

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
SEPTEMBER 3, 2015**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
Sande Cunningham
John Schmitt

ALSO IN

ATTENDANCE: Trisha Lang, Director of Community Development
Gavin Markey, Solicitor
Jean Abrecht, Stenographer

NOT PRESENT: James Deitch
Michael Papa
David Seiler

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 6, 2015

MOTION MADE BY MS. CUNNINGHAM TO APPROVE THE MINUTES OF AUGUST 6, 2015 AS PRESENTED, CHAIRMAN ACHENBACH SECONDED. MOTION UNANIMOUSLY PASSED.

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

3. OLD BUSINESS – None

4. NEW BUSINESS

A. Case Z-15-07 Tyrone Riley

All witnesses were sworn in.

General Case Summary:

325-134. Accessory use development requirements

B. Location. An accessory building or structure must be located to the rear of the principal building or structure. The rear setback shall be 10 feet. All required side setbacks shall be maintained.

325-38. Area and bulk regulations

E. Building setbacks

(3) Minimum side building setback: 10 feet.

Comments: The applicant is proposing to install a 16' X 31' garage to the rear of the main structure. The entire width of the lot in this location is not more than 36' wide. It appears that the garage could be placed in a manner that would not encroach in the required 10' side setbacks however, the applicant wishes to place the structure in a manner that would not consume the entire usable portion of the rear of the property or require removal of the existing sidewalk. The 496 square foot structure will be more than three times the maximum size of a shed which could be located within three feet of the side property boundary.

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.

The property is located at 1442 N. Sherman Street. Mr. Riley stated he is requesting to install a 16 ft. by 32 foot garage to replace his existing garage. He submitted photos of the property including aerial photos. He is requesting to retain a 3 ft. area to avoid removing sidewalk and shrubbery. Mr. Riley indicated his neighbor is in support of the new garage.

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

Julian Dunnick - 1323 Canterbury Lane

Witness was sworn in.

Mr. Dunnick indicated his garage is in the same alley. He stated he is supportive of Mr. Riley building the garage.

Ms. Lang stated the applicant has reduced the size of the garage from what he originally proposed.

Mr. Riley indicated the 31 feet will allow for storage of two antique cars and lawn equipment.

MR. SCHMITT MOVED IN THE CASE OF Z-15-07 TYRONE RILEY TO APPROVE THE DIMENSIONAL VARIANCE TO ALLOW THE CONSTRUCTION OF AN ACCESSORY BUILDING WITH A 7 FOOT ENCROACHMENT. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.

B. Case Z-15-08 Christopher Jordan

All witnesses were sworn in.

General Case Summary:

325-134. Accessory use development requirements

B. Location. An accessory building or structure must be located to the rear of the principal building or structure. The rear setback shall be 10 feet. All required side setbacks shall be maintained.

325-23. Area and bulk regulations

Minimum side building setback: 15 feet.

Comments: The applicant is proposing to install a 16' X 10' accessory structure to the rear of the main structure. The proposed size and height of the structure are larger than what can be classified as a 'shed' and the structure is therefore classified under the provisions of Chapter 325 Section 134 stated above. As a result, the 15' side building setback is applicable. The applicant wishes to locate the structure at the existing terminus of the driveway and, as a result, the structure will encroach in the required setback. The 160 square foot structure would be only slightly above the maximum size of a shed (150 square feet) which could be located within three feet of the side property boundary. However, the proposed 10' 6" height would also exceed the 8' maximum height permitted for a shed.

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.

The property is located at 688 Campbell Road. Mr. Jordan indicated he is requesting a variance for the construction of a shed. The proposed location is in a side yard located behind the house at the edge of the driveway. He provided photos of the area. The proposed shed is 16 x 10 foot, which is considered an accessory building.

Mr. Jordan explained the set up of his property pointing out the site plan which shows there are multiple side yards with the back yard located on the top of a hill. He indicated the proposed location of the structure would be ideally suited to conform to the community as well as a safe location where he would be able to access and utilize it effectively, rather than the alternative which would be on the top of the hill. The construction of the shed would mirror his home as depicted in the diagram of the building layout which would have matching siding and roofing.

Mr. Jordan stated they are located in a cul-de-sac. The shed would be in front and to the right is a three car garage attached to his home.

Ms. Lang stated the proposed accessory building is 160 square feet. The maximum allowed is 150 sq. ft. The height of the building is what determines if it is an accessory building.

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

Jeff Nelson

Mr. Nelson indicated he is Mr. Jordan's neighbor and was in support of the building.

Gina Russo-Carney - 680 Campbell Road

Ms. Russo-Carney indicated she is also Mr. Jordan's neighbor and was in support of the building.

Attorney Markey stated the request from the applicant was reasonable.

Ms. Lang confirmed the height of the building is 10 ft. 6 inches. The setback is 10 ft. The required setback is 15 ft.

MS. CUNNINGHAM MOVED IN THE CASE OF Z-15-08 TO APPROVE THE SIDE SET BACK TO BE 10 FEET INSTEAD OF THE REQUIRED 15 FT. MR. SCHMITT SECONDED. MOTION UNANIMOUSLY PASSED.

C. Case Z-15-09 Shaker Sidrak

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 the corner of Webster Drive and Campbell Road. 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 but in the front yard along Campbell 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.

Witness was sworn in.

The property is located at 4296 Webster Drive. Mr. Sidrak indicated he is requesting a variance to install a 6' vinyl fence around his yard to replace the current fence. The variance would apply for the area of his yard facing Campbell Road.

Ms. Lang pointed out the area where the fence is proposed to be six feet. She noted the Code requires four ft. because of the location on Campbell Road.

Jeff Christianson – 4281 Old Orchard Road

Witness was sworn in.

Mr. Christianson indicated he has resided there 35 years and that his yard abuts the back of Mr. Sidrak's yard. He noted when the original fence was first installed it was placed partially in his yard. He stated the property line has never been established for the adjoining properties. He asked if there is a requirement that the property be surveyed by the Township. He further noted he has no issue with Mr. Sidrak installing the fence.

Attorney Markey provided input stating the Township does not get involved in defining where boundary lines are established with properties. He further stated that the zoning officer reviews what is submitted by the applicant. He recommended that both Mr. Christianson and Mr. Sidrak confer about hiring a surveyor to survey the property based on the deeds.

Mrs. Christianson

Witness was sworn in.

Mrs. Christianson asked for clarification as to the material of the fence and if it would be uniformly placed around the property. She also indicated she had no problem with Mr. Sidrak installing the fence.

Mr. Sidrak indicated that one of the reasons for the new fence is to make his property more attractive in addition to adding privacy. He explained the boundary of the fence noting the location on the plan.

Attorney Markey stated he had no objections to the application submitted.

MR. SCHMITT MOVED IN THE CASE OF Z-15-09 TO GRANT THE VARIANCE TO THE APPLICANT FOR A SIX FOOT FENCE IN THE FRONT YARD OF 4296 WEBSTER DRIVE, ALONG CAMPBELL ROAD. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.

7. ADJOURNMENT

CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:55 P.M.

Respectfully submitted,

Secretary

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