

**APPROVED**

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
MARCH 1, 2012**

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  
Sande Cunningham

**ALSO IN**

**ATTENDANCE:** Gavin Markey, ZHB Solicitor  
Jim Baugh, Director of Community Development  
Sue Sipe, Stenographer

**NOT PRESENT:** James Deitch  
Michael Papa

**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. February 2, 2012**

**MOTION MADE BY MR. SCHMITT, SECONDED BY MS. CUNNINGHAM TO APPROVE THE MINUTES OF FEBRUARY 2, 2012 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 one applicant agreed to the expedited process for presentation.

**3. OLD BUSINESS: - NONE**

**4. NEW BUSINESS:**

A. Case Z-12-09 James and Cindy Tome

James Tome

All witnesses were sworn in.

**General Case Summary:**

325-25-134.C. Accessory use development requirements.

C. Bulk. 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.

Comments: The applicant is proposing to construct a 988 square foot accessory building. The home that sits on the lot is 1,344 square feet. This would allow for a 672 square foot accessory building, by right. The size of the proposed building will exceed what is allowed by 316 square feet.

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. Tome stated he is requesting to build a garage 30x40 sq. ft. which will exceed the permitted size for the lot located at 1209 Hillside Court. Mr. Tome stated he has lived there for 10 years. He stated that at the time his property was rezoned he was informed the zoning requirement is an accessory building must be less than 1000 sq. ft in relation to the size of his house, which is 1344 sq. ft. The size of the lot is approximately 1.4 acres. He noted the closest neighbor is approximately 10 feet from his property line. The purpose of the garage will be to store vehicles. This is a new building not replacing a current building. The size of the garage will allow three vehicles. The structure will be 14 ft. from the property line. The set back is 10 ft. Mr. Tome also noted there is an existing garage underneath the house on the side of the house with space for one vehicle. This is currently used for storage. The height of the building will be less than 18 ft., and the height of the house is approximately 18 ft.

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

Attorney Elliott indicated this is a dimensional variance request. He stated if the Board determines the applicant has met all requirements it is their discretion to approve.

**MS. CUNNINGHAM MOVED IN THE CASE OF Z-12-09 TO APPROVE THE VARIANCE REQUEST FOR THE ACCESSORY GARAGE TO EXCEED THE MAXIMUM BY 316 SQ. FT. SECONDED BY MR. SCHMIDT. MOTION UNANIMOUSLY CARRIED.**

B. Case Z-12-08 Guiseppe Ferranti & Antonino Randazzo

Attorney Rand Feder, Morris & Feder

Antonino Randazzo

Guiseppe Ferranti

All witnesses were sworn in.

General Case Summary:

325-165. Boardinghouses.

Boardinghouses are allowed by special exception in the R-1, N-C, N-C/H and M-U Districts subject to the following regulations:

A. A boardinghouse shall meet the minimum lot size and other area and bulk requirements for single-family detached dwellings of the base zoning district.

B. The minimum off-street parking requirements shall be determined on the basis of two spaces plus one space for each room available for rent.

C. If meals are to be served, the applicant shall demonstrate compliance with all applicable food handling requirements of the York County Health Department.

D. The applicant shall demonstrate that all necessary approvals and permits from the PA Department of Labor & Industry have been obtained or waived. The Zoning Hearing Board may, in the alternative, authorize approval of the special exception contingent upon the requisite approvals from the Department of Labor & Industry being obtained.

Comments: The applicant is proposing to run a boardinghouse at this property. The property is located in the N-C zoning district, in which a boarding house is permitted by special exception. The proposed

boardinghouse would contain 15 rented rooms with shared common areas, bathrooms and kitchen. The room rental would be weekly or monthly.

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.

Attorney Feder stated they submitted with the application numerous exhibits, A through F, which are identified below. The property is located at 3222 Eastern Blvd and bordered by Longstown Road, Edgewood Road and Eastern Boulevard. The applicants are requesting an approval for use as a boardinghouse.

- Exhibit A is an aerial photo showing the property.
- Exhibit B is a drawing of the property.
- Exhibit C shows the surrounding roads of the property.
- Exhibit D shows plans consisting of three pages done by Slonager & Associates.
- Exhibit E is the plan that was filed with the Commonwealth of PA, Dept. of Labor & Industry, with accurate depiction of the third floor layout.
- Exhibit F1 – F10 are photos of the interior and exterior of the property, as described by Mr. Ferranti.
- Exhibit G1 – G7 also photos of the interior and exterior of the property. Descriptions were added to the exhibit list and they were also individually described by Mr. Ferranti.

Mr. Ferranti indicated that on the first floor there are four bedrooms and five bedrooms on the second floor. The third floor will have 3 bedrooms – a total of 12 bedrooms.

