

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
NOVEMBER 7, 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
John Schmitt
Michael Papa
Sande Cunningham
Kevin Hevner

ALSO IN

ATTENDANCE: Gavin Markey, ZHB Solicitor
Trisha Lang, Director of Community Development
Sue Sipe, Stenographer

NOT PRESENT: James Deitch
David Seiler, Alternate

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. Hevner will be filling in as a voting member for this meeting. .

Chairman Achenbach led the Pledge of Allegiance.

2. ACTION ON THE MINUTES:

A. October 3, 2013

MOTION MADE BY MR. HEVNER, SECONDED BY MS. CUNNINGHAM TO APPROVE THE MINUTES OF OCTOBER 3, 2013 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-13-11 David Moellman

Bob Sandmeyer, Site Design Concepts
David Moellman, Owner

All witnesses were sworn in.

Chart 325-114: Minimum parking space requirements.

Offices: general or professional – 3.5 spaces per 1,000 sq. ft. of gross floor area.

325-116.T.(2) Design standards:

T. Access to the public highway or street shall be controlled in the interest of public safety. The off-street parking, loading and service areas shall not be within any yard area other than those specified by this article.

(2) Parking may be located within side and rear yards of the Mixed-Use, Commercial Highway, and Neighborhood Commercial Districts, provided it does not encroach upon any required buffer yard.

Comments: The applicant is proposing to install parking for a proposed attorney's office located at 2000 E. Market Street (the SE corner of E. Market and S. Keeseey Street). It is located in the N-C/H district on a 12,000 square foot lot, in which office is a permitted use. This property was most recently used as a residence and therefore currently houses a driveway which allows access on S. Keeseey Street.

The applicant's proposal includes the installation of six (6) parking spaces. The proposed parking area will include one handicap parking space, required landscaped buffer yard, required storm water management as well as the relocation of the existing curb cut for parking lot access.

Two variances are requested in association with this proposal. The first is with regard to the number of parking spaces that are required per the zoning ordinance. The ordinance requires 3.5 spaces per 1,000 sq. ft. of gross floor area. The existing building is approximately 2,500 sq.ft. This would require a total of nine (9) parking spaces. The applicant is requesting a reduction in the amount of required parking to install six (6) spaces. Staff has met with the applicant to discuss the office needs and it is our understanding that much of the work that the employees perform is out of the office. This would mean that by installing all required parking spaces, we would be creating a situation in which there is an empty parking lot the majority of the time.

The second variance that is requested is with regard to the location of one of the proposed parking spaces. The N-C/H zoning district permits parking in the side and rear yard only. Due to the property being located on a corner lot, by definition of our ordinance, it is considered to have two front yards, both not allowing any parking to be located within them. The applicant is requesting relief to allow one (1) handicap parking space to be located within the front yard along S. Keeseey Street. This would allow the space to be located within a safe distance to/from the entrance to the office. The location of the proposed space would be in the same location as the existing residential driveway.

Mr. Sandmeyer stated they are requesting two variances for the property located at 2000 E. Market Street at the corner of Keeseey Street. This is in the Neighborhood-Commercial area which is also in the Historic area. The applicant is proposing to convert an existing residential house into a general office with the addition of parking in the rear yard. This is a corner lot approximately 12,000 sq. ft.

Mr. Sandmeyer indicated the Ordinance requires 9 parking spaces to fit on the site, which is creating a hardship for the applicant to move forward with the type of use proposed due to the location of parking. He noted the other issue is the property has two front yards and by definition of the Ordinance parking is not permitted in a front yard. The front yard as determined by the Township is the right-of-way to the building façade, with the restriction that parking cannot occur from the building to the curb line or right-of-way. In the case of the applicant the 12000 sq. ft. lot, combined with the front yard areas, the house and garage there is an area of approximately 7900 sq. ft. of the 12,000 which cannot be used for parking for this type of use. The hardship is also created by the existing residential use since the house is located far back into the property as shown on the site plan. Consequently, they are unable to place the 9 required spaces and are requesting a reduction in parking to 6 spaces which will include a handicapped parking space.

Mr. Sandmeyer identified the photographs of the property and surrounding houses that have parking in the front yard.

Mr. Moellman described the typical operating pattern he anticipates for the business to determine the amount of cars and people accessing the property. He stated this would be used for a small law office. It would be a two person practice with one paralegal. He has a partner who operates in Belair, MD. His partner's paralegal will remain in Belair. It will be a general practice law firm dealing with disability issues. His partner does estates and trusts. Mr. Moellman stated he spends approximately 50-60% of his time outside of the building, since he represents disabled people so he meets with them in their homes. His partner would use the office 1 or 2 days a week. When he has clients come in they are scheduled 1½ hours intervals throughout the day.

Mr. Moellman explained the layout of the rooms inside the building. On the first floor, the living room and dining room will be converted to a small waiting room and front office. Another room next to that will be the conference room. The former kitchen will be the work room, copier, etc. Upstairs, the three bedrooms will be used as working offices.

Mr. Sandmeyer stated they concluded the six parking spaces proposed would allow for some overflow. They would make the storm water area large enough just in case they needed to expand in the future.

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

Craig Kauffman – 6 S. Keesey Street

Witness was sworn in.

Mr. Kauffman stated his property is across the street. He stated they were in support of the request for fewer parking spaces, noting it was his opinion the requirement of 9 spaces would not fit on the lot from a traffic and aesthetic point of view.

Ms. Lang noted the Township supports the idea of fewer parking spaces on this property, which will result in less impervious and less flooding on Market Street.

Attorney Markey concurred with Ms. Lang, noting in the past the Board has granted relief for variances when properties have two frontages. Attorney Markey recommended a condition be placed on the approval of the variances based upon the representation that this will be a law office. This would provide control if, in the future, a subsequent owner would want to change the business, they would be required to request relief from the existing condition.

Chairman Achenbach called for a motion.

MR. PAPA MOVED IN THE CASE OF Z-13-11 TO APPROVE THE TWO VARIANCES:

- **§325-114 - REDUCTION FROM NINE TO SIX SPACES.**
- **§325-116.T(2) TO ALLOW THE HANDICAP SPACE IN THE FRONT YARD.**

BOTH VARIANCES WOULD BE WITH THE CONDITION THE USE OF THE PROPERTY IS AS A LAW OFFICE. SECONDED BY MR. SCHMITT. MOTION UNANIMOUSLY CARRIED.

ADJOURNMENT

Chairman Achenbach adjourned the meeting at 6:20 PM.

Respectfully submitted,

Secretary
/ses