

APPROVED

SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD

MAY 2, 2024

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
David Seiler, Vice Chairman  
Mark Bair  
Brian Kauffman (Alternate)

**NOT PRESENT:** Sande Cunningham, Secretary  
Chris Shuttlesworth

**ALSO IN** Benjamin McCue, Zoning Officer  
**ATTENDANCE:** Gavin Markey, Solicitor  
Randall Heilman, Director of Community Development  
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.

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

**2. ACTION ON THE MINUTES**

**A. FEBRUARY 1, 2024**

**MARK BAIR MOVED TO ACCEPT THE FEBRUARY 1, 2024 MINUTES AS PRESENTED, SECONDED BY DAVID SEILER. THE MOTION UNANIMOUSLY CARRIED.**

Mr. Seiler referenced the January Zoning Hearing Board minutes which were included in the packet and asked if they needed to be approved. Mr. McCue responded they were already approved and were included in the packet as approved minutes, which was the practice followed by the previous zoning officer.

**3. OLD BUSINESS**

Solicitor Gavin Markey provided an update on the case related to Barwood Road and a steep slope which was previously presented to the Zoning Hearing Board. The owners have filed an appeal. When the record is filed, there will be a briefing period. Solicitor Markey anticipates the applicant will file a motion to introduce additional evidence to draw upon previous steep slope variance approvals of the Township; however, he noted that every variance is decided on an individual basis.

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**4. NEW BUSINESS:**

With the Solicitor's approval, Chairman Achenbach requested the Time Extension Request be presented first for action.

**Time Extension Request for Variance Approval - Pleasant Valley Road, LLC**

No representatives were present to address the time extension. Mr. Heilman noted that discussions were held with Vanguard representatives and the solicitor and all agreed it was not necessary for a representative to be present this evening.

The Zoning Hearing Board previously granted two dimensional variances from Sections §325-120 and §325-116 to allow a dumpster in the front yard of a corner lot, and a parking area of 13 spaces without a planting island. On May 4, 2023 the applicant was granted an extension until May 4, 2024 to obtain a building permit or to commence work. The applicant is now requesting an additional one year extension on the project.

**DAVID SEILER MADE A MOTION IN THE PLEASANT VALLEY ROAD LLC CASE TO GRANT AN ADDITIONAL EXTENSION OF ONE YEAR TO OBTAIN A BUILDING PERMIT OR TO COMMENCE WORK UNTIL MAY 4, 2025, SECONDED BY MARK BAIR. THE MOTION PASSED UNANIMOUSLY.**

**SWEARING-IN OF TOWNSHIP STAFF:** The following Township staff were sworn in:

Benjamin McCue, Zoning Officer  
Randall Heilman, Director of Community Development

Mr. McCue confirmed that the case presented this evening was properly advertised.

**ZHB-2024-0002 - 229 Torrington Drive**

Mr. McCue provided a brief summary of the case, which is a variance to §Section 325-20.B for maximum lot coverage on the property. The property currently has 41% lot coverage and the applicant requests approval to exceed that number by 3% lot coverage. The applicant is installing an in ground pool with decking surrounding the pool, and the decking would require additional lot coverage of 3% for a total of 44.3%.

The following representative was sworn in.

Ryan Butzer, Owner of 229 Torrington Drive

Mr. Butzer stated he purchased the home six years ago and has made no changes during that time. At this time he would like to install a swimming pool approximately 16 x 32 feet. The decking surrounding the pool would add an additional 3% to the current lot coverage. A contractor has not yet been engaged to design the pool pending approval to exceed the current lot coverage. Mr. Butzer stated any mitigation of rain or stormwater would be done as required.

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Questions of the Zoning Hearing Board

Mr. McCue confirmed that §Section 325-20.B of the Zoning Ordinance allows a maximum lot coverage of 35%.

Mr. Kauffman asked if a previous variance was granted, since the current lot coverage already exceeds the 35% maximum. Mr. McCue responded he found no other variance requests on file and that the applicant purchased the property with the existing lot coverage of 41%.

Mr. Bair asked if the decking would be composed of concrete, to which the applicant responded yes.

Mr. Bair asked Mr. McCue if installation of the pool and decking would affect stormwater runoff to neighboring properties. Mr. McCue responded the applicant will have to provide a stormwater management plan.

Solicitor's Opinion and Comments

Solicitor Markey noted that one of the criteria for requesting a variance is that the reason for variance request cannot be self created. The applicant is not responsible for the pre-existing 41% lot coverage which exceeds the 35% maximum established by the Zoning Ordinance. Lot coverage variances are dimensional in nature and allow a reduced burden of proof by the applicant. Mr. Markey noted that multiple factors could be considered such as common sense factors, which have been enumerated by the courts. In summary, Mr. Markey had no objection to approving the variance request from 41.9 to 44.3.

Mr. Seiler asked the applicant if he spoke to his neighbors about the project. Mr. Butzer responded that some neighbors did ask about the project and they expressed no objections.

Mr. Kauffman asked about adjoining properties and Mr. Butzer indicated the property adjoining the pool is a common area with no buildings.

**IN THE CASE ZHB-2024-0002, MR. BAIR MOVED THAT THE VARIANCE REQUEST TO §SECTION 325-20.B OF THE TOWNSHIP ZONING ORDINANCE REGARDING MAXIMUM PERMITTED LOT COVERAGE BE GRANTED. MR. SEILER SECONDED THE MOTION. THE MOTION UNANIMOUSLY CARRIED.**

Mr. Butzer asked for clarification on the amount of coverage that may be exceeded. Solicitor Markey and Mr. McCue both confirmed that the maximum coverage should not exceed 44.3%.

**5. ADJOURNMENT**

**MR. SEILER MOVED TO ADJOURN THE MEETING, SECONDED BY MR. BAIR. THE MEETING ADJOURNED AT 6:21 PM.**

Respectfully submitted,

Secretary

/jht