

**APPROVED**

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
MAY 7, 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  
John Schmitt  
Sande Cunningham  
David Seiler

**ALSO IN**

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

**NOT PRESENT:** Michael Papa  
James 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. He introduced the members of the Board. It was noted that Mr. Seiler would be filling in as a voting member for this meeting.

**2. ACTION ON THE MINUTES**

**A. APRIL 2, 2015**

**MOTION MADE BY MR. SEILER, SECONDED BY MS. CUNNINGHAM TO APPROVE THE MINUTES OF APRIL 2, 2015 AS PRESENTED. MOTION UNANIMOUSLY CARRIED.**

Chairman Achenbach asked Ms. Lang if the case was properly advertised. She responded that notifications had been made.

**3. OLD BUSINESS – None**

**4. NEW BUSINESS**

**A. Case Z-15-03 - Milan Mitrovich**

All witnesses were sworn in.

Milan Mitrovich - 8 Woodstone Court

General Case Summary:  
325-121.A

A. Fences may be erected, altered and maintained within the yards, provided any such fence or wall shall not exceed four feet in height.

Comments: The applicant is proposing to install a 6' high fence within a front yard of the above mentioned property. The property in question is located on a lot with double frontage. The definition in the zoning ordinance provides that each yard that abuts a street shall be considered a front yard. The proposed fence is to be located to the rear of the dwelling along Witmer Road.

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. Staff wishes to ensure that the fence is located outside of the right-of-way for Witmer Road which is a State Road, and that the maintenance of the area between Witmer Road and the fence will continue to be maintained by the applicant.

Mr. Mitrovich stated his property borders Witmer Road. The side rear yard is considered a front yard. He noted they would like to build a six foot fence for noise reduction, privacy and safety. Due to the irregularity of the lot, the property was professionally surveyed and stakes were placed at the corners of the property to mark the boundary. The proposed fence would be constructed of solid wood.

Mr. Mitrovich presented photos labeled as Exhibit A-1 and A-2. Exhibit A-1 shows a satellite photo of the property. Exhibit A-2 shows a closer view, including a shed on the neighbor's property which will be blocked from their view by the proposed fence.

Mr. Mitrovich stated they did take into account the setback from the state road. He also noted the previous owner planted arborvitae which is approximately 8-10 feet and is a current buffer between his yard and Witmer Road.

Upon discussion by the Board it was noted that the traffic is hazardous in the general vicinity of the applicant's property.

Mr. Mitrovich stated the fence would be located on the west side of the property along Witmer Road and on the north side. The back yard is a steep hill behind the house that serves as a natural fence, so no fence would be installed there.

Chairman Achenbach asked if anyone in attendance wished to speak for or against the applicant. There was no comment.

Attorney Markey stated the request complies with the granting of a variance due to the applicant's irregularly shaped lot.

**MR. SEILER MOVED IN THE CASE OF Z-15-03 TO APPROVE THE VARIANCE OF 325-121.A, TO INSTALL A SIX FOOT FENCE WITH THE STIPULATION THAT THE FENCE IS LOCATED OUTSIDE THE RIGHT OF WAY FOR WITMER ROAD WHICH IS A STATE ROAD AND THAT THE MAINTENANCE OF THE AREA BETWEEN WITMER ROAD AND THE FENCE CONTINUE TO BE MAINTAINED BY THE APPLICANT. SECONDED BY MR. SCHMITT. MOTION UNANIMOUSLY PASSED.**

## **5. OTHER BUSINESS**

Chairman Achenbach recognized Ms. Dawn Trout who indicated she submitted a request for a variance last month which did not make the agenda for the May meeting. She requested input from the Board in regards to any discussion or questions in order that she could proceed with the next stage.

Ms. Lang indicated that due to scheduling of the meeting she was not able to review the case. Chairman Achenbach noted that since the applicant's case was not yet advertised and the Board did not have any of

the facts of the case they were not in a position to offer any advice. Attorney Markey concurred that it would not be in the best interest of the applicant.

It was noted that the applicant submitted the applicant on April 9 and therefore would be in compliance with the 60 day timing for the case to be reviewed at the June 4<sup>th</sup> Zoning Hearing Board meeting.

Ms. Lang indicated she would meet with the applicant to review the file.

**7. ADJOURNMENT**

**CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:25 P.M.**

Respectfully submitted,

Secretary

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