO ORDER:

A. Pledge of Allegiance

Vice Chairman Seiler called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board.

2. ACTION ON THE MINUTES

A. APRIL 4, 2019

MR. BAIR MOVED FOR APPROVAL OF THE APRIL 4, 2019 ZONING HEARING BOARD MINUTES AS SUBMITTED. MR. SHUTTLESWORTH SECONDED. MOTION UNANIMOUSLY CARRIED.

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

3. OLD BUSINESS – None

4. NEW BUSINESS

A. Case ZHB-19-05 – Jeffrey Kearns – 3236 First Avenue

Jeffrey Kearns

All witnesses were sworn in.

Mr. Caloia stated the applicant is requesting a variance to S.325.121.A referring to fence height in the front yard. The applicant is requesting to place a 6 ft. tall fence within their front yard. They are located on a corner lot at First Avenue and Edgewood Road. The fence would be located along Edgewood Road. Mr. Caloia indicated the Township has no issues with the variance as requested, noting it will not create any traffic hazard or other concerns.

Mr. Kearns indicated they are looking to provide an increase in privacy as well as sound reduction and safety for his property.

In regard to sight distance, Mr. Caloia stated based on the site plan, the fence will be placed several feet back from the intersection. He did not feel it would create any sight distance concerns or hazards.

Attorney Markey concurred with Mr. Caloia's analysis of the case and had no objections.

Vice Chairman Seiler asked if there was anyone in attendance who wished to speak for or against the applicant. Hearing none, he called for a motion.

MR. SCHUTTLESWORTH MOVED IN THE CASE OF ZHB-19-05 TO APPROVE THE VARIANCE TO ALLOW A SIX FOOT FENCE IN THE FRONT YARD OF THE CORNER LOT AT 3236 FIRST AVENUE. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.

B. Case ZHB-19-06 Melissa Brison– 400 Maywood Road

Tywan Brison

All witnesses were sworn in.

Mr. Caloia stated a few months ago the property owner was approved for a variance to place an above-ground pool within their front yard. They are now requesting a variance to S.325-121.A to place a 6 ft. fence around the above-pool to create more privacy. Mr. Caloia indicated Township Staff has reviewed the application and do not have any issues or concerns with the variance since the fence will be located on the opposite side of the house and will not block sight distance or cause any other concerns.

Mr. Brison indicated the fence is for the purpose of privacy and is away from the intersection. The fence will be on the border of their yard 15 feet from the curb.

Attorney Markey concurred with Mr. Caloia's analysis of the case and had no objections.

Vice Chairman Seiler asked if there was anyone in attendance who wished to speak for or against the applicant. Hearing none, he called for a motion.

MR. BAIR MOVED IN THE CASE OF ZHB-19-06 TO APPROVE THE VARIANCE TO ALLOW A SIX-FOOT FENCE AT 400 MAYWOOD ROAD. SECONDED BY MR. SHUTTLESWORTH. MOTION UNANIMOUSLY PASSED.

C. Case ZHB-19-07 Ryan Schriver – 3612 E. Market Street

Attorney John Ogden
Ryan Schriver

All witnesses were sworn in.

Mr. Caloia stated the applicant is proposing a variance to S.325-42.A.(1) which pertains to permitted uses within a Commercial Highway zoning district. The applicant is proposing to locate a auto dealership at the location of 3612 E. Market Street. Within that zoning district auto dealerships are only permitted if they provide a building that has 1,000 sq. ft. of interior display space. The size of the lot is 14,810 sq. ft. and is a non-conforming size for that zoning district. The zoning district requires a minimum of 20,000 sq. ft. size. Mr. Caloia indicated Township Staff is okay for this variance because it has been a vacant property for numerous years and have received complaints regarding the condition of the property. Staff believes it would be beneficial for the applicant to revitalize the site.

Attorney Ogden stated this is a dimensional variance and cited case law which provides as long as there is no harm to surrounding properties or the township, there is a relaxed standard for a dimensional variance.

Through questioning by Attorney Ogden, Mr. Schriver stated the following:

- Mr. Schriver provided photos to the Board showing the condition of the existing property. (Exhibits A-1 through A-8)
- A-1 – shows the current building
- A-2 – shows the sign by the roadway
- A-3 – broken fence
- A-4 – rendering of the prospective building
- A-5 through A-8 – showing Mr. Schriver's current business in Lancaster, PA which is a high-end auto detail shop.
- Previously the property was a Highway Oil gas station.
- Currently the property is vacant.
- Mr. Schriver noted he proposes to repair and rehab the condition of the property
- Hours of operation for the proposed business – 9 AM to 8 PM – Monday-Thursday.

Friday - 9 AM to 6 PM, Saturday - 9 AM to 5 PM.

- There would be no cars inside the building since they would not fit. He noted inside would be two offices and a greeting area for customers, as well as office and desk equipment.
- Mr. Schriver indicated he has been in the car business for many years.
- There will be 16 parking spaces.
- The new sign would be located at the site of the existing sign.
- There will not be any car repairs at the site.
- No fuel storage on site.
- Water from car washing would run into the grassy area.

A question was raised regarding a creek near the site causing the property to be in a flood plain. Mr. Caloia confirmed the property was not located in a flood plain.

Attorney Markey referred to the 1,000 sq. ft. provision for interior car housing. He noted other municipalities have granted variances for small car dealerships. He further noted the intent of the variance was to have a car sales lot be of sufficient financial integrity. It was determined with blighted properties it is better to have a functioning property being put to use rather than deteriorating. From a legal perspective Attorney Markey had no issue with the variance request. He also agreed with Mr. Caloia's analysis and also with the case law cited by Mr. Ogden and his statement regarding the dimensional variance.

Vice Chairman Seiler asked if there was anyone in attendance who wished to speak for or against the applicant. Hearing none, he called for a motion.

MR. BAIR MOVED IN THE CASE OF ZHB-19-07 - 3612 E. MARKET STREET TO APPROVE THE VARIANCE TO .325-42.A.(1). SECONDED BY MR. SHUTTLESWORTH. MOTION UNANIMOUSLY PASSED.

5. ADJOURNMENT

VICE CHAIRMAN SEILER ADJOURNED THE MEETING AT 6:25 P.M.

Respectfully submitted,

Secretary
/ses