

APPROVED

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
JUNE 4, 2020**

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
David Seiler, Vice Chairman  
Sande Cunningham, Secretary  
Chris Shuttlesworth  
Mark Bair

**NOT PRESENT:** Stacey Ankrum, Alternate

**ALSO IN**

**ATTENDANCE:** Raphael Caloia, Assistant Planner  
Gavin Markey, Solicitor  
Sue Sipe, 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.

This meeting was held by Zoom technology,

**2. ACTION ON THE MINUTES**

**A. MARCH 5, 2020**

**MR. SEILER MOVED FOR APPROVAL OF THE MARCH 5, 2020 ZONING HEARING BOARD MINUTES AS SUBMITTED. MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY CARRIED.**

Chairman Achenbach asked if the cases were properly advertised. Mr. Caloia responded that notifications had been made.

**3. OLD BUSINESS**

Attorney Markey provided an update indicating that due to the COVID-19 situation the past multiple decisions have been drafted so that it would not require the chairman to physically

execute them. Once the situation has resolved, Attorney Markey stated he will again start the process for the chairman to physically review and execute the formal written decisions.

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

##### **A. Case ZHB-2020-0004 – Vimal Patel – 230 Torrington Drive**

###### Vimal Patel

All witnesses were sworn in.

Mr. Shuttlesworth recused himself from this case since he is a resident in the neighborhood.

Mr. Caloia indicated this case came to the Township during a zoning permit review. The property owner is requesting to install a patio and during the course of the zoning review it was determined the property would be over the lot coverage allotment for the R-10 zoning district. The maximum lot coverage allowed in that zoning district is 35%. The applicant was advised to pursue a variance for the reason that this property was subdivided in 2006 in what was known as the Wallingford Development. This development was subdivided using an open space provision. It no longer exists in the R-10 zoning district, but under the 2006 zoning ordinance it was an option for developers. This created smaller lots with a large area of HOA or community land which would remain open space. As a result of having smaller lots, most were constructed at or exceeding 35% at time of home construction with driveway and the home. He noted Township staff has no issues with the variance, since the property is smaller than what is typically in the R-10 zoning district. The home owner would not be able to do any type of improvements to their property without pursuing a variance. In this case, the applicant is looking to exceed the overall lot coverage by 4%.

Mr. Patel affirmed Mr. Caloia's statement and indicated they are proposing to built a patio in the rear of the house, since they currently have no outdoor living space. He reiterated his request for a variance to exceed the lot coverage by 4%.

A diagram of the property was provided.

Attorney Markey stated he had no recommended conditions on the potential approval. He acknowledged that Mr. Caloia and the applicant have addressed the hardship concept. He asserted this case is in line with others as a permitted use which is for a dimensional deviation, and as such weighs in favor of the testimony of the applicant and Mr. Caloia's outline.

Chairman Achenbach asked if there was anyone in attendance who wished to speak for or against the applicant. Hearing none, he called for a motion.

**MR. BAIR MOVED IN THE CASE OF ZHB-2020-0004 THAT THE VARIANCE REQUEST FOR 230 TORRINGTON DRIVE BE APPROVED. SECONDED BY MR. SEILER. MOTION UNANIMOUSLY PASSED.**

**B. Case ZHB-2020-0007 – Jason Motter – 2279 Spangler Circle**

Jason Motter

All witnesses were sworn in.

Mr. Caloia indicated the property owner is proposing to install an accessory structure – freestanding garage in the rear of the property. The property is located within the R-20 zoning district which requires a 15 ft. side setback for accessory structures. Due to the restrictions on their lot and the position of current driveway, they are not able to meet the 15 ft. side setback. They are proposing to place it approximately 7 ft. from the property line, a difference of 8 ft. between the required setback and the proposed setback. Overall, Staff does not have any objections, since to move the garage over so it is not aligning with the driveway would result in a larger impervious coverage footprint. Mr. Caloia pointed out that due to MS4 requirements Staff is attempting to reduce impervious where ever possible. He noted there are several residents with concerns.

Mr. Motter concurred with Mr. Caloia’s remarks. He noted he has an existing 2-car attached garage that is perpendicular to the driveway and parallel to the road. He is requesting to have a 2-car garage at the end of the driveway to limit potentially parking vehicles on the road. The proposed building would match his house with a brick front and siding.

A diagram of the property was presented, as well as photos.

