

APPROVED

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
FEBRUARY 2, 2023**

**MEMBERS IN**

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

**NOT PRESENT:** Randall Heilman, Director of Community Development  
John Luciani, Township Engineer, First Capital Engineering

**ALSO IN**

**ATTENDANCE:** Timothy Holmes, Zoning Officer  
Gavin Markey, Solicitor  
Abby Gibb, Communications Manager  
Jill Trostle, Stenographer

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Achenbach called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board and Springettsbury Township staff. Mr. Brian Kauffman was introduced and welcomed as the newly-appointed alternate member of the Zoning Hearing Board.

**2. ACTION ON THE MINUTES**

**A. JANUARY 5, 2023**

**MR. SEILER MOVED TO ACCEPT THE MINUTES OF JANUARY 5, 2023, AS SUBMITTED, SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY CARRIED.**

**3. OLD BUSINESS** - There was no old business.

**4. NEW BUSINESS**

Tim Holmes, Township Zoning Officer, was sworn in as a representative for the Township. Chairman Achenbach asked if the case was properly advertised. Mr. Holmes confirmed notification was made.

**ZHB-2023-0001 - 3420 E. Market Street, LLC**

Mr. Holmes reported an application was submitted by 3420 E. Market Street, LLC, property owner of 3420 E. Market Street, for three variances from Township Ordinance sections:

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1. §325-34(A) Requires a front setback of 20 feet along a private street
2. §325-114(D) Parking facilities required by land use - Minimum parking requirements require all residential dwelling (uses) shall provide a minimum of two spaces per dwelling unit.
3. §325-120(B) Dumpster sites/waste collection areas - No collection site shall be permitted in any front yard area.

This site is the former location of the Lincolnway Flower Shop and has been vacant for a couple years. The present zoning for this property is N-C, Neighborhood Commercial. Variances are requested so the property owner can move forward to submit a proposal through the land development process to remove the existing buildings and construct a 24-unit apartment complex.

The following witnesses were sworn in:

- Stacey R. MacNeal, Attorney with Barley Snyder, representing the applicant
- Eric Johnston, P.E., Johnston & Associates Inc., representing the applicant
- Clint Huhra, 2344 York Road, KNG Equity - Applicant

Stacey R. MacNeal, Attorney with Barley Snyder

Attorney MacNeal distributed three additional paper exhibits to the Board (referenced as Applicant Exhibits 1, 2 and 3). Attorney MacNeal summarized the three variances requested for development of the property located at 3420 E. Market Street. They are to:

1. Allow a structure within 20 feet of a private right-of-way
2. Allow a dumpster within a front yard
3. Reduction of parking spaces from 48 to 41

Chairman Achenbach consulted with Solicitor Markey who confirmed the Board would vote separately on each variance request.

As a point of clarification, Attorney MacNeal stated the proposed structure is a 24 unit structure. Mr. Johnston's testimony would cover the physical characteristics of the site, and Mr. Huhra's testimony would cover appropriate parking and monitoring of parking at the property.

Eric Johnston, P.E., Johnston & Associates Inc.

The testimony provided by Mr. Johnston, Professional Engineer, representing the project for the applicant, is highlighted below:

- Mr. Johnston is familiar with the property and prepared the application for case ZHB-2023-0001 located at 3420 E. Market Street in the Neighborhood Commercial zone.
- The parcel is .83 acres
- There is an existing vacant building with parking spaces in the front and small access drive going down into the rear of the property. It is currently served by an entrance off Market Street, slightly east of Eisenhower Drive.
- Sheet 18 of the application contains photographs of the existing structure on site showing the outdated appearance of the structure and the site.
- The site fronts on E. Market Street and the rear is bound by Eastern Blvd, another public right-of-way. On the west side is Eisenhower Drive, which is a private right-of-way in favor of the

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Village East Apartment complex located to the south across Eastern Blvd, bounding the property by three existing right-of-ways.

- Current access is close to Eisenhower Drive and serves the property by itself and is close in proximity to an existing driveway. There is currently open frontage with no defined driveway throat to access the parking area.
- The proposed redevelopment would be to take advantage of an existing 20 ft wide right-of-way easement located to the east of the property in order to construct a common driveway that would serve this property, as well as the existing adjoining property to the east.

