

FINAL

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
SEPTEMBER 1, 2022**

MEMBERS IN

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

NOT PRESENT: Sande Cunningham, Secretary
Stacey Ankrum, Alternate

ALSO IN

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

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.

2. ACTION ON THE MINUTES

A. AUGUST 4, 2022

MR. SEILER MOVED FOR APPROVAL OF THE AUGUST 4, 2022 ZONING HEARING BOARD MINUTES AS PRESENTED. MR. BAIR SECONDED. MOTION UNANIMOUSLY CARRIED.

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

3. OLD BUSINESS

A. Case ZHB-2022-0024 – 51 Jean Lo Way

Todd Houck, Encore Renovations

All witnesses were sworn in.

Mr. Holmes stated this is a new application of a previous case which was withdrawn. The property is a condo unit in a multi-family building partially constructed onto the rear property line of the parcel. The applicant is requesting a variance to allow a deck and an addition which would encroach into the required setbacks and property line of the neighboring open space parcel. An agreement to subdivide has been included with the application.

Mr. Houck stated his client has a condo unit at Avalong Place and a first floor addition was added using the footprint of the existing deck with another small deck to be constructed. During the process they realized the property line ran underneath the units, with a zero setback at the original subdivision approval. This resulted in the requested variance to encroach over the line. Mr. Houck stated he was asked to obtain permission from the condo association to be able to build over the property line. Because there were other property lines off within the two associations, they agreed to do a re-subdivision in order to correct the issue to achieve a normal setback in the rear. He noted the attorney has issued an agreement which gives them permission during the process of going through the subdivision. Mr. Houck stated had he known this would be in place before the construction project, he would have advised his clients to hold off until the re-subdivision is completed.

Solicitor Markey asked if when the sub-division is complete with land added to Avalong Place, will there be sufficient land to honor the 35 ft. setback. Mr. Houck stated with the R-20 which is a 30 ft. setback, they will have a 48 ft. setback from that line, which would not require a variance. He is trying to expedite the process to be able to build the deck immediately as opposed to waiting the 60 days when they file for the subdivision and process it. Because he is in the middle of construction of the deck, it would cause his client additional money to start the construction process over. He noted logistically it will also cause accessibility issues.

Solicitor Markey stated he discussed this with Mr. Holmes and Mr. Heilman. Based upon research he conducted he determined it is illegal to authorize building over a property line, even with the consent of both parties. He noted a specific application is required to make a determination of whether or not the variance is justified. He also noted the applicant has weighing in their favor the pre-existing non-conformity of the use type which can constitute a hardship for the permission of a variance.

Solicitor Markey stated the only way to process the request would be a new building permit issued to be modified to contain a condition that if the land is not added to Avalong Place to eliminate the necessity for a variance, then the applicant shall be in violation of the approval granted, which would mean the Township could take enforcement action against the owner who did the new construction if the agreement should fall through. In that case a time period of a year shall be established at which time the Township would consider the processing of the subdivision plan and the arrangement created under that agreement between the two condos was not concluded.

Upon discussion with the Board, Solicitor Markey recommended to approve the variance application as submitted, subject to the condition that a new building permit will be requested by the applicant to be modified to contain a condition that if the land is not added to Avalong Place to eliminate the need for a variance, the applicant shall be in violation of the zoning ordinance and the approval. One year shall be the time period that is given for the finalization of the subdivision plan and the creation of the lack of necessity for any variance.

Mr. Heilman concurred with the recommendation.

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

William Linnemans, Avalong Place Board Member

Witness was sworn in.

Mr. Linnemans confirmed the one-year timeline is acceptable.

