

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
OCTOBER 2, 2014**

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
John Schmitt
Michael Papa
Sande Cunningham
David Seiler
Kevin Hevner, Alternate

ALSO IN

ATTENDANCE: Gavin Markey, ZHB Solicitor
Trisha Lang, Director of Community Development
Angela Liddick, Community Development Coordinator
Jean Abreght, Stenographer

NOT PRESENT: James Deitch

1. CALL TO ORDER

Chairman Achenbach called the meeting to order at 6:00 p.m. He introduced the members of the Board. It was noted that Mr. Seiler will be filling in as a voting member for this meeting. .

Chairman Achenbach led the Pledge of Allegiance.

2. ACTION ON THE MINUTES

A. September 4, 2014

MOTION MADE BY MR. PAPA, SECONDED BY MS. CUNNINGHAM TO APPROVE THE MINUTES OF SEPTEMBER 4, 2014 AS PRESENTED. MOTION UNANIMOUSLY CARRIED.

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

3. OLD BUSINESS - NONE

4. NEW BUSINESS

A. Case Z-14-06 84 Outdoor, LLC

Troy Speicher

All witnesses were sworn in.

General Case Summary:

Below is the section of the ordinance from which the applicant is requesting a special exception and variance:

§ 325-111. Off-premises advertising signs.

Off-premises signs shall be allowed by special exception in the G-I District in accordance with the following standards and regulations and shall be in addition to any on-premises signage allowed in that District:

A. Sign dimensions.

(1) The maximum area for any one sign shall be 700 square feet on limited-access highways and 300 square feet on unlimited-access roadways, inclusive of any border or trim, excluding the base or apron, supports and other structural members.

(2) The maximum width is 48 feet.

(3) A sign structure may contain one or two signs per facing and may be placed double-faced, back-to-back or v-type with the maximum interior angle formed not to exceed 45°, as long as the sign does not exceed 300 square feet.

B. Special requirements.

(1) No two sign structures shall be spaced less than 1,000 feet apart. Nor shall any structure be permitted within 1,000 feet of the edge of the street right-of-way of any intersecting public street or within 1,000 feet from the beginning or ending of an entrance or exit ramp.

(2) These spacing provisions shall not apply to sign structures separated by a building or other obstruction in such a manner that only one sign facing located within these spacing distances is visible from the highway at any one time.

(3) The distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the traveled way.

C. Lighting of off-premises signs.

(1) No sign shall be permitted which is not effectively shielded so as to prevent beams or rays of light being directed at any portion of the traveled way of any highway or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle or which interferes with any driver's operation of a motor vehicle.

(2) No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

(3) Signs that contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited.

D. Height requirement. No off-premises sign shall exceed a height of 35 feet.

E. Yard requirement. All off-premises signs shall be located on a lot of adequate size to establish and maintain a front yard setback of 50 feet and two side yard setbacks and a rear yard setback of not less than 30 feet each. All such yards shall be planted with vegetative material that shall be properly kept maintained as a green area.

F. All off-premises signs shall require permits issued by the Township prior to their display.

The following sections of the ordinance are supplemental sections to consider in the decision:

Article XXIV, Signs

- On-premises sign: A sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.
- Off-premises sign: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Off-premises signs include signs attached to and/or painted on vehicles that are parked and/or stored at a location other than where the activity associated with said vehicle is conducted

unless said vehicle is being used in the normal day-to-day operations of the use of the premises on which the vehicle is parked or stored.

325-106 Sign measurement

D. Computation of sign height. The height of a sign shall be computed as the distance from the base of the sign or it's supporting structures at finished grade to the top of the highest attached component of the sign. Finished grade shall be construed to be the grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

325-107. Business sign area standards by district.

G-I

- Maximum sign area – 35% of building front area or 10% of street frontage, whichever is greater; for corner lots, the smaller of the two frontages shall be used to calculate the maximum sign area.
- The premises shall have no more than two freestanding signs.
- The total freestanding signage on the premises shall not exceed 180 square feet.
- Freestanding signs shall be no more than 10 feet wide and no more than 18 feet high.