Mr. Seiler asked if there would be any issues with turning on Market Street. Mr. Johnston responded that PennDOT would need to make that determination. A preliminary traffic estimate during peak hours for the 24 units proposed indicates approximately 17 trips entering and 10 exiting. Attorney MacNeal noted if the variances are approved this evening, a full land development plan would be submitted that includes a traffic study review by all appropriate jurisdictions.

Variance 1

The first variance request is to have a structure within 20 feet of a private right-of-way. Mr. Johnston reviewed measurements of the lot which is long and narrow. Exhibit 1 was presented showing a rendering of the proposed apartment building. Mr. Johnston noted the areas of the building that would be encroaching into the setback. The entrance structures are only on the interior side of the lot. There would be balconies on the Eisenhower Drive side, which will be 24 feet from the cartway edge of the paving and project into the setback area. The existing building already encroaches into the front setback and is about 7.5 feet from the right-of-way line. Mr. Johnston confirmed that there is no reconfiguration that would not involve encroachment into the three front yards. Research indicates there is no legal right of access for this lot onto the private street. The proposed building would meet the 35 foot building height requirement of the ordinance. There is a density factor in the neighborhood commercial zone of 40 units per acre. The applicant's plan proposes 9 one bedroom apartments and 15 efficiency apartments to maximize the permitted density value. The maximum allowable lot coverage in the NC zone is 75% and the applicant's proposal is 71%.

Variance 2

A second variance relates to the location of the dumpster. Mr. Johnston referenced the proposed location of the dumpster on the plan sheet in the front yard of the Eisenhower Drive right-of-way and the Eastern Boulevard right-of-way. The dumpster would be attractively screened with fencing and landscaping. There are other dumpsters along Eastern Boulevard in this area, as noted on sheet 16. The proposed location of the dumpster is at the rear of the property, near the shared access easement and would be accessible to refuse trucks.

Variance 3

The third variance is requested to reduce the required parking spaces from 48 to 41. The current ordinance proposes two parking spaces per proposed unit, regardless of the type or size per unit, which totals 48. The three front yards prevent maximum efficiency of the property. A total of 41 parking spaces are proposed as part of the redevelopment plan. Mr. Johnston feels this is appropriate in accordance with industry standard guidance provided by Industry Traffic Engineers (ITE) and the American Planning Association. Exhibit 2 - Multi-Family Mid-Rise demonstrates the ITE guidance on parking. Exhibit 3 shows parking spaces for certain types of use classifications and references 1.33

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spaces per unit. The applicant is proposing 1.7 spaces per unit for a total of 41 spaces, which is two spaces for each one bedroom unit, one space for each efficiency unit and 8 visitor spaces.

Sheet 19 provides photographs showing the layout of the surrounding neighborhood, proximity of the existing buildings in each direction showing a mix of commercial uses toward Market Street, Village East Apartments to the south, as well as a large church in the area. Sheet 15 shows a larger, broader aerial view of the site. The applicant's proposal is consistent with the mixed use neighborhood.

The unique physical circumstances and conditions of the property create an unnecessary hardship as it relates to the front setback and dumpster location variance requests. The front yard setback, location of access easement, and shape of the lot also impact and limit the number of parking spaces that can be provided. The geometry of the property and the three front yard setbacks create an unnecessary hardship that is not created by the applicant.

The variances are necessary to enable reasonable use of the property, allow it to be developed, will not alter the essential character of the neighborhood or zoning district, and will not permanently impair the appropriate use or development of adjacent property. The proposed new structure will be of high quality and will be an improvement over the current structure, which is in disrepair. The variances requested are the minimum variances that afford relief.

Attorney MacNeal opened the floor to questions by the Board. Mr. Bair asked how runoff from the parking lot would be controlled. Mr. Johnston responded that the pre-development plan would ignore the existing building and pavement. Stormwater would be captured appropriately and conveyed through the site through downspout connectivity or catch basins to an underground stormwater system that would be connected into Eastern Boulevard's stormwater system.

Clint Huhra, 2344 York Road, KNG Equity

Attorney MacNeal conducted the testimony of Mr. Huhra concerning the parking proposal. Mr. Huhra's testimony is summarized below.

