

A P P R O V E D

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
JANUARY 4, 2024**

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
David Seiler, Vice Chairman  
Sande Cunningham, Secretary  
Mark Bair  
Chris Shuttlesworth  
Brian Kauffman (Alternate)

**ALSO IN**

**ATTENDANCE:** John Luciani, Interim Zoning Officer  
Gavin Markey, Solicitor  
Randall Heilman, Director of Community Development  
Benjamin McCue, Deputy Zoning Officer Elect  
Jill Trostle, Stenographer

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Achenbach called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance.

Mr. Achenbach announced that Board Reorganization would be added to the agenda for this evening to elect officers for 2024.

**2. INTRODUCTION OF ZONING HEARING BOARD AND SPRINGETTSBURY TOWNSHIP STAFF**

Mr. Achenbach introduced members of the Zoning Hearing Board and Township staff.

**3. ACTION ON THE MINUTES**

**A. DECEMBER 7, 2023**

**MR. SEILER MOVED TO APPROVE THE MINUTES OF DECEMBER 7, 2023, AS PRESENTED, SECONDED BY MR. BAIR. MOTION UNANIMOUSLY CARRIED.**

**REORGANIZATION**

Mr. Achenbach opened the floor to nominations for the slate of officers. **MR. BAIR MOVED TO RETAIN THE CURRENT SLATE OF OFFICERS FOR 2024: DALE ACHENBACH, CHAIRMAN; DAVID SEILER, VICE CHAIRMAN; AND SANDE CUNNINGHAM, SECRETARY. MR. SHUTTLESWORTH SECONDED THE MOTION. MOTION UNANIMOUSLY PASSED.** Mr. Achenbach noted the elected officers will serve through December 31, 2024.

**SWEARING-IN OF TOWNSHIP STAFF**

The following Township staff were sworn in:  
John Luciani, Interim Zoning Officer

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Randall Heilman, Director of Community Development

Mr. Luciani confirmed that the cases presented this evening were properly advertised and signs posted as required by the MPC.

**4. OLD BUSINESS:**

Board members were asked to remain after the meeting to sign formal decisions from the last Zoning Hearing Board meeting. Mr. Bair asked to provide an update on the Comprehensive Plan Steering Committee meeting following new business items.

**5. NEW BUSINESS**

**ZHB-2023-0014 - 2801 E. Market Street**

Mr. Luciani, Interim Zoning Officer, provided a brief summary of the case submitted by the applicant, Chick-Fil-A, located within the Town Center Overlay on E. Market Street. The restaurant was built approximately ten years ago and went through a conditional use hearing. Due to a backup in queuing and an increase in drive-through business, the applicant is requesting the following variances to improve flow through the drive-through window.

§325-43 Area and Bulk Requirements  
§325-114 Parking facilities required by land use

Chick-Fil-A is seeking an expansion of their drive-thru lane from one lane to two lanes. The property is located in the C-H Commercial Highway zoning district. The applicant is requesting a variance to allow 71 parking spaces instead of the required 72 parking spaces that currently exist in order to expand the drive-thru lane from one to two lanes.

The following witnesses were sworn in:

Santiago Uribe, Professional Engineer  
Cathy Dallas, Franchisee for local Chick-Fil-A  
Gideon Lee, JLL Development Manager

Santiago Uribe, Professional Engineer

Mr. Uribe of Boller Engineering represented Chick-Fil-A and provided an overview of the variances being requested. The following is a summary of his testimony:

- The existing site is located in the York Mall Shopping Center on the southeast corner of the property near the Wal-Mart Super Center.
- It is accessed from Mill Street to the east through a shared access drive that also connects to the overall shopping center.
- Currently, there is a one-way circulation in and out with angled parking on either side.
- The drive-through operation today is a single line drive-through. As business has expanded, there are queuing issues.
- There are 73 existing parking spaces in the lease area. As part of this application, Chick-Fil-A proposes to expand the drive-through lane to a dual lane, proposing two new canopy structures to

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assist with the operation by protecting staff from the weather and delivering the food more efficiently.