Mr. Caloia indicated he has spoken to several residents in the community who indicated they wished to speak at the meeting with comments.

Katy Dinkel - 2283 Spangler Circle

Witness was sworn in.

Mrs. Dinkel indicated they live next door to the west of the Motters. She did not understand why Mr. Motter needs a variance to build the garage since he has a large back yard. She felt the proposed building was too big for the neighborhood. She noted she has a small back yard next to their yard and they need all the buffer zone. She was concerned about Mr. Motter’s proposed building moving 7-8 ft. closer to their house. She felt the size of the structure was not appropriate for the neighborhood. She questioned if Mr. Motter presented his proposal to the neighborhood HOA for approval. She felt the drawing Mr. Motter presented was not to scale and was

deceiving as to the correct size. She was concerned he may be running a business in the proposed garage.

Mr. Motter responded the proposed garage is two-stories. His existing garage would be the same width as the proposed garage with the length slightly longer. The existing garage is approximately 24x28. Mr. Motter stated he was not running a business. He indicated he travels for his company. His wife is a realtor.

Mr. Caloia indicated the measurement of the existing house is approximately 1700 sq. ft. The proposed garage is 816 sq. ft. He noted the ordinance limits an accessory structure to 50% of the floor area to the principal structure of the property. Based on his calculations the accessory structure would meet that requirement.

Mrs. Dinkel indicated she was concerned about the water flowing in the side yard and how that may affect the property. She asked if the applicant could consider other options.

John Dinkel - 2283 Spangler Circle

Witness was sworn in.

Mr. Dinkel questioned if the proposal was reviewed with the restricted deed covenants that go with this neighborhood and does it meet those requirements.

Mr. Motter indicated in regards to the HOA, he discussed this with them last year prior to installing his pool and at that time asked about his idea to build an additional outbuilding which he referenced as a 2-car garage. Mr. Motter stated he is attempting to go through the process to obtain the appropriate approvals before proceeding with the project.

Mr. Dinkel asked Mr. Motter if he would go forward with a modified plan if he was held to the 15 ft. setback.

Mr. Motter stated the purpose was to have a two garage and was not sure if he would go forward if he cannot complete the entire project.

Mr. Caloia indicated he spoke with other residents in the neighborhood, however was not sure if they were intending to join the call.

Chairman Achenbach stated his concern is whether or not the HOA should be consulted on this project, having to do with the criteria within the ordinance that affects the neighborhood.

Att. Markey agreed the case should have an acknowledgement from the HOA to verify they have no objections to the proposed structure. This would have provided information in evaluating the effect on the surrounding area. He noted the Zoning Hearing Board should not make their decision based solely on

consideration as to whether or not an architectural review committee has expressed an opinion. He further noted the Board should weigh their decision based on the traditional variance criteria.

Chairman Achenbach expressed his concern that there is subjectivity to this project whereby there is not a clear picture as to the physicality of the comments being made by the applicant and the objecting neighbor. He was concerned the case is not well suited to an online analysis, and felt they should have a more descriptive and detailed presentation in a face-to-face setting that would allow us a better understanding of the individual opinions.

Attorney Markey stated if that is the consensus of the Zoning Hearing Board members one option would be for the applicant to state that he desires to continue the case without a decision until the next regularly scheduled Zoning Hearing Board meeting which would be held in person. He could then provide more detailed evidence as to the scope, the height and the appearance of the structure in order for the Board to visualize what the structure will look like in relation to the neighbors that are objecting. That would give the Board a more substantive ability to determine a decision.

The Zoning Hearing Board members concurred with Chairman Achenbach.

Mr. Motter indicated he would like a continuance of the case. He stated he would contact the HOA to obtain conditional approval and have professional drawings created to provide detailed information on the scope of the project.

**MR. SEILER MOVED IN THE CASE OF ZHB-2020-0007 TO CONTINUE THE CASE UNTIL THE JULY 2, 2020 MEETING. SECONDED BY MR. BAIR. MOTION UNANIMOUSLY PASSED.**

**C. Case ZHB-2020-0006 – Jonelle Rankin – 117 N. Vernon Street**

Mr. Caloia stated this application is a special exception for an accessory dwelling unit for an additional family member. The applicants are proposing to convert an existing garage on the structure to an accessory dwelling unit to house one of their fathers. The conversion of the garage to a living space has been reviewed by the Township building code officials and they have determined it will meet all building code requirements. In reviewing the following requirements of the special exception, the ordinance identifies specific criteria and the applicant only needs to meet the criteria listed without a hardship. Assuming they can meet the criteria, they are required to grant the variance.

