

**FINAL**

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
JUNE 2, 2022**

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman (late arrival)  
David Seiler, Vice Chairman  
Mark Bair  
Chris Shuttlesworth  
Stacey Ankrum, Alternate

**NOT PRESENT:** Sande Cunningham, Secretary

**ALSO IN**

**ATTENDANCE:** Randall Heilman, Director of Community Development  
Timothy Holmes, Zoning Officer  
Gavin Markey, Solicitor  
Abby Gibb  
Sue Sipe, Stenographer

**1. CALL TO ORDER:**

**A. Pledge of Allegiance**

Vice Chairman Seiler called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He introduced the members of the Board.

**2. ACTION ON THE MINUTES**

**A. MAY 5, 2022**

**MR. BAIR MOVED FOR APPROVAL OF THE MAY 5, 2022 ZONING HEARING BOARD MINUTES AS PRESENTED. CHAIRMAN ACHENBACH SECONDED. MOTION UNANIMOUSLY CARRIED.**

Vice Chairman Seiler asked if the cases were properly advertised. Mr. Holmes responded that notifications had been made.

**3. OLD BUSINESS**

Solicitor Markey stated he delivered the formal written decisions from past proceedings to Mr. Holmes for Chairman Achenbach's signature and distribution.

Solicitor Markey stated the previous case from the May meeting regarding the test wall which had an imposed condition which was expressed by Mr. Bair that the applicant provide sufficient evidence to enable a representative of the Township, engineer or otherwise, confirm the structural integrity of the structure.

Mr. Heilman confirmed an analysis and review of the structural integrity was performed by Mr. Ray Markey, who is an engineer and he verified the documentation provided by the applicant satisfactorily met the requirements of the Ordinance from a structural and building code standpoint. That information was relayed to the applicant, which included the seal and signature.

Solicitor Markey indicated the formal decision will be signed by Chairman Achenbach this evening and has implanted in it a continuation of the condition that there be sufficient structural integrity called out as a condition on the approval.

It was noted ongoing inspections would be conducted throughout the construction process.

#### **4. NEW BUSINESS**

##### **A. Case ZHB-2022-0009 – 2400 Hartford Road**

Attorney Cory Dillinger, MPL Law Firm  
Steven Foote

All witnesses were sworn in.

Mr. Holmes stated this is a variance request for a proposed in-ground swimming pool. The applicant is requesting to encroach on the rear and side setback in order to construct the pool and the surrounding concrete deck. The required rear setback for the pool is 10 feet and the required side setback is 15 ft. The property is located in the R-10 zoning district.

Att, Dillinger distributed photos of the property marked as Exhibits 1-7. Att. Dillinger stated they are requesting a dimensional variance from §325-141.A which is the supplemental requirement for swimming pools. He noted the proposed in-ground pool would include a sidewalk and fencing which would provide a 5 ft. rear setback and an 11 ft. side setback.

Mr. Foote stated he has resided at this property since May of 2022. He noted his neighbor to the west is Lindsay Plessinger. The neighbor to the south is Heritage Hills Golf Course. To the east his neighbor is Darrin Sertage. Mr. Foote confirmed he spoke to all three neighbors and received letters from Ms. Plessinger and Mr. DeRose from Heritage Hills, indicating agreement to the installation of Mr. Foote's swimming pool.

Mr. Foote indicated he is proposing a standard size pool, rectangular 17x34 ft. with a 3 ft. concrete sidewalk surrounding the pool with a fence erected.

Mr. Foote noted the photos illustrates the location of the pool as well as the surrounding concrete sidewalk. Mr. Foote pointed out the rear property line and the side property line.

Mr. Foote pointed out on the photo the pool would be installed as close as possible at the back of his house, which will be 5 ft. from the rear property line. The photos also point out an existing gravel bank with steps.

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

Lindsay Plessinger – Adjacent Neighbor

Ms. Plessinger stated she had no problem with Mr. Foote installing a pool on his property.

Att. Dillinger pointed out the dimensional variance request is the minimum variance that could be afforded to give the applicant the relief requested and that Mr. Foote did not create the physical constraints of the property.

Solicitor Markey stated he concurred with Attorney Dillinger indicating it is an accurate reflection of the law and he had no objections from a legal standpoint.

