

A P P R O V E D

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD**

AUGUST 1, 2024

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
David Seiler, Vice Chairman
Sande Cunningham, Secretary
Mark Bair
Chris Shuttlesworth (via Zoom)

NOT PRESENT: Brian Kauffman (Alternate)

ALSO IN

ATTENDANCE: Benjamin McCue, Zoning Officer
Randall Heilman, Director of Community Development
Gavin Markey, Solicitor
Jill Trostle, Stenographer
Official Court Stenographer

CALL TO ORDER:

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.

ACTION ON THE MINUTES OF JULY 3, 2024:

**DAVID SEILER MOVED TO ACCEPT THE JULY 3, 2024 MINUTES AS PRESENTED,
SECONDED BY MARK BAIR . THE MOTION UNANIMOUSLY CARRIED.**

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.

OLD BUSINESS:

Solicitor Gavin Markey asked Board members to remain after adjournment to execute previous decisions.

NEW BUSINESS:

ZHB-2024-0014 - 2823 N. Sherman Street

Mr. McCue provided a brief summary of the case. David and Tina Prestopine are requesting variances from the terms of Section §325-141.A of the Township Zoning Ordinance regarding locating a pool in the side yard and side yard setbacks. The property is located at 2823 N. Sherman Street, York, PA, in the R-10 zoning district.

The applicants were sworn in.

Springettsbury Township Zoning Hearing Board
Minutes of August 1, 2024

David and Tina Prestopine

Mr. Prestopine reported he and his adjoining neighbor continue to have disputes over the official property line, so he hired a surveyor. As a result, he installed a six foot stockade fence well off the property line. Mr. Prestopine installed an above ground easy-set pool and decking without realizing a permit was required. Mr. Prestopine suffers from a spine injury and the pool is used for aqua therapy. Mr. Prestopine claimed that the neighbor is moving the property stakes. The fence is located approximately 3 feet from the property line and six feet from the pool.

Solicitor Markey stated that the property line dispute is not up for discussion with the Zoning Board this evening, and that the case this evening is to determine why the pool was not installed in the rear yard, the physical hardships that may exist, and to seek approval from the Zoning Board for a variance. Mr. Prestopine responded the pool could not be installed in the rear yard due to the slope of the rear yard, the number of existing trees in the rear yard, and the amount of water that runs down the yard when it rains. The location of the existing pool was the only flat spot available for the pool.

Mr. McCue asked how far the pool and decking are from the property line, to which Mr. Prestopine responded 8 feet. For the record, Mr. McCue noted the required setback is 15 feet.

Mrs. Prestopine produced photos of the stake, pool and deck for the Board's review. Solicitor Markey entered the photos as exhibits 1 through 6 for the record.

Mr. Heilman stated he and Mr. McCue visited the property adjacent to the property, but no plans or drawings were provided with the application. Ms. Cunningham stated she would like to see additional photos of the applicant's property and rear yard in order to determine hardship. Mr. Seiler asked the Solicitor if the case can be continued until a future meeting in order for the applicant to provide additional information.

Solicitor Markey confirmed that the case should be continued until the September meeting pending further investigation and provision of plans, photos and the survey to demonstrate why the pool could not be located in the rear yard. He reiterated the property line dispute is a litigation matter that does not fall under the jurisdiction of the Zoning Board.

The neighboring resident was present to provide testimony related to the application; however, Solicitor Markey recommended his testimony be postponed until the case is presented next month. The neighbor then indicated he would be out of the country and would not be able to attend the September Zoning Board meeting. Solicitor Markey then asked Mr. and Mrs. Prestopine if they had any objections to continuing the case until the October Zoning Board meeting. Mr. and Mrs. Prestopine responded that October would be fine for them.

MR. SEILER MADE A MOTION TO CONTINUE CASE ZHB-2024-0014 UNTIL THE OCTOBER 3, 2024 ZONING HEARING BOARD MEETING WHEN BOTH THE APPLICANT AND NEIGHBORING RESIDENT CAN BE PRESENT, SECONDED BY MR. BAIR. THE MOTION PASSED UNANIMOUSLY.

The applicant was instructed to consult with the Township staff for guidance on the information to be provided in preparation for the October meeting. Mr. Heilman will speak with them to ensure they provide adequate information to be considered by the Zoning Board.

ADDITIONAL PUBLIC COMMENT:

**Springettsbury Township Zoning Hearing Board
Minutes of August 1, 2024**

Jim Pooler, 760 Hammond Road

Mr. Pooler stated his property line backs up to a property on Woodside Drive that is too narrow to build upon. In the 1950s it was promised there would be a sign posted there for the name of the neighborhood. He recently learned that there are plans for someone to build a house on this lot and do away with the swale that protects his property from water. Mr. Pooler expressed his opposition to the property being developed as this will eliminate any privacy he created when he installed a six foot privacy fence for his swimming pool.

Solicitor Markey informed Chairman Achenbach that this may relate to a future case that may come before the Zoning Hearing Board. Mr. Heilman stated he believes the case for variance was presented to and approved by the Zoning Hearing Board a few months ago; however, the applicant has not yet submitted an application for a building permit.

Solicitor Markey informed Mr. Pooler that he would need to file an appeal with the Court of Common Pleas, as the Zoning Hearing Board's jurisdiction has ended. Mr. Pooler was instructed to request a copy of the decision through the Zoning Officer.

ADJOURNMENT: MR. SEILER MOVED TO ADJOURN THE MEETING, SECONDED BY MS. CUNNINGHAM. THE MEETING ADJOURNED AT 6:31 PM.

Respectfully submitted,

Secretary

/jht