Mr. Ferranti stated he currently has a boardinghouse located in Dallastown with 12 rooms for over a year. He noted for the proposed facility, rooms would be rented month to month. The rental payment is weekly, with a month-to-month lease. This would be a single occupancy room. Common areas include the kitchen, living room and dining room for use by the tenants. The property is managed by an employee who lives in one of the rooms and takes care of the house. That person's responsibilities include keeping the place clean and making sure everything stays in order, as well as taking out the trash and general maintenance. If there are any problems, the manager would report it to the owners. Mr. Ferranti also noted cameras would be installed in the common areas and the hallways, as well as the parking lot.

The building would have sprinklers installed. Signage would be on Edgewood Road and Eastern Boulevard, consisting of a small non-illuminated sign which will be in compliance with the Zoning Ordinance. A washer/dryer would be on site for the tenants. Also the rooms are equipped with cable TV, WiFi, and are fully furnished.

Mr. Ferranti felt the use would not have an adverse effect on the surrounding properties. He noted the properties surrounding the building are mostly commercial. He referred to the aerial photo, Exhibit A and pointed out the location of a dentist across the street to the west. He noted the property across the street is vacant. The property to the east is a mechanic/garage. To the northeast is a residential area. He indicated there are trees on the eastern side of the property providing a buffer to the residential uses.

Attorney Feder referred to the Zoning Ordinance, which allows for a boardinghouse in the N-C zoning with a maximum of 15 rooms. He noted this boardinghouse will have 12. Previously the building was used as a personal care/assisted living facility and in the past was also a mortuary.

Mr. Ferranti indicated there is adequate parking, with 35 parking spaces. The parking required is 2 spaces plus 1 for each room, of which there are 12, for a total of 14 required spaces. The building is serviced with public water and sewer. It is not in a flood plain area.

Attorney Feder indicated the zoning application, Section 2 Special Exception (F) has a note attached explaining purposes for the building which are determined as appropriate. Mr. Ferranti noted the property has sufficient ingress and egress for vehicles.

Attorney Feder stated there is a correction on Exhibit E of the attachment which should read “there should be no need for **on-street** parking. (It currently reads **off- street** parking.) He noted the property is approximately 38,000 sq. ft. which is in excess of that required.

Mr. Ferranti confirmed no meals would be served on premises. The tenants would use the kitchen to prepare their own meals.

Mr. Ferranti stated there would be no major renovations to the property other than adding shrubbery and paint to improve the appearance of the building.

It was noted the applicant does not yet have the permits from the PA Dept. of Labor and industry since they are not yet owners of the property. Attorney Feder indicated they would be obtained before the use is undertaken.

Discussion was held that one of the criteria for granting the special exception is the applicant shall demonstrate that all necessary approvals and permits from the PA Dept. of labor and Industry have been obtained or waived.

Attorney Feder pointed out it also indicates that the board can give an approval based on the fact they would have obtain that prior to the use.

Attorney Elliot clarified that the Board is able to make that a condition of approval.

Attorney Feder confirmed that the applicant does not yet own the property. He noted they attached to the application the consent for the owner. He noted that the intent to buy is depending on the decision of the Board. If approved, the applicant will purchase the property, and prior to obtaining the use would provide the necessary permits for all PA state requirements.

Discussion was held regarding the parking space requirement which could be interpreted to mean two spaces per room plus one. The applicant is regarding it as one space per room plus two extra spaces.

Mr. Baugh indicated his interpretation concurs with the applicant - one space per room plus two extra spaces. It was the consensus of the Board that was correct to which Attorney Elliott concurred.

Discussion was held regarding the criteria required for the boardinghouse renters to obtain a room. Mr. Randazzo confirmed a credit check is obtained with a security deposit consisting of the first week of rent.

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

All citizens were sworn in.

Daniel Woodring – 468 Hunting Park Lane

Mr. Woodring stated that the short stay of the resident in the boardinghouse does not seem to be a commitment to the community. He referred to the term work release as stated by Mr. Randazzo asking if this refers to a halfway house for incarcerated individuals. Other questions included:

- The number of bathrooms with the amount of people.
- Is the full time manager paid?
- Commented that the property is not all surrounded by commercial, there are residential properties.
- Requirements of how many people can safely occupy a building.
- Also, if they are single occupancy rooms the statement was made it is okay if they have somebody over - does that mean 1 or 2 nights a week. Would allowing this result in two people living in the single occupancy rooms?
- How do the prospective tenants identify themselves at the time of application?
- What application do they fill out?

Connie Wingard – 107 Lindhurst Road

Mrs. Wingard stated she has lived in the area for 10 years. She has young children. She runs a daycare in her home with 3-6 children in her care on a daily basis. Her son goes to the bus stop less than a block away from the boardinghouse, which is an elementary school bus stop. There is a kindergarten 2-3 blocks away from the house. She shared the same concerns as the previous gentlemen, i.e., the transient nature of the boardinghouse. She stated her concerns about her son walking to his friend's house directly across the street from this property. She inquired as to how long does it take to get a credit check for someone staying for only a week. Are the residents working in the area – do they have family in the area. What is their contribution to the neighborhood going to be. She felt the use would be detrimental to the family nature of her neighborhood.

