

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
OCTOBER 4, 2012**

The Springettsbury Township Zoning Hearing Board held a regularly scheduled meeting on the above date at the Township offices located at 1501 Mt. Zion Road, York, Pennsylvania 17402.

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chair
James Deitch
Michael Papa
Sande Cunningham
David Seiler
Kevin Hevner, Alternate

ALSO IN

ATTENDANCE: Gavin Markey, ZHB Solicitor
Jim Baugh, Director of Community Development
Sue Sipe, Stenographer

NOT PRESENT: John Schmitt

1. CALL TO ORDER

Chairman Achenbach called the meeting to order at 6:00 p.m. He introduced the members of the Board noting that Mr. Seiler will be filling in as a voting member due to the absence of Mr. Schmitt for this meeting.

Chairman Achenbach led the Pledge of Allegiance.

2. ACTION ON THE MINUTES

A. September 6, 2012

MOTION MADE BY MR. PAPA, SECONDED BY MR. SEILER TO APPROVE THE MINUTES OF SEPTEMBER 6, 2012 AS PRESENTED. MOTION UNANIMOUSLY CARRIED.

Chairman Achenbach asked Mr. Baugh whether or not the case had been properly advertised. He responded that notification had been made.

Chairman Achenbach noted the applicant agreed to the expedited process for presentation.

3. OLD BUSINESS - NONE

4. NEW BUSINESS

A. Case Z-12-12 York County Board of Commissioners

Don Reihart, York County Solicitor
Casey Deller, C.S. Davidson

All witnesses were sworn in.

Attorney Reihart indicated the York County Board of Commissioners is requesting a variance for a portion of fencing around the York County Prison. It is established at a standard height to assure that it would be difficult to escape from the prison. It is constructed so that above ground it is six feet in height with an additional foot of razor wire on top. From ground level to the top it is 13 feet. One of the things he noticed in the application is that the variance request was originally 10 feet high when it should be 13 feet high as a security measure. The zoning ordinance indicates that the height is limited to eight feet. He noted that previously the Board has granted the height variance for fencing projects.

Mr. Deller referred to the exhibits distributed to the Board. He explained that Exhibit A is a property line survey for the entire county property. He pointed out the landmarks on each side of the property. He highlighted the zoning district boundaries and noted the area that encompasses the center where the prison and other county buildings are located is within the General-Industrial District. He indicated he met with Staff to review the admissions project which was submitted previously. He noted that Staff recommended asking for the variance for the entire general industrial zone of the property going forward in order that the applicant does not need to continually request the variance for fencing in the future. Mr. Deller indicated that Exhibit B is one of their standard construction details for the secure fence. He explained this is what they are proposed on the Admissions project which is what currently exists at the prison property. The standard is what they have used on their projects previously and what they would want going forward. He noted the next two pages in the packet are aerial views of the western side of the property, the prison area and where the admissions building within the county property will be located. Exhibits E and F are photos of the fence existing at the prison property within the general area where the admissions project will be located.

Discussion was held as to the acceptability of granting a variance for the entire county property. It was the consensus this would be acceptable for a fence approved up to 13 feet within the property.

Mr. Deller stated the county property looking at Exhibit A does extend to the east over to the York County Hospital and Home and Pleasant Acres complex which are located within the R-10 district consequently they are not asking for the variance in that area, just the G-I zone.

Mr. Deller noted that approximately 400 feet of fence will be removed from its present location and reinstalled in new locations in association with the admissions project. Each of the buildings has their own secure perimeter. The rear yards and the recreation yard in the youth development center also have secure perimeter. At the emergency services center, the rear yards, communications tower and emergency facilities in rear of the building are also secured with a 10 feet high fence. It is the same standard of fence with two sections that have a small fence grid pattern and razor wire on the top.

Mr. Deller stated the structure of the variance would be such that a future construction would necessitate the application to be submitted to the Township, either as a building permit or as a land development plan.

In regards to the architectural detail of the fence, Mr. Deller stated they would be willing to consider a security fence similar to the fencing shown on Exhibit B with the razor wire at the top.

Discussion was held regarding the length of time for the variance. Mr. Markey stated once granted, the applicant will have the obligation to pull the permit within that one year or it lapses. Otherwise, if granting a typical variance and the permit is pulled, there is no lapsing of it. It continues ad infinitum.

The Board determined that after granting the variance the project has to be commenced within a year.

It was pointed out that since the ordinance does not have any provisions that specifically deal with prison use in any districts, there are no specific guidelines in the ordinance for the height of prison fencing. The variance will be based on an understanding of the applicant's representation that 13 feet is the standard throughout prisons in the general region for a prison fence.

Attorney Markey substantiated that sufficient testimony and evidence was presented to verify this conforms with recommendations from the Commonwealth as well as the prison.

Attorney Markey clarified the request for the variance will be approximately 13 feet in height with either a three to five year life span of the granting of the variance to make improvements and restricting the style to a security fence in keeping with the standards applied by the Commonwealth of PA and as depicted on Exhibit B and F.

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.

It was noted the applicant is amending their variance request to have the application state that it would be approximately 13 feet and not the 10 feet listed in the written document.

MR. DEITCH MOVED IN THE CASE OF Z-12-12 TO GRANT THE VARIANCE SUBJECT TO THE FOLLOWING CONDITIONS:

- **THE VARIANCE IS FOR A SECURITY TYPE FENCE WITHIN THE GENERAL-INDUSTRIAL DISTRICT ONLY.**
- **THE VARIANCE WOULD APPLY TO SECURITY FENCES THAT CONFORM TO THE SECURITY DESIGN ASPECTS RECOMMENDED BY THE COMMONWEALTH OF PA FOR SECURITY PURPOSES AS EXEMPLIFIED BY EXHIBITS B AND F.**
- **THE VARIANCE BE GRANTED FOR A TOTAL OF THREE YEARS WHICH INCLUDES THE TIME TO PULL THE BUILDING PERMIT AND COMPLETE CONSTRUCTION. SECONDED BY MR. SEILER. MOTION UNANIMOUSLY CARRIED.**

5. ADJOURNMENT

Chairman Achenbach adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Secretary

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