

APPROVED

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
OCTOBER 4, 2018**

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
Sande Cunningham  
David Seiler  
John Schmitt  
Chris Shuttlesworth  
Mark Bair

**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, noting that Mr. Bair is serving as an alternate member of the Board.

It was noted that a court stenographer was not present at this meeting. It was the decision to move forward with the meeting since the audio recording will serve as the transcript of the proceedings of the meeting.

**2. ACTION ON THE MINUTES**

**A. SEPTEMBER 6, 2018**

**MOTION MADE BY MR. SEILER TO APPROVE THE MINUTES OF SEPTEMBER 6, 2018 AS PRESENTED. MR. SHUTTLESWORTH SECONDED. MOTION UNANIMOUSLY PASSED.**

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

**3. OLD BUSINESS - NONE**

**4. NEW BUSINESS**

**Case ZHB-18-13 Cynthia Neibert – 3434 E. Market Street**

All witnesses were sworn in.

Cynthia Neibert

Mr. Caloia stated the property is currently occupied by Yorkshire Animal Hospital. The applicant is requesting to construct a free-standing sign with a total area of 28 sq. ft. The property is located at the

edge of the Neighborhood Commercial Zoning District which only allows for a 16 sq. ft. sign or less. The adjoining properties to the east are located within the Commercial-Highway Zoning District which does not have the same restriction. In addition, he noted the surrounding properties in this area of East Market Street have signs larger than the 16 sq. ft. requirement. Consequently, if the Zoning Hearing Board approves the variance for a larger sign it would still be in accordance with the neighborhood. Staff does not have any concerns about the proposed variance.

Dr. Neibert agreed with Mr. Caloia's summary. She indicated they need a better sign since it is difficult for motorists to see from the street. She noted the sign will be in the same location with the same post as the existing sign.

Attorney Markey stated he had no legal objections to the proposal.

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. SEILER MOVED IN THE CASE OF ZHB-18-13 CYNTHIA NEIBERT TO GRANT THE VARIANCE FOR S.325-107.A FOR A 28 SQ. FT. SIGN IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT. SECONDED BY MR. SHUTTLESWORTH. MOTION UNANIMOUSLY PASSED.**

**B. Case ZHB-18-14 Melissa Brison – 400 Maywood Road**

All witnesses were sworn in.

Melissa Brison

Mr. Caloia stated this case was previously heard by the Zoning Hearing Board to construct an above-ground pool on the side yard of the property. The Zoning Hearing Board did grant the variance, however, after the building permits were approved, the applicant became aware there is an existing power line that runs across their side yard which prohibits construction of the above-ground pool underneath the power line. Consequently, the pool would need to be moved forward extending into the front yard. This necessitated a request for a variance to construct the above-ground pool in the front yard setback. Staff sees this as a hardship since the applicant does not have an alternate location to install the pool other than where it is proposed.

Ms. Brison stated when the excavation began, the excavator pointed out the electrical line indicating the pool could not be placed in that location. Ms. Brison indicated she notified Ray Markey, Township Building Code Official to ask how far from the electrical line the pool needed to be placed and he indicated 10 feet. They moved the pool up another 5-6 feet thinking they would be in compliance. However, during the final inspection it was pointed out they were out of compliance.

Attorney Markey stated he had no legal objections to the proposal.

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.

**MS. CUNNINGHAM MOVED IN THE CASE OF ZHB-18-14 MELISSA BRISON TO GRANT THE VARIANCE FOR S.325-141.B TO CONSTRUCT THE ABOVE-GROUND POOL INTO THE FRONT YARD SETBACK. SECONDED BY MR. SEILER. MOTION UNANIMOUSLY PASSED.**

### **C. Case ZHB-18-15 Royal Farms – 3315 Concord Road**

All witnesses were sworn in.

Attorney Stacey MacNeal  
Joshua George, Snyder, Secary & Associates

Mr. Caloia stated the applicant is proposing to install a free-standing pylon sign with the maximum height of 30 ft. He noted the zoning ordinance for the Flexible Development zoning district limits the height of a free-standing sign to 18 ft., and it must be a setback of one ft. from the property line for each foot in height. Because of the PennDOT right of way, Concord Road and Mt. Zion Road are heavily graded above the site, consequently a sign of 18 ft. would sit too low and not be visible from the roadway. Also, the setback would be far off the roadway because the right-of-way is so large. He indicated Staff has no objections to this proposed variance.