David Ginter – 100 Edgewood Road

Mr. Ginter was concerned about property values in the area as a result of the boardinghouse. He was concerned about the safety of his two little boys, given the transient nature of the boardinghouse. He stated that potentially with 12 rooms, 12 people, in 12 months that could be 144 different people coming into the neighborhood. He was not sure about the precedence for boardinghouses in Springettsbury Twp. and felt this use does not fit in the neighborhood. He referred to Megan's Law and how to keep track of that with many people coming and going.

Jennifer Ginter – 100 Edgewood Road

Mrs. Ginter relayed the concerns her husband, Mr. Ginter, presented. She also referred to Megan's Law registry noting she is concerned for the safety of her children with the potential for a large number of people in and out of the neighborhood who are unknown, that could possibly be of harm to her children. She indicated the 3 surrounding businesses, noting all other properties are residential. She felt the applicant presented a misrepresentation or lack of knowledge regarding the type of neighborhood they are moving into. She was concerned about additional people who may be staying with the residents of the boardinghouse. She noted the tree line buffering as referenced by the applicant, stating the trees were blown down because of recent storms. She asked about the qualifications of manager/staff at the house being on the premises 24 hours a day, and their ability to handle issues and problems that could arise, i.e., a fire or a fight that breaks out.

Amy Rowcliffe – 115 Graystone Road

Ms. Rowcliffe expressed the following concerns:

- Qualifications of the manager who would reside on the premises.
- Ability to obtain a background check for a short term tenant.
- Where do the potential owners live and what is their investment.
- Bringing people into the community that is unknown.

Mark Jacobs – Licensed Realtor for the Buyer

Mr. Jacobs was sworn in.

Mr. Jacobs stated he has been a realtor for commercial real estate for 11 years. He reiterated the commercial offices around the property. Mr. Jacobs indicated he confirmed that the Zoning Ordinance allows boardinghouses in this area. He noted the house has been vacant for a number of years. Mr. Jacobs stated this property will provide affordable housing where people can reach mass transit easily and other businesses in the area on East Market Street.

Attorney Feder asked to address the concerns of the citizens. He stated that many of the concerns regarding the transient nature of the use and the argument of whether the use itself is appropriate in this zone would not be made before the ZHB but by the Board of Supervisors.

Mr. Ferranti explained the term he used "work release" meant a person coming out of state for a 2-3 month job into the area. Instead of renting an apartment they would rent a room. He confirmed they are not courting convicts out of prison.

Mr. Randazzo referred to their existing boardinghouse in Dallastown, noting they have tenants living there for approximately six months. The housekeeper for the property is on social security and lives there. They have another person who takes care of the grass. He indicated an example of a typical tenant would be someone who may have recently divorced and needs a temporary place to live.

Mr. Randazzo stated the purchase price of the property in question is \$285,000. The sprinkler system will be approximately \$25,000.

Mr. Randazzo stated that to protect their investment, they would be cautious in obtaining tenants. He also clarified that there would be four bathrooms, not two as was previously stated - two on the first floor and two on the second floor.

Mr. Ferranti indicated he lives on the corner of Windsor Road – two miles away.

Mr. Randazzo indicated he lives in Red Lion– four miles.

Discussion was held regarding the Township keeping on file the contact information of the person who would be managing the property and would be available and accountable to be able to correct any problems that could arise. Mr. Baugh confirmed that this procedure is identified in the Ordinance – the General Code. The owner would also need to inform the Township of new tenants.

Attorney Feder confirmed the residents will be provided with the contact information for the manager and also for the owner. There would also be signage in the house and rules and regulations of the building.

Jennifer Ginter – 100 Edgewood Road

Mrs. Ginter stated there is adequate Section 8 housing in the Township and questioned the qualifications of the realtor to speak to the nuances beyond selling the property. She also questioned how the Ordinance as mentioned by Mr. Baugh would be enforced to identify the tenants coming and going from the property and what the penalty would be for non-compliance.

Mr. Baugh agreed it is a difficult ordinance to enforce.

Attorney Elliott stated the Board is well versed in the requirements for a special exception and the specific requirements for boardinghouses as outlined in §325-165 which have been reviewed. Attorney Elliott reviewed the definition of a special exception. He noted if the Board finds that these criteria has been met then the law requires them to approve the application.

Chairman Achenbach reviewed the specifications defined in §325-165 as outlined in the case summary.

**MR. SCHMITT MOVED IN THE CASE OF Z-12-08 TO GRANT THE APPLICANT A SPECIAL EXCEPTION WITH THE CONTINGENCY THAT REQUISITE APPROVALS BE OBTAINED FROM THE DEPARTMENT OF LABOR AND INDUSTRY FOR ALL NECESSARY OBLIGATIONS. IN ADDITION THE ZONING ORDINANCE AND ALL OTHER LOCAL ORDINANCES WILL BE COMPLIED WITH TO INCLUDE REGISTRATION REQUIREMENTS FOR OCCUPANTS OF THE PROPERTY. SECONDED BY MR. ACHENBACH. MOTION CARRIED (1 NAY).**

## **5. ADJOURNMENT:**

Chairman Achenbach adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Secretary  
/ses