

APPROVED

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
NOVEMBER 3, 2016**

MEMBERS IN

ATTENDANCE: Dale Achenbach, Chairman
John Schmitt
Sande Cunningham

ALSO IN

ATTENDANCE: Jessica Fieldhouse, Director of Community Development
Gavin Markey, Solicitor
Sue Sipe, Stenographer

NOT PRESENT: David Seiler
James Deitch

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. OCTOBER 6, 2016

MOTION MADE BY MS. CUNNINGHAM TO APPROVE THE MINUTES OF OCTOBER 6, 2016 AS PRESENTED. MR. SCHMITT SECONDED. MOTION UNANIMOUSLY PASSED.

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

3. NEW BUSINESS

A. Case Z-16-15 Mary E. Osborn – 3335 Kingston Road

Attorney Greg Bair, Stock and Leader

All witnesses were sworn in.

Ms. Fieldhouse indicated the property is located at the corner of Kingston Road and Folkstone Way. The contractor for Mrs. Osborn submitted a building permit application to build a second floor on top of the existing screened-in back porch. Upon review of the building permit application Staff realized that a section in the Ordinance, §325-17.F.5 prohibits the addition of a second floor when the building walls are already encroaching within the rear setback. She noted the existing screened in porch is encroaching within 15 and 17 ft. The required rear yard is 25 ft. The ordinance will only allow the construction of a second floor if other portions of the same building wall has an existing 2 story wall along the building line. Mrs. Osborn submitted a variance request since it is difficult at her age to go up and down stairs. Her goal in adding the second floor addition to the home is to allow her to age in place longer and utilize

the property for a number of years more. It will allow her to have a single floor living and she will not have to go up and down the stairs.

Staff is in support of the hardship identified and believes this is a dimensional variance.

Attorney Bair stated this is a pre-existing non-conforming use and they are requesting a dimensional variance. He provided photos (marked as Applicant's A1- A6) indicating the home presents a vicarious situation in that the home from the front is a single level home but it is on a sloped lot, so from the rear it looks like it is two levels. The intention with the variance would be to construct this sunroom on the pre-existing wall. There would be no greater footprint than what already exists with no further encroachment since they are proposing to build up not out. Attorney Bair indicated to not grant this would potentially mean that Mrs. Osborn would not be able to remain in her home.

Attorney Bair also indicated the corner lot has much more limited back yard area than all the neighboring homes next to the client's home. He stated the hardship was not created by his client but was created with the zoning laws that came into place after Ms. Osborn purchased the property. The footprint of the home will not be disturbed. It is a vertical rising of the pre-existing porch but does not raise it to the second level. It raises the basement level to the first floor. The roof will not be any higher than the existing roof level. He noted in checking with the adjacent neighbors they have no objection to the project.

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

Attorney Markey stated from a legal prospective he had no objections.

MS. CUNNINGHAM MOVED IN THE CASE OF Z-16-15 TO APPROVE A VARIANCE TO §325-17F(5) TO ALLOW THE CONSTRUCTION OF A SECOND FLOOR ADDITION OVER THE EXISTING SUN ROOM WHICH ENCROACHES WITHIN THE REAR YARD SETBACK. SECONDED BY MR. SCHMITT. MOTION UNANIMOUSLY PASSED.

B. Case Z-16-16 Garciela Sloan – 3104 Rex Drive

All witnesses were sworn in.

Ms. Fieldhouse indicated the applicant was before the Zoning Hearing Board at their October meeting presenting a backyard improvement project, however, their backyard is also a front yard on Kingston Road. She noted the Zoning Hearing Board approved variances to allow construction of a pool in her backyard within a steep slope zone. The hardship was identified as in addition to dual front yards and no back yard this is a steeply sloping lot because of the way it was constructed which limited the use. With the installation of the pool they will be putting in retaining walls and fencing to make the yard useable for their family and to increase their resale value of the home.

Ms. Fieldhouse stated when moving forward to grant the building permits it was discovered the homeowner was intending to put a six foot fence in the back yard within the enclosed area of the retaining wall. Because that information was not included, in adhering to the zoning ordinance a variance is needed for the six foot fence because the zoning ordinance only allows a four foot fence. Their concern is security because their back yard is open to Kingston Avenue. Ms. Fieldhouse spoke with Mrs. Sloan indicating she would use the same application and update it. She spoke with Solicitor Markey and it was determined it would not be necessary for the applicant to be present since the other variances were already approved.

Attorney Markey confirmed he spoke with Ms. Fieldhouse regarding the non-attendance of the applicant as long as the Zoning Hearing Board was okay with this proceeding since Ms. Fieldhouse communicated

with the applicant and based on the fact a comprehensive analysis was accomplished by Ms. Fieldhouse for the previous proceeding as well.

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

MS. CUNNINGHAM MOVED IN THE CASE OF Z-16-16 TO APPROVE A VARIANCE TO §325-121 D(1) TO ALLOW THE CONSTRUCTION OF A SIX FOOT FENCE WITHIN THE FRONT YARD. SECONDED BY MR. SCHMITT. MOTION UNANIMOUSLY PASSED.

4. OLD BUSINESS

A. Case Z-16-14 Robert Gordon

In regards to Mr. Gordon's case regarding the installation of a windmill on his property, Ms. Fieldhouse noted the applicant's facilities manager Mr. Lloyd indicated that Mr. Gordon wanted re-present his case at this meeting, however, his consultant and attorney would not be available in November. Ms. Fieldhouse advised that they wait until both were available for the December meeting. She noted Mr. Gordon sent out a mailing to 45-50 residents which were hand delivered. She also noted she did not receive additional comments from neighbors. Attorney Markey confirmed Ms. Fieldhouse obtained an extension from the applicant for the December meeting.

B. Appointment of an Alternate Member

The Zoning Hearing Board asked Ms. Fieldhouse to request the Board of Supervisors look into appointing an alternate member.

Discussion was also held regarding the issue of one of the current members not attending for some time. It was recommended that he be contacted