- Mr. Huhra has 25 years experience in real estate, with the last ten years focused on commercial, multi-family, and retail strip centers in Pennsylvania and Maryland.
- The one bedroom units and efficiency units proposed are the same size.
- The apartment complex will create affordable market rate upscale new apartments with quartz countertops and laminate flooring, targeted to entry-level apartments for young adults.
- Mr. Huhra believes the 1.7 parking spaces per unit will be sufficient based on his past experience, and will provide two spaces per one bedroom apartment, one space per efficiency apartment and 8 visitor parking spaces.
- All applicants are required to register all vehicles that would be parking in the lot.
- Tenant parking would be monitored by assigning parking spaces by number or providing parking tags for all registered vehicles.
- If parking would be insufficient for the number of units, tenants would complain and eventually leave the apartment complex. The number of units in the apartment complex does not exceed the availability of accessible parking.
- The proposed apartment complex will include stones and different textures of siding to make it attractive and fit in with the community.

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- There will not be a leasing facility on-site; however, the site will be monitored by asset managers who travel to all asset properties weekly to monitor refuge around the dumpsters, parking, and landscaping.
- The Township would be given contact information for any property issues that might arise.

Mr. Kaufman noted there is an interior landscaping requirement for a shade tree every 12 spaces and the plan shows 19 across the front of the building. Mr. Johnston responded that the plan does not show all of the trees proposed. During the land development process, modification would be requested that would allow plantings to be on the exterior of the parking lot as opposed to the interior in order to maximize parking.

Mr. Kauffman noted that parking in the front yard is not permitted by the zoning ordinance, and asked if the applicant plans to submit a variance request to allow parking in the front yard. Attorney MacNeal stated this would be discussed with the Zoning officer and if additional relief is needed, the applicant will act accordingly.

Chairman Achenbach asked if anyone in the audience wished to speak for or against the applicant, to which there was no response.

Chairman Achenbach invited Solicitor Markey to share his comments on the legal aspects of the case. Mr. Markey's comments are summarized below:

- The Township is sensitive to the fact that it is a corner lot with multiple front yards, creating a hardship affecting development of the property.
- The variances requested are not substantial in nature and do not substantially deviate from the zoning requirements and permitted use within the Neighborhood Commercial zoning district.
- The Board is aware of the law regarding the burden of proof placed upon the applicant, and the applicant's application was very thorough.
- The property is vacant and in substantial disrepair. A new building would be better than the current structure.
- There are multiple apartment complexes in the surrounding area.
- Mr. Markey encouraged the engineer to consult with the Zoning Officer to determine if a variance might be necessary to allow parking in the front yards.
- From a legal perspective, Mr. Markey had no objection to the three variances currently proposed.

Mr. Holmes stated he will consult with Mr. Heilman and Mr. Luciani regarding the existence of any past discussion on a variance for front yard parking. Mr. Markey noted if alternative relief is necessary from the zoning perspective, the applicant will have to return to the Zoning Board to request a fourth variance.

Chairman Achenbach entertained a motion for variance to §325-34.

**MR. SEILER MADE A MOTION TO APPROVE THE DIMENSIONAL VARIANCE FOR §325-34 TO ALLOW CONSTRUCTION OF A BUILDING WITHIN THE 20 FEET FRONT YARD SETBACK AT 15 FEET FROM THE STREET LINE. MS. CUNNINGHAM SECONDED THE MOTION. MOTION UNANIMOUSLY CARRIED.**

Chairman Achenbach entertained a motion for variance to §325-114(D).

**MR. SEILER MADE A MOTION TO APPROVE A DIMENSIONAL VARIANCE FOR §325-114(D) TO PERMIT 41 PARKING SPACES TO SERVE 24 APARTMENT/EFFICIENCY UNITS. MS. CUNNINGHAM SECONDED THE MOTION. MOTION UNANIMOUSLY CARRIED.**

Chairman Achenbach entertained a motion for variance to §325-120(B).

**MR. SEILER MADE A MOTION TO APPROVE A VARIANCE TO §325-120(B) TO ALLOW AN OUTDOOR TRASH COLLECTION AREA WITHIN THE FRONT YARD AREA OF EASTERN BOULEVARD AND EISENHOWER DRIVE. MR. BAIR SECONDED THE MOTION. MOTION UNANIMOUSLY CARRIED.**

**COMPREHENSIVE PLANNING UPDATE:** Mr. Bair reported that he was selected to serve on the Comprehensive Plan Review Committee representing the interests of the Zoning Hearing Board over the next two years.

## **5. ADJOURNMENT**

Mr. Achenbach entertained a motion to adjourn.

**MS. CUNNINGHAM MOVED TO ADJOURN THE MEETING, SECONDED BY MR. SEILER. THE MEETING ADJOURNED AT 6:53 PM.**

Respectfully submitted,

Secretary  
/jht