

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
OCTOBER 6, 2011**

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

ALSO IN

ATTENDANCE: Gavin Markey, ZHB Solicitor
Jim Baugh, Director of Community Development
Sue Sipe, 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 and led the Pledge of Allegiance.

2. ACTION ON THE MINUTES

A. September 1, 2011

MOTION MADE BY MR. SCHMITT, SECONDED BY MR. PAPA TO APPROVE THE MINUTES OF SEPTEMBER 1, 2011 AS PRESENTED. MOTION UNANIMOUSLY CARRIED.

Chairman Achenbach asked Mr. Baugh whether or not all cases had been properly advertised. He responded that all notifications had been made.

Chairman Achenbach noted both applicants agreed to the expedited process for presentation.

3. OLD BUSINESS - NONE

4. NEW BUSINESS

A. Case Z-11-12 Charles & Kristina Black

Chris Hoover, Hoover Engineering & Associates

Charles Black

Kristina Black

All witnesses were sworn in.

General Case Summary:

325-20 Area and bulk requirements

Rear yard setback = 35 feet

Comments: The applicant is proposing to construct a 24'x14' deck to the rear of their existing home. The parcel is triangular in shape and the current home sits at a rear setback ranged from 17.98' to 21.65', which already does not meet the required rear setback. The rear yard of the home overlooks a drainage basin for the development, so there are no properties located behind it. The proposed deck is requested at the setback range of 3.98' to 7.65'.

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. Hoover distributed photos of the existing property in the rear of the lot in question, marked as Applicants Exhibit 1. The Blacks own the property located at 3803 Stonefield Circle. He noted the Blacks are requesting a variance from §325-20.C regarding required rear yard setbacks. The applicant is proposing to construct a 14 ft. by 24 ft. deck on their property, which will be within the rear building setback of the property. The request is being made due to the unusual shape of the property and the location of the existing home. The rear of the Black's property is steeply sloped between 8-10%. Photo #1 and #2 shows the rear elevation of the property. There is a doorway, currently situated in the rear of the house, which extends in excess of 2 ft. above grade elevation. He noted that use of the rear of the property is not feasible due to the existing slopes and the topography of the lot. Photo #4 and #5 show a view of the property standing at the house and looking away. Immediately adjacent to the property is the detention pond for this development and adjacent to the pond is a wooded area that separates the property from the neighboring development, with the closest house in excess of 300 ft.

Mr. Black indicated they are proposing to build a deck for entertainment purposes and to exit out the back of their house. He noted they purchased the lot knowing that it backed up to the retention pond. He indicated it was not disclosed at the time of purchase by the builder that if a deck was desired they would have to apply for a variance. Mr. Black stated they purchased the lot because it was perfectly flat at the time of purchase. The homeowner adviser never informed them there would be any issues with building a deck until consultation with Mr. Hoover to draw up the plans and that is when they discovered the setback limitations on the property.

Attorney Markey had no further comment or issue with the request.

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-11-12 TO APPROVE THE VARIANCE FOR A 31 FT. ENCROACHMENT INTO THE REAR YARD SETBACK AREA. SECONDED BY MR. PAPA. MOTION UNANIMOUSLY CARRIED.

A. Case Z-11-13 Ryan Wert

Alex Ensminger, J & A Building Hardscapes
Ryan Wert

All witnesses were sworn in.

General Case Summary:
325-17 Area and bulk requirements.
Side yard setback = 10 feet

Comments: The applicant is proposing to construct a 1,410 square foot two-story addition to replace an existing addition that is out of date and unsightly for the property. The existing addition appears to be built over the property line. The proposed addition will get rid of the existing nonconformity.

This applicant is proposing to construct the new addition and associated deck 3 feet from the property line. The main living area of the existing home sits at a setback of 16.43' from the side property line. If they were to meet the required setback of 10 feet, the proposed garage addition would only be able to be constructed at six feet wide. The proposed deck would be no closer to the property line than the proposed addition.

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. Ensminger indicated they are proposing a variance to §325-17.F Side Yard Setback, which the ordinance states is a 10 ft. minimum. The reason for the variance is because the homeowner has a structure on the lot which serves as a garage and an extra room on the back of the house which they would like to replace with a living area added above it. Mr. Ensminger indicated when the plans were reviewed they realized the garage as shown in the photo is actually six inches over the property line. They are proposing to demolish the present structure and construct a new garage which will be 3 ft from the property line as opposed to 10 feet. Mr. Ensminger noted the house next door is approximately 15 ft. from the property. He indicated they have a letter from that neighbor stating they received the advertised notice from the township and was given documentation regarding the proposal and they have no problem with it. The letter was marked as Applicant's Exhibit #1.

Discussion was held regarding the fact that there is nothing in the township records that shows the diagram of the existing structure. It was surmised that this was done without a permit. Judging by the way it was built from a building requirement standpoint it does not meet any of the current code or previous code. It was noted the current structure is 6" over the property line.

Attorney Markey had no additional comment and no objection to the request.

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

MR. PAPA MOVED IN THE CASE OF Z-11-13 TO APPROVE THE VARIANCE TO PERMIT A 7 FT. ENCROACHMENT INTO THE 10 FT. SETBACK RESULTING IN 3 FT. FROM THE PROPERTY LINE. SECONDED BY MR. SCHMITT. MOTION UNANIMOUSLY CARRIED.

5. ADJOURNMENT

Chairman Achenbach adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Secretary

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