

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
JUNE 2, 2016**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman (late arrival)
David Seiler, Vice Chairman
John Schmitt
Sande Cunningham

ALSO IN

ATTENDANCE: John Luciani, Acting Zoning Officer
Gavin Markey, Solicitor
Sue Sipe, Stenographer

NOT PRESENT: James Deitch

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. MAY 5, 2016

MOTION MADE BY MR. SCHMITT TO APPROVE THE MINUTES OF MAY 5, 2016 AS AMENDED, MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY PASSED.

Vice Chairman Seiler asked Mr. Luciani if the case was properly advertised. He responded that notifications had been made.

3. OLD BUSINESS – None

4. NEW BUSINESS

A. Case Z-16-08 Richard T. Smith

All witnesses were sworn in.

General Case Summary:

§325-134. Accessory use development requirements.

C. Accessory uses shall be subordinate in area, bulk, extent, and purpose to the primary use. The height of an accessory building or structure shall be less than or equal to that of the primary structure. The total square footage of all accessory buildings on a building lot shall not exceed 50% of the main floor area of the primary building or 25% of the rear or side yard area.

§325-142. Utility sheds and greenhouses.

D. Not more than one shed or greenhouse shall be permitted per lot in the R-10 Zoning Districts.

Comments: Applicant is requesting a special variance to allow an addition of a third structure in back or side yard that is larger than 50% of main floor area of primary building at 1937 Memory Lane Ext. (Map 46-KI, Parcel 0021). The proposed garage is 32' x 24' that is similar to applicant's neighbors. The applicant's house is said to be smaller than others in neighborhood, also, sheds existed when applicant purchased house in 2013. Staff has attached materials supplied by the applicant.

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.

Mr. Smith stated he proposes the addition of a storage building on his property. He noted they have a small house and have no room for vehicles, household items, etc. Currently he has two storage sheds on his property that cannot accommodate a vehicle. He would like to add a garage similar to his neighbor with whom he shares a driveway. He provided photos of his property as well as the neighboring property showing her garage. The proposed garage would be 24x32 sq. ft. He noted there are several houses in the neighborhood with big garages and buildings, including a neighbor at the back of his property who has a 40 x 60 pole building.

Mr. Luciani confirmed the applicant meets the impervious coverage. He noted the applicant is seeking relief from two provisions of the ordinance. The ordinance allows one accessory building on the site, currently the applicant has two. The second one is to exceed the total square footage of 50% of the floor plan of the home by 768 sq. ft.

Attorney Markey indicated what stands out from the testimony and the photographs is the fact that the neighborhood is similar to his request and one of the factors for the granting of the variance is it should not pose a detriment to the surrounding neighborhood. Based on that section of the variance criteria, Attorney Markey determined the applicant would be in keeping with the surrounding neighborhood with respect to his request and that legally it is appropriate.

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

Discussion was held as to determining how to prevent setting a precedent by having multiple accessory buildings on the property. It was noted the factors that allow it for this property include the fact the house is small and the two sheds were existing when the applicant purchased the property and therefore did not create the situation. Consideration was given to recommending adding a condition that implies if any one of the pre-existing sheds is damaged to the point where it is not usable then the applicant would not be permitted to rebuild it. Mr. Luciani pointed out the ordinance provides at 75% of the value of the property a property owner cannot rebuild without obtaining a zoning variance.

Mr. Luciani recommended to add a condition that proper permits and stormwater for impervious areas be obtained.

MOTION MADE BY MR. ACHENBACH IN THE CASE OF Z-16-08, APPLICATION FOR AN AUXILIARY BUILDING TO BE CONSTRUCTED ON THE RICHARD SMITH PROPERTY, THAT THE REQUEST FOR THE VARIANCE FOR §325-142 FOR THE THIRD ACCESSORY BUILDING AND THE VARIANCE FOR §325-134 FROM FLOOR AREA REQUIREMENTS BE GRANTED WITH THE UNDERSTANDING THERE ARE SPECIAL CONSIDERATIONS AFFECTING THIS PROPERTY, I.E., THE SMALL SIZE OF THE MAIN RESIDENCE AND TWO OF THE SHEDS ON THE PROPERTY ARE PRE-EXISTING BEFORE THE OWNER ACQUIRED THE PROPERTY. ALSO WITH THE CONDITION THAT PROPER PERMITS

FOR IMPERVIOUS COVERAGE AND STORMWATER SHALL BE OBTAINED. MR. SCHMITT SECONDED. MOTION UNANIMOUSLY PASSED.

B. Mr. Luciani indicated that his colleague Mr. Shaefer included information regarding rezoning contemplated for the area of Mt. Zion Road and East Market Street. He noted this is an agenda item for the Board of Supervisors in July.

7. ADJOURNMENT

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

Respectfully submitted,

Secretary

/ses