- Attorney Markey requested clarification on the number of existing parking spaces. Mr. Uribe responded the required parking spaces are 72, but there are 73 existing spaces. The variance requested is to allow a total of 71 spaces on the site, which represents a reduction of one space from the requirement of 72 spaces.
- The applicant proposes to replace six existing parking spaces located west of the lease area with a dual drive-through lane, expanding it to the access aisle where it connects to Mills Street. Four spaces will be added back along with landscape islands to the north of the restaurant. The dual lane drive-through will expand all the way across the building which requires some of the landscape area to shift. Removal of the landscape areas does not cause an adverse effect on the requirements for building or landscape requirements.
- The canopy on the west side will be where employees will take orders, and the canopy on the east side will be where orders are delivered. Canopies are a combined total of 1700 SF.
- Granting of the variance will not present a detrimental impact to the general health and safety of the public.
- Granting of the variance will not alter the essential characteristics of the neighborhood.
- The variance requested is the minimum variance necessary to grant relief.
- The applicant is bound by the lease line and is attempting to maximize the drive-through operations to the extent possible and still remain within the requirements of the ordinance.
- Granting of the variance will allow the continued reasonable use of the property, will enhance the operation of the restaurant and will benefit the community.

Responses to Questions of the Zoning Hearing Board:

- Chad Baker is the Chick-Fil-A program lead. Mr. Lee, Development Manager, attended the meeting on his behalf.
- Ms. Cunningham asked if any studies were conducted to show how expanding the drive-through will help the business. Chick-Fil-A's redevelopment program reviews existing restaurants that are not on the scrape and rebuild cycle. Existing restaurants that went through COVID experienced a shift in sales from dine in to drive-through. So existing restaurants are being retrofitted with dual lanes and canopies to respond to the change in the business model. Adding a second drive-through will increase capacity and eliminate the backup in peak times which are 12-1 pm and 5-6:30 pm.
- Currently they average 156 cars per hour. Upon completion of the dual drive-through that number is expected to increase to 200, and should eliminate the overflow into the back lot.
- The throughway separating the two parking areas is owned by the landlord, not Chick-Fil-A.
- The phase-in of the project will not change the flow of operations into and out of the drive-through, but will increase the capacity at the entrance. The restaurant will shut down for a short period of time for construction.
- Clearance bars and directional signage will be added. Mr. Luciani confirmed that signage is permitted as long as there are no logos.
- The existing parking spaces are rarely fully occupied because 60% of the total business goes through the drive-through.

Additional Comments of Interim Zoning Officer, John Luciani

Mr. Luciani noted the Township approval process will include application for a building permit and review by Township staff. No traffic flow studies will be required.

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Opinion of Solicitor Gavin Markey, Esq.

Solicitor Gavin Markey responded that parking deviations from the Zoning Ordinance are considered dimensional in nature and a reduced burden of proof is placed on the applicant. The request of reduction of the variance is so small it is considered de minimis in nature and the criteria normally used for the granting of the variance need not apply. It was Mr. Markey's opinion that the Board may approve the variance at its discretion.

Public Comment: No members of the public were present to speak for or against the dimensional variance request.

**IN THE CASE ZHB-2023-0014, MR. SEILER MOVED TO APPROVE THE DIMENSIONAL VARIANCE TO §325-114 PARKING FACILITIES REQUIRED BY LAND USE, ALLOWING THE APPLICANT TO REDUCE TOTAL PARKING SPACES FROM 72 TO 71. MR. BAIR SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**ZHB-2023-0015 - 3377 Barwood Road**

Mr. Luciani summarized the case, which is an application for a variance for construction within the Steep Slope district overlay. The lot is currently vacant and is a challenging property, with an average slope of 25-30% and is very rocky. Within the Steep Slope zone the maximum coverage for a lot is 10% to minimize the amount of impervious area due to stormwater management. The applicant has five primary areas to be satisfied.

1. Determine the percent of existing slope on the side - Exhibit A demonstrates the slopes that exceed 15%.
2. Determine how much ground will be disturbed and how it will be stabilized.
3. Discuss the slope types and underlying geology - There are quite a few boulders on the site.
4. Discuss the slopes on the adjoining area upstream and downstream.
5. Demonstrate how stormwater will be managed.

Mr. Luciani noted the purpose of the discussion is not to determine whether or not the property is within the Steep Slope zoning district, but is it possible to build on it, stabilize it and manage stormwater. The lots on Barwood were created in 1963, so the applicant does not have to meet current frontage requirements. Mr. Luciani shared it would not be possible to install a septic system on this parcel, but the plan proposes to tap into the public sewer system.

Mr. Andrew Weaver, Professional Engineer was sworn in.

Andrew Weaver, Professional Engineer

Mr. Weaver, a consultant, attended on behalf of the applicant, who was not able to be here this evening due to having a disabled vehicle. The lot width is 112 feet and the minimum is 150 feet. The lot area is .72 acres and the required acreage is 1.0 acres. The property was developed in 1963 before the Zoning laws existed. Without approval of the variances requested, the lot is unbuildable. Mr. Weaver noted that other lots in this development have similar dimensions.