**MR. BAIR MOVED IN THE CASE OF ZHB-2022-0009 TO APPROVED THE VARIANCE REQUESTED. SECONDED BY MR. SHUTTLESWORTH. MOTION UNANIMOUSLY PASSED.**

**B. Case ZHB-2022-0010 – 3120 Round Hill Road**

James and Amy Moffitt

Witnesses were sworn in.

Mr. Holmes stated this is an application requesting a variance to allow a shed on a through-lot with a double street frontage. He noted the ordinance requires sheds to be placed in the rear yard of a property and this property has two front yards. The required setback is three feet from the side and rear property lines. The property is located in the R-10 zoning district.

Mr. Moffitt stated there is an existing fence in his back yard along Edgewood Road considered the second front yard. They are proposing to place the shed in the middle within the required setbacks.

Mrs. Moffitt stated they are looking to replace an existing shed which is deteriorated, moving it further down in the yard since where it is currently located is against utility lines.

Mr. Moffitt indicated they have spoken with their neighbors who also have sheds along Edgewood Road and they were in agreement with the shed.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant. There were none.

Solicitor Markey indicated he had no concern about the case.

**MR. SEILER MOVED IN THE CASE OF ZHB-2022-0010 JAMES AND AMY MOFFITT TO GRANT THE VARIANCE AS REQUESTED. SECONDED BY MR. BAIR. MOTION UNANIMOUSLY PASSED.**

**C. Case ZHB-2022-0011 – 2207 Dixie Drive**

Richard Brown

All witnesses were sworn in.

Mr. Holmes stated this is an application requesting a variance to allow a six-foot fence in a portion of the front yard. The fence would replace a six-foot fence which was recently removed. The property is in the R-7 zoning district.

Mr. Brown provided photos showing the previous fence which was approximately 40 years old. The fence was located at a curve which was a traffic hazard since it inhibited the sight line. He noted on the photos the location of the new fence will not impede vision and will also improve the sight line.

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

Michal Buchanan – 2111 Wallace Street

Ms. Buchanan indicated she is a neighbor and wanted to see where the new fence would be positioned. She asked Mr. Brown how he would prevent vehicles from coming onto his property on the corner. Mr. Brown said he did not plan to do anything at that location.

Ms. Buchanan also mentioned there is a house across the street from Mr. Brown which has an accumulation of trash, i.e., cars, mattresses, etc. and should be addressed by the Township. Mr. Brown indicated complaints have been filed to the Township and they have been engaged several times. Ms. Buchanan stated the situation has hindered the value of her property and Mr. Brown agreed it hinders the value of his property as well.

Mr. Holmes stated there is an active case on this property.

Solicitor Markey stated the exhibits provided evidence of the applicant's case and he had no objection to the case.

**MR. BAIR MOVED IN THE CASE OF ZHB-2022-0011 2207 DIXIE DRIVE TO GRANT THE REQUESTED VARIANCE. SECONDED BY MR. SEILER. MOTION UNANIMOUSLY PASSED.**

**D. Case ZHB-2022-0013 – 3382 Deininger Road**

Erin Michalak  
Joshua Michalak

All witnesses were sworn in.

Mr. Holmes stated this is an application requesting a variance to allow an accessory building to encroach on a required side setback which is 35 ft. The applicant is requesting for the accessory building to be constructed at a reduced setback of 10 ft. The property is located in the R-R zoning district.

Chairman Achenbach indicated he lives down the road from the Michalak's on Tall Oaks Lane.

Mrs. Michalak referred to the photos of their home which is on a corner lot with two front yards. She noted there was an old shed at the rear and side of the property which was removed. She pointed out on the photos the location of the proposed new accessory building. She noted in order to be in compliance they would need to place the building at the location of two existing trees and their concern is the shed would cause damage to the trees.

Mrs. Michalak indicated their neighbor has agreed with the location of the shed. They also talked to another neighbor Steve Dobbs, who agreed the location of the shed as well.

Mr. Michalak indicated the structure is proposed to be 14x24 ft. with a garage door and a man door on the side with two windows facing their yard.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant. There were none.

Solicitor Markey stated he had no objections to the case.

**MR. SEILER MOVED IN THE CASE OF ZHB-2022-0013 3362 DEININGER ROAD TO GRANT THE REQUESTED VARIANCE. SECONDED BY MR. SHUTTLESWORTH. MOTION UNANIMOUSLY PASSED.**

**5. ADJOURNMENT**

**CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:52 P.M.**

Respectfully submitted,

Secretary  
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