MR. SHUTTLESWORTH MOVED IN THE CASE ZHB-2022-0019 TO RECOMMEND APPROVAL OF THE VARIANCE APPLICATION AS SUBMITTED, SUBJECT TO THE CONDITION THAT A NEW BUILDING PERMIT WILL BE REQUESTED BY THE APPLICANT TO BE MODIFIED TO CONTAIN A CONDITION THAT IF THE LAND IS NOT ADDED TO AVALONG PLACE TO ELIMINATE A VARIANCE, THE APPLICANT SHALL BE IN VIOLATION OF THE ZONING ORDINANCE AND THE APPROVAL. ONE YEAR SHALL BE THE TIME PERIOD THAT IS GIVEN FOR THE FINALIZATION OF THE SUBDIVISION PLAN AND THE CREATION OF THE LACK OF NECESSITY FOR ANY VARIANCE. SECONDED BY MR. BAIR. MOTION PASSED – ONE ABSTENTION.

4. NEW BUSINESS

A. ZHB-2022-0024 – 412 Grant Drive

Bradley Warner

All witnesses were sworn in.

Mr. Holmes stated the applicant is requesting variance relief to allow a shed on the side of the home and to exceed the maximum 5% lot coverage. This is due to the property being in the Open Space District. Additionally, the rear yard is encompassed with stormwater.

Mr. Warner stated he has no place to park his riding mower and is requesting to allow a shed in the side yard. The proposed shed would be 8 x 10 ft. to be as restrictive as possible to assure it is not on the 15 ft. right-of-way of the sewer line which is beside the house.

Solicitor Markey marked the applicant's exhibit as A-1 indicating the applicant is now requesting the area for the shed is 8 ft. by 10 ft.

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

Solicitor Markey stated he had no objection to the request, citing justification for the granting of the variance from the applicant.

MR. BAIR MOVED IN THE CASE ZHB-2022-0024 TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST. SECONDED BY MR. SEILER. MOTION UNANIMOUSLY PASSED.

B. ZHB-2022-0025 – 2335 Deininger Road

Barry Simpson
Derrick Siegrist, Custom Home Group

All witnesses were sworn in.

Mr. Holmes stated the applicant is requesting an accessory structure on the side/front of the property. This is a new home to be constructed on Deininger Road. The house will face the private lane with the rear of the house facing the road frontage. The proposed structure will be on the side of the house and partially into the frontage on Deininger Road. A wooded area will provide screening from Deininger Road. Mr. Holmes stated several neighbors expressed no objections.

Mr. Simpson stated this is a four-lot subdivision. Three of the houses have been built. He noted they have their permits and have started the foundation. The lot is 5 acres which is heavily wooded. The variance is required for the accessory structure. He pointed out the location of the proposed structure on the plan. The accessory structure will match the house.

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 request.

MR. SEILER MOVED IN THE CASE ZHB-2022-0025 TO APPROVE THE VARIANCE AS REQUESTED. SECONDED BY MR. SHUTTLESWORTH. MOTION UNANIMOUSLY PASSED.

C. ZHB-2022-0026 – 2610 Pleasant Valley Road

Andrew Lohr, Kimley Horn & Assoc.

All witnesses were sworn in.

Mr. Holmes stated the applicant is requesting a variance to allow directional/instruction signage which exceeds the maximum 2 sq. ft. allowed. He noted in the Commercial Highway zoning district only two free-standing signs are permitted. The requested signs are for pick-up locations in the parking lot of Target.

Mr. Lohr stated this is being requested as part of Target's drive-up program which they are implementing, as a result of the changing consumer shopping experience. Instead of going into the store, the customer parks in one of the designated stalls which are delineated by a sign with a number. The order is then delivered to the vehicle by a Target employee. Mr. Lohr provided a site plan showing the location of the parking spaces at the front of the main entrance of the store. There would be 24 spaces which requires a total of 12 signs. Each sign is one post back-to-back. The height of each sign is 6 ft. by 2 ft. The total sign space for each is 5 sq. ft. Mr. Lohr stated the signs are not illuminated. He noted there are eight existing drive-up spaces already at the store with four signs.

Solicitor Markey stated he had no objections to the request.

MR. SEILER MOVED IN THE CASE ZHB-2022-0026 TO APPROVE THE VARIANCES AS REQUESTED. SECONDED BY MR. BAIR. MOTION UNANIMOUSLY PASSED.

5. ADJOURNMENT

CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 7:00 P.M.

Respectfully submitted,

Secretary
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