Requirements:

A - Identifies who can occupy the structure which is grandparents, parents, children, grandchildren. Mr. Caloia stated the applicants meet that requirement.

B - The dwelling in question shall be owner-occupied for the duration of the special exception which shall be renewed on an annual basis. The applicants will need to submit a letter to Township staff every year notifying that they still own the structure and they want to continue using it as a special exception.

C - They cannot charge any rent.

D - The dwelling shall not exceed 450 sq. ft. The proposed area meets that criteria.

E - The owner shall renew their approval with Township staff by January 31 each year, submitted in writing their desire to continue using the special exception.

F- The owner shall notify Township staff at such time when they no longer wish to use the structure as an accessory dwelling unit.

Mr. Caloia stated the applicants were having audio issues with the call and are responding through chat. He indicated he has not received any objections from residents in the neighborhood.

Attorney Markey asked if there will be a kitchen in the accessory dwelling unit. The applicant responded yes there would be a kitchen,

Chairman Achenbach indicated he was reluctant to proceed without clear indication that the applicants understand their obligations. He questioned whether it was advisable to continue the case until the next meeting to meet face-to-face.

Mr. Caloia indicated he provided the applicant with the specific requirements and did receive via email a confirmation that they understood the requirements. He noted he was not able to provide that to the Zoning Hearing Board in time for this meeting. He noted the applicant is experiencing a time crunch because their father's lease is up within a specific period of time and they need him to move in within that time frame.

The applicant's responded via chat that they understand their obligations. Mrs. Rankin reiterated her concern this is for her father-in-law and needs to be done as soon as possible.

Attorney Markey stated that prior to the departure of Ms. Fieldhouse, she called him and there was a degree of urgency with the applicant and the occupant to move forward. He noted an alteration permit was issued by the Township to make the improvements given the urgency of the occupation. He advised Ms. Fieldhouse that although unusual, one way of protecting the Township as well as the Board was to have the permit issued with the condition they acknowledged they were proceeding without the special exception approval and that would still need to be obtained. He was of the impression they have already moved forward and made some accommodations for the accessory dwelling unit. The building permit was going to be issued prior to her departure.

Mr. Caloia confirmed the building permit was issued and the applicant began construction on the structure.

Chairman Achenbach agreed they had no choice but to acknowledge the applicant's efforts to date and to place the burden on the Township and the applicant to insure the all conditions with respect to the special exception are met as the project proceeds.

Att. Markey acknowledged the special exception as outlined in Mr. Caloia's detailed case summary identifies all the criteria and the applicant is aware of the criteria. He recommended two conditions to be placed on the approval.

1 – The applicant shall supply an affidavit verifying that the ownership has approved the concept of the special exception and that the applicant and the owner agree to be bound by the facts of the case summary of the zoning officer which outlines the criteria.

2 – There shall be continued compliance in the future with all sections of 325-159 specific criteria.

Mr. Caloia stated the settlement on their house will be next week and the house will be in their name.

Mr. Caloia stated the applicant has clarified they have the approval of the current owner and will obtain said approval in writing from the current owner.

**MR. BAIR MOVED IN THE CASE OF ZHB-2020-0006 THAT THE SPECIAL EXCEPTION FOR 117 N. VERNON STREET BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS AS IDENTIFIED BY ATT. MARKEY:**

- 1. THE APPLICANT SHALL SUPPLY AN AFFIDAVIT VERIFYING THAT OWNERSHIP HAS APPROVED THE CONCEPT OF THE SPECIAL EXCEPTION AND THAT THE APPLICANT AND OWNER AGREE TO BE BOUND BY THE FACTS OF THE CASE SUMMARY BY THE ZONING OFFICER WHICH OUTLINES THE CRITERIA.**
- 2. THE APPLICANT SHALL MAINTAIN CONTINUED COMPLIANCE IN THE FUTURE WITH ALL SECTIONS OF 325-159 SPECIFIC CRITERIA.**
- 3 - THE APPLICANT SHALL OBTAIN IN WRITING THAT THEY HAVE THE APPROVAL OF THE CURRENT OWNER.**

**SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.**

**5. ADJOURNMENT**

**CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 7:20 P.M.**

Respectfully submitted,

Secretary  
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