

A P P R O V E D

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
NOVEMBER 2, 2023**

**MEMBERS IN**

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

**ALSO IN**

**ATTENDANCE:** John Luciani, Interim Zoning Officer  
Gavin Markey, Solicitor  
Randall Heilman, Director of Community Development  
Jill Trostle, Stenographer

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Achenbach called the meeting to order at 5:58 p.m. and led the Pledge of Allegiance. He introduced the members of the Board and Springettsbury Township staff.

**2. ACTION ON THE MINUTES**

**A. OCTOBER 5, 2023**

**MR. SEILER MOVED TO ACCEPT THE MINUTES OF OCTOBER 5, 2023, AS PRESENTED, SECONDED BY MR. BAIR. MOTION UNANIMOUSLY CARRIED.**

**SWEARING-IN OF TOWNSHIP STAFF**

The following Township staff were sworn in: John Luciani, Interim Zoning Officer, and Randall Heilman, Director of Community Development. Mr. Luciani confirmed that the case to be presented this evening was properly advertised prior to the meeting.

**3. OLD BUSINESS** - There was no old business to be presented.

**4. NEW BUSINESS**

**ZHB-2023-0011 - 746 Witmer Road, York PA 17402**

Mr. Luciani, Interim Zoning Officer, provided a brief summary of the case submitted by the applicants, Kevin and Rebecca Keller. The property is located in the R-20 Large Lot Single Family Home zoning district across from the Orchard Hills development. The applicant is requesting a variance to allow a 30 x 45 ft. post frame accessory building in the front yard. The applicant is working with T. L. Jackson Construction to plan and construct a 1,350 sq. ft. pole barn. Under Section 325-133.B., an accessory structure or building must be located in the rear of the principal building on property located within the R-20 Large Lot Single Family Home zoning district. The existing principal structure is located close to the rear of the property. A portion of the pole barn will be in the front yard.

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The following witness was sworn in: Mr. Kevin Keller.

Kevin Keller, Applicant

Mr. Keller represented himself and provided an overview of the variance being requested. The following is a summary of his testimony:

- The land was surveyed by Mag North in January 2022 to confirm location of the property lines. The house sits on the back side of a diamond-shaped property which is about 1.5 acres. Due to the diamond shape of the property, anything placed in the backyard would encroach on all property lines and easements which is the reason a variance request was submitted.
- The site plan proposes to construct a pole barn on the side of the property, with a portion of the building in the front yard.
- There are other properties nearby that have buildings in the front yards (located at 2 Apple Hill and 754 Witmer Road.)
- There is a septic to the right of the house. The well is located between the house and the proposed accessory structure. Since all power to the house is located on the right side, it made sense to construct the pole barn on the right side.
- Proposed construction would not interfere with the existing driveway.

Responses to Questions of the Zoning Hearing Board:

- The topography of the property is practically level. The front yard does swing down 15-20 feet.
- The proposed structure would meet all other requirements and would be below the height and square footage restrictions.
- No decision has been made yet as to which side of the structure would be 30 feet and which side would be 45 feet.
- The proposed use of the building will be a four-car garage with storage.
- The building will have two doors facing the road.
- There will be some additional impervious area created.
- Ms. Cunningham noted that the Zoning Board would like to see drawings of the proposed construction to ensure it will blend with the neighborhood. Mr. Keller responded the proposed building would match the existing home.
- The building will have 12 foot ceilings.
- Mr. Achenbach asked if there are any drainage issues to be addressed. Mr. Keller responded the plan would include gutters to address drainage issues as required.

Additional Comments of Interim Zoning Officer, John Luciani

Mr. Luciani referenced the 1979 subdivision plan (taken from plan book AA, page 952) that split the existing home from another lot. The tax map and site plan do not show there is a 20-22 foot wide easement to get to the lot behind the applicant's property. Mr. Keller confirmed that lot 750 is located behind his lot and the residents at 750 are the only ones that use the easement. In response to Mr. Luciani, Mr. Keller confirmed that the placement of the pole barn would not interfere with the easement. The pole barn would be located south of the existing driveway that bends toward the home. Mr. Markey recommended the subdivision plan be marked as exhibit -Township 1. Mr. Luciani confirmed that placement of the proposed structure would meet all the other setback requirements of 15 feet in the rear and 10 feet on the sides. The building is 163 feet from Witmer Road. Mr. Luciani noted that either level

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1 or level 2 stormwater management will be required. In the R20 zone, 40% or 20,000 square feet is the limit and the proposed project will be well under that percentage.

Public Comment: No members of the public were present to speak for or against the dimensional variance request.

Opinion of Solicitor Gavin Markey, Esq.

Mr. Markey confirmed the applicant is requesting a dimensional variance that is similar to other cases reviewed and approved by the Board. There are unique physical circumstances or conditions affecting the property, i.e., the large front yard and no rear yard. The house existed when the property was purchased and the applicant did not create any hardship. Mr. Markey recommended a condition be placed on the approval that the approved accessory structure must comply with all other zoning and building codes required by the Township.

**IN THE CASE ZHB-2023-0011, MR. SEILER MOVED TO APPROVE THE DIMENSIONAL VARIANCE REQUEST TO ALLOW AN ACCESSORY STRUCTURE IN THE FRONT YARD WITH THE CONDITION THAT THE APPROVED ACCESSORY STRUCTURE COMPLY WITH ALL OTHER ZONING AND BUILDING CODE REQUIREMENTS OF THE TOWNSHIP. MS. CUNNINGHAM SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**INFORMATION ITEMS:**

Mr. Markey reminded Zoning Board members to remain after the meeting to execute decisions.

Mr. Heilman announced there would be a December Zoning Hearing Board meeting with one application for a variance request.

Mr. Seiler wished everyone a happy and restful Thanksgiving.

**5. ADJOURNMENT**

**MR. SEILER MOVED TO ADJOURN THE MEETING, SECONDED BY MS. CUNNINGHAM. THE MEETING ADJOURNED AT 6:27 PM.**

Respectfully submitted,

Secretary  
/jht