Attorney MacNeal provided several exhibits noted as Applicants Exhibits 1, 2 and 3.

Mr. George indicated the sign is located 6.5 ft. from the property line of Mt. Zion Road, but it is actually 61.5 ft. from the edge of curb along Mt. Zion Road. He noted the PennDOT right of way along Mt. Zion Road is extremely wide. They are proposing to install their sign within their property but not the requisite distance away from the property. He noted if they were to move it to the requisite distance it would be inside the parking lot of the proposed Royal Farms. Because of the extreme distance from the edge of the roadway the proposed location of the sign is appropriate for the project.

Attorney MacNeal indicated Exhibit #1 is a rendering of the proposed sign when construction is complete.

Mr. George confirmed the location of the sign is in proximity to the curb line similar to the York Town Center sign which is 61.5 ft., as noted on Applicant's Exhibit #2.

Mr. George indicated due to the topography of the site, the area in the northeast corner of Mt. Zion and Concord Roads is significantly lower than the actual intersection elevation which is 464. Their site is approximately elevation 454, resulting in a 10 ft. minimum grade difference. Because of the grade difference they are requesting the sign to be higher than the 18 ft. allowed by ordinance for visibility from passing motorists.

Mr. George indicated that the proposed sign would be similar in height to the Town Center sign. The difference is the York Town Center sign is at the elevation of Mt. Zion Road.

Attorney MacNeal indicated Applicant's Exhibit #3 is another similar sign in the area located at BAM and Big Lots. Mr. George confirmed the proposed sign will be similar and consistent with other signs in this portion of the township.

Attorney MacNeal indicated they provided on the application a section elevation view. Mr. George explained the drawing is a cross-section taken from Mt. Zion Road down the slope and onto the project site. He noted it depicts vehicles traveling along Mt. Zion Road and compares to the proposed signage in the location shown on the plan. They are attempting to show the difference between what the height of vehicles would be in comparison to what the height of the sign would be. The roadway elevation to the top of the sign is approximately 18 ft. The extra height is necessary to get the sign up to the normal elevation.

Attorney MacNeal asked Mr. George to determine the unique physical circumstances or conditions particular to this property that have created these unnecessary hardships. Mr. George referred to the

topographic differences between the intersection of the sites is the primary need for the relief in this case.

Mr. George confirmed he believed there is no possibility that the property can be reasonably developed in strict conformity with the ordinance. He believed for the sign to be visible and serve a necessary function it needs to be at the proposed elevation.

Mr. George confirmed the unnecessary hardship was not created by the applicant.

Mr. George confirmed the variance, if authorized, would not alter the essential character of the neighborhood or be detrimental to public welfare.

Mr. George confirmed the variance, if authorized, will represent the minimum variance that will afford relief. He indicated when they were determining the height of the sign they looked at the maximum amount allowed by ordinance and the difference from the roadway elevation to the site and they set the elevation of the sign based on that difference.

Chairman Achenbach asked about the grocery store contemplated for the site north of Royal Farms. Mr. Caloia indicated the plan for the grocery store was approved by the Board of Supervisors, however, he noted that tenant has dropped out of the development. The applicant will be submitting a new plan to the Planning Commission in the near future for a new tenant.

Discussion was held regarding the signage for the proposed area for the new tenant. Mr. Caloia indicated they do not foresee a problem since they are on two separate lots. A new tenant would place their sign on their own lot, either on Concord Road or further north on Mt. Zion Road. It would not be in the vicinity of the Royal Farms lot.

It was clarified the entrances for the property will be both on Mt. Zion Road and Concord Road.

Attorney Markey stated Mr. Caloia's case presentation was comprehensive and Attorney MacNeal covered the conditions for the granting of the variance requests. He had no legal objections to the proposal.

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. SHUTTLESWORTH MOVED IN THE CASE OF ZHB-18-15 ROYAL FARMS TO GRANT THE VARIANCES FOR S.325-107.A AND S.325-107.B(3)(A) TO INCREASE THE SIGN MAXIMUM SIGN HEIGHT AND DECREASE THE SIGN SETBACK FROM THE PROPERTY LINE. SECONDED BY MR. SCHMITT. MOTION UNANIMOUSLY PASSED.**

## **5. ADJOURNMENT**

**CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:35 P.M.**

Respectfully submitted,

Secretary

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