

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
MARCH 12, 2015**

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
David Seiler

ALSO IN

ATTENDANCE: Gavin Markey, ZHB Solicitor
Trisha Lang, Director of Community Development
Sue Sipe, Stenographer

NOT PRESENT: John Schmitt
Michael Papa
Sande Cunningham
Jim Deitch

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. Due to not having a quorum for this meeting, Chairman Achenbach announced he would act as the Hearing Officer and Mr. Seiler the questioning member of the Board, in order for the process of the hearing to continue. The decision on the case presented would thereby be made by Chairman Achenbach in determining the outcome of the variance request.

B. Reorganization of Officers

Tabled for next month.

2. ACTION ON THE MINUTES

A. NOVEMBER 8, 2014

Tabled for next month.

Chairman Achenbach asked Ms. Lang if all cases were properly advertised. She responded the meeting was originally advertised for last week and due to the weather related cancellation, an ad was placed as a continuation for tonight's meeting.

3. OLD BUSINESS – None

4. NEW BUSINESS

A. Case Z-15-01 - AVA Realty York 2, LLC.

All witnesses were sworn in.

Attorney Stephen Dzurainin, Wix, Wenger & Weidner

Att. Dzurainin indicated the property is located at 2789 Concord Road, which is the Marriott Townplace Suites Hotel, a four story hotel with 98 rooms. He noted the property had previously been subdivided by prior owners before his client purchased the property. The property is next to another hotel which is the Courtyard by Marriott Hotel. In 2008 both the Courtyard Hotel and the Townplace Suites Hotel came to the Zoning Hearing Board to request several variances, one of which was a variance on the 200 ft. length minimum. Both hotels were granted a variance for a 255 ft. length. Marriott authorized building the first hotel, The Courtyard Hotel which was finished in 2011. Then Marriott authorized the construction for the Townplace Suites Hotel. The initial design for that hotel showed a 255 ft. length. However, Marriott indicated they wanted to restructure the design for the purposes of a patio and extended the hotel to 274.53 ft. Consequently, his client submitted a building application with revised plans to the Township for a building permit which was granted. The hotel was built and the Certificate of Occupancy was granted based on the 274.53 ft.

Att. Dzurainin stated the issue came to light as part of his client conducting a third party review of the hotel and they noticed the building was longer than what had been granted. Att. Dzurainin stated they are requesting extending the previously granted variance for the same reason as was granted for the 255 ft. variance, which includes the configuration of the lot prohibits a wider hotel to accommodate the 98 rooms and may have impact upon the setback and buffer zones.

Chairman Achenbach expressed concerned that all the approvals were granted at the code and engineering levels without someone detecting the extended building length. Ms. Lang was not sure of the circumstances since she was not in the position of zoning officer at the time the situation occurred.

Att. Markey stated he reviewed the original file. He noted the justification that Att. Dzurainin indicated mirrored the original application when the variance was granted. Att. Markey indicated he had no objections from a legal perspective. He confirmed with Att. Dzurainin that he had no objection to Chairman Achenbach acting as the Hearing Officer in the case, as a courtesy due to a lack of quorum.

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

Charles Stuhre - 3680 Trout Run Road

Mr. Stuhre asked if the plan used for the building of the Townplace Suites Hotel showed the 255 ft. or 274 ft. width. Att. Dzurainin confirmed it showed 274 ft.

CHAIRMAN ACHENBACH STATED AS HEARING OFFICER IN THE CASE OF Z-15-01 TO APPROVE THE GRANTING OF THE VARIANCE TO ALLOW THE EXISTING HOTEL TO EXCEED THE PREVIOUSLY GRANTED 255 FT. TO 274.53 FT.

5. ADJOURNMENT

Chairman Achenbach adjourned the meeting at 6:20 PM.

Respectfully submitted,

Secretary

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