Comments:

- An off-premise sign (billboard) currently exists at this location and meets 325-111.D. at this time, which limits the height of an off-premise sign to 35 feet and the size of the sign to 700 square feet. The existing billboard was permitted by special exception in 2002 as zoning case #Z-02-01. The existing sign is 14'x48' for a total of 672 square feet. The applicant is seeking a variance to raise the height of the existing sign to 50 feet in order to make it more visible due to the grade of the portion of the property that it sits on being so low. Since the sign height is being altered, a new special exception is also being requested.
- It should be noted that it is stated in the 2002 minutes from the original special exception, that the billboard would not be used to advertise 84 Lumber, which is the existing business located on the property. If the billboard is used to advertise the business that is located on the lot, then it would then fall out of the "off-premises" sign definition and would then be regulated by the "on-premises sign" definition, and associated on-premises sign criteria for their specific zoning district, as state above.

Mr. Speicher indicated they are requesting a variance to allow the height of the existing billboard at the old 84 Lumber lot to be raised by 15 feet in order to be more visible from the main traffic on the highway. He presented photos, Exhibit 1 and 2, which demonstrate the variance requested is in accordance with other signs in the area. Mr. Speicher noted the Township Ordinance states the maximum height of a billboard may be 35 feet at the location of the current billboard. However, the lot where the billboard is located is at an elevation of 19 feet below the road level making it difficult to view the billboard from the main road. He noted the surveyor reviewed the site and submitted his findings. The photos also demonstrate that other billboards in the area appear to be higher than the current 84 Lumber sign.

Mr. Speicher explained the existing billboard would be re-engineered to support adding a 15 feet steel column to the existing sign to raise the height and would be a commercial sign.

Attorney Markey clarified the request for the variance from §325-111 Subsection D, noting the special exception for the billboard is on the table because although it has already been granted in the past, a confirmation of that status is necessary since the sign is being elevated and the variance is necessary to accommodate the additional height. Attorney Markey recommended if the Board was inclined to

approve the special exception and variance a condition be placed on the approval that the billboard shall not be allowed to advertise 84 Lumber (or whatever tenant is there since 84 Lumber is closed).

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

MR. PAPA MOVED IN THE CASE OF Z-14-06 TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION UNDER §325-111 AND TO GRANT THE VARIANCE FOR AN ELEVATION OF 15 FEET OF THE CURRENT HEIGHT OF THE BILLBOARD PURSUANT TO §325-11D, WITH THE CONDITION THAT THE TENANT OF THE PROPERTY NOT BE ALLOWED TO ADVERTISE ON THE BILLBOARD. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.

B. Case Z-14-07 Joseph Drahusz

Joseph Drahusz

Witness was sworn in.

General Case Summary:
325-121. Fences.

D. A fence may be erected higher than four feet in the following instances:

(1) A fence six feet in height is permitted on the rear and/or side property line of residential parcels.

Comments: The applicant is requesting a variance in order install a six (6) foot fence on their property. This property is situated on the corner of Brighton Drive and Cambridge Road. The front door of the dwelling faces Brighton Drive. The proposed fence would be installed to the rear of the dwelling and along the Cambridge Road side of the property. Both sides of the parcel that have frontage on a street are considered to be front yards, by definition of the zoning ordinance. This would only permit a fence up to four (4) feet in height. The fence, as requested, would be set back approximately ten (10) feet from the public ROW line. Similar variances have been granted in the vicinity of this neighborhood.

Mr. Drahusz indicated they are applying for a variance to erect a six foot privacy around the back yard of his property. The fence will come from the back corner of the house towards the side street and stop 35 feet from the center of the road. It will continue towards the back property line around to the other side of the house. They are applying for the variance since this is a corner lot which according to the Township Ordinance has two front yards. Mr. Drahusz stated there are other houses in the development that have gone through the process and were approved for six foot privacy fence extending towards the side road. He also noted the fence as requested would be set back approximately 10 feet. It will be a PVC fence, tan in color. He provided photos (Exhibits 1A through 3A.)

Attorney Markey concurred with the zoning officer opinion, noting this is a common situation which does not appear to have any legal problems.

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

MS. CUNNINGHAM MOVED IN THE CASE OF Z-14-07 TO RECOMMEND APPROVAL OF THE VARIANCE FOR THE 6 FT. FENCE LOCATED IN BOTH FRONT YARDS OF 2585 BRIGHTON DRIVE. MR. SEILER SECONDED. MOTION UNANIMOUSLY PASSED.

Attorney Markey noted the third case was withdrawn. Ms. Liddick stated the applicant sent an email requesting the case be withdrawn at this time.

5. ADJOURNMENT

Chairman Achenbach adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Secretary

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