

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
MAY 5, 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
James Deitch
Michael Papa
Teresa Johnescu
Sande Cunningham, Alternate

ALSO IN

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

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. He noted that this meeting is Ms. Johnescu's last meeting, since she is relocating from the Township. He acknowledged her service on the Zoning Hearing Board.

Chairman Achenbach noted that the date shown on the agenda should reflect May 5, 2011 not March 5, 2011.

2. ACTION ON THE MINUTES:

A. April 7, 2011

MOTION MADE BY MR. PAPA, SECONDED BY MR. SCHMITT TO APPROVE THE MINUTES OF APRIL 7, 2011 AS AMENDED. 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 Mr. Snelbaker agreed to and signed the expedited process for presentation.

3. OLD BUSINESS

Attorney Markey stated that he prepared three original decisions for the Darrah Motorsports case for signature by the Zoning Hearing Board.

4. NEW BUSINESS

A. Case Z-11-08 Donald J. Snelbaker II – 619 Park Avenue

Donald Snelbaker

All witnesses were sworn in.

The ordinances are provided:

325-134. Accessory use development requirement.

B. Location. An accessory building or structure must be located to the rear of the principal building or structure. The rear setback shall be 10 feet. All required side setbacks shall be maintained.

Comments: The applicant is requesting a variance to construct a detached garage that will be located in the side and partially in the rear yard of the home. Due to the way the house is situated on the property, they are not able to meet the required setbacks if the garage were to be built completely in the rear yard of the home.

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. Snelbaker stated they are proposing to add an extra garage to their property to store vehicles, as well as a mower and motorcycle with trailer. He noted they currently have a one car attached garage. His property is on a corner lot. The garage would be located in the largest part of the side yard. The request is for a variance into the set back area. The driveway to the garage will connect with the existing driveway.

Mr. Baugh stated the township has no opposition to the request and noted that even with the addition of the garage they will still meet their lot coverage requirements.

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

Attorney Markey stated he had no legal objections, but noted as a point of clarification if the Board was inclined to approve the variance to recognize the accessory structure is in front of or adjacent to the principal structure, rather than totally in the rear of the principal structure. He also noted the sidewalk is also an issue for variance since the applicant will be installing it beside the existing garage.

It was clarified that the rear yard of the property is classified opposite the front door where it is the narrowest.

MS. JOHnescu MOVED IN THE CASE OF Z-11-08 TO GRANT THE VARIANCE TO DONALD Snelbaker, II TO ALLOW BUILDING A GARAGE WITH A VARIANCE ON THE SETBACK AND THE VARIANCE FOR LOCATION AT THE REAR OF THE YARD OFF THE SIDE IN ACCORDANCE WITH THE PLOT PLAN SUBMITTED. SECONDED BY MR. SCHMIDT. MOTION UNANIMOUSLY CARRIED.

A. Case Z-11-07 Sheetz

Paul Korzeniowski, Corestates Group

The ordinances are provided –

Roof – The exterior surface and its supporting structures on the top of a building.

Roof Sign – An attached sign that is partially or wholly attached to, erected on, or supported by the roof of a building or structure.

325-105. Prohibited Signs

N. Roof Signs

Comments: The Sheetz store on Memory Lane is planning to undergo a site renovation. Included with this renovation is a change in signage. The applicant is requesting a variance to install a roof sign as part of this change.

Recommendations: Staff does not support the applicant's request.

Mr. Korzeniowski stated the owner and applicant of the property is Sheetz. The plan for the work is to remove portions of the gas canopy that extend from the two gasoline islands.

Mr. Korzeniowski noted Sheetz is proposing to remodel the store to provide outdoor seating and as part of that they want to remove sections of the canopy that extends from the gas island to the building and make the front of the store more accessible and more of a food service establishment. Part of the rebranding is signage with the current Sheetz logo marketing image, as well as the "Fresh Food Made-to-Order" slogan. Mr. Korzeniowski explained the parts of the canopy that extend from the fuel island back to the building, as well as the existing canopy over the front entry way of the building will be removed. Also, the two columns shown at the front of the building will remain and be utilized as part of the structure for a new canopy that includes two pieces of signage. Mr. Korzeniowski indicated the variance is for additional branding to maintain their customer recognition throughout all of their stores so that people can recognize the Sheetz location easily.

Mr. Korzeniowski referred to drawings A9 which shows the new canopy in front of the building and detail of the Sheetz logo sign. He also noted the logo "Fresh Food Made-to-Order" above the structure detailed on Sheet SC1. He noted the logo would be centered on the canopy with the front view as customers enter.

Mr. Korzeniowski noted the existing fueling canopies have the Sheetz logo printed across the face. There is also a free standing sign on the property.

Mr. Korzeniowski provided photos of the current signs on the front elevation above the windows. He noted part of the renovation is to provide a new façade on the building.

Mr. Baugh clarified the variance only addresses the roof sign not total signage.

Mr. Achenbach referred to §325-100 of the ordinance which indicates the definition of a flat roof sign, as well as definition of a roof sign, noting the roof sign is prohibited.

Discussion was held on the difference between a flat roof sign from a roof sign, noting that a flat roof sign is constructed over a portion of the roof of the building and extends no more than 12 inches above the roof. Flat roof signs may not extend above the top of the roof line at any location.

Mr. Baugh stated that a flat roof sign is a type of roof sign which is not permitted.

It was clarified the proposed sign would be mounted on the existing columns, however, Sheetz will be installing a new canopy on top of the columns on which they will place the sign.

Mr. Korzeniowski clarified the structure in the front elevation noting the horizontal part is the canopy and then above that the boxes that have angled bracing is essentially behind the Sheetz sign, which is part of the structural members supporting that canopy.

Discussion was held regarding the differences between a canopy sign and a roof sign and how to distinguish between the two to determine how it applies to this situation.

Attorney Markey stated he was of the opinion the sign should be viewed as a roof sign, since the definition of it is an attached sign that is partially or wholly attached to, erected on or supported by the roof of a building or structure. He stated even if the canopy is determined as something different than the building, it is still a structure.

Discussion was held as to whether the applicant has provided sufficient evidence that there is a credible hardship to the applicant. The applicant was unable to substantiate any unique physical circumstances or conditions peculiar to their lot that would prevent using the existing motif to identify the Sheetz store.

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

Timothy Raymond was sworn in. He commented that this Sheetz store is very busy, noting that it is difficult to find parking in the lot and the hardship would be to put the sign on the roof to avoid eliminating any parking spaces.

Attorney Markey stated since the proposed sign has been determined to be a roof sign and there is a direct prohibition against roof signs in the ordinance it cannot be justified to grant the variance.

MR. JOHNESECU MOVED IN THE CASE OF Z-11-07 SHEETZ TO DENY THE VARIANCE TO §325-105 PROHIBITING ROOF SIGNS FOR THE SHEETZ STORE. MR. DEITCH SECONDED. MOTION UNANIMOUSLY CARRIED.

5. ADJOURNMENT

Chairman Achenbach adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Secretary

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