Stormwater management was discussed. When the parcels were developed there were no stormwater requirements at that time. Mr. Weaver stated that stormwater management would be minor for a single

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family dwelling. Mr. Weaver stated this parcel is steep and will not be simple to develop. The builder is confident he can build on the site, but was not available to be present this evening.

Attorney Markey suggested it would be more productive to ask for a continuance so that the client can be present to provide relevant testimony. Mr. Weaver asked to complete his portion of the testimony. Attorney Markey noted it would be more efficient to hold all testimony until the next meeting for the benefit of the Zoning Hearing Board members and the public that may have interest in the case. It was the consensus of the Zoning Hearing Board members to hold all testimony until the entire case may be heard at one time. On behalf of the applicant, Mr. Weaver expressed his preference for a continuance, over risking rejection by the Zoning Hearing Board.

Chairman Achenbach entertained a motion from the Board to acknowledge the discussion that has taken place and to recommend a continuance.

Attorney Markey presented a motion to continue the case until next month's meeting pursuant to the request of the applicant's representative, Mr. Weaver. Sande Cunningham recommended a motion to continue the case until the February Zoning Hearing Board meeting, seconded by David Seiler. All Board members voted in favor and the motion carried.

Mr. Achenbach asked if the continuance would result in additional cost to the applicant. Mr. Heilman responded there are already two cases for the February 1 meeting to be advertised, so there won't be any additional advertising costs for the applicant.

Public Comment

Mr. Mark Swomley of 3366 Barwood Road was sworn in to provide public comment.

Mark Swomley, 3366 Barwood Road

Mr. Swomley was present along with other members of the Barwood community. Mr. Swomley stated they would hold their public comments on this matter until the next meeting.

Additional Comments of the Zoning Hearing Board

Attorney Markey suggested the Zoning Hearing Board members provide to the client's representative any specific issues they would like the applicant to review and address at the next meeting.

- Ms. Cunningham requested an aerial photograph of the property. Mr. Kauffman noted that aerial photos would not show the steep slopes and would not be helpful. Mr. Swomley had photographs to share with the Board; however, they will be held until the next meeting. Mr. Swomley suggested that Zoning Hearing Board members view the property in person.
- Mr. Kauffman would like confirmation that it is possible to build on the property and how the stormwater will be managed.

Mr. Shuttlesworth asked Township staff if there is a precedent for this type of case or similar cases in this specific area. Mr. Luciani responded there have been numerous steep slope discussions, with the most recent being the request to install a pool in a steep slope area. Requests can range from simple to intricate and each case is unique. Mr. Luciani noted that the homes already built on Barwood Road are on flatter ground.

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Mr. Heilman noted he would share additional documentation with the Board members as soon as information is received.

**INFORMATION ITEMS:**

Update on Comprehensive Plan Steering Committee Meeting:

Mr. Bair provided a brief update on the Comprehensive Plan Steering Committee meeting held on January 3, 2024. The committee has worked many months to determine plans for the next 10 to 20 years and has received many comments from the general public. One of the priority areas is transportation and the movement of people through the Township. Other priorities include improving intersection safety, pedestrian and bicycle lane improvements, streetscape improvements, reviewing economic development and better utilization of the Galleria Mall, expanding senior housing options, providing affordable housing options for all ages, removing barriers to first time home buyers, reviewing land use and retaining rural aspects of the Township. Changes to the Zoning Ordinance will support economic development and changes in the economy within the Township. Mr. Bair shared one goal is to create zoning planning and policy tools to facilitate revitalization and redevelopment in the Township. The committee will begin to review and revise the ordinances in March. The review timeline includes a public hearing in October with final adoption in January 2025.

Mr. Heilman stated that typical issues that routinely come before the Board should be reviewed and resolved within the context of the ordinances. The new ordinances should be modified in order to resolve or address the problematic issues from which the public requests relief. Mr. Heilman shared the committee will consider all community feedback, as well as comments from the York County Planning Commission. Public meetings and hearings will provide additional opportunities for the community to provide feedback.

**6. ADJOURNMENT**

**MR. SEILER MOVED TO ADJOURN THE MEETING, SECONDED BY MR. SHUTTLESWORTH.  
THE MEETING ADJOURNED AT 7:17 PM.**

Respectfully submitted,

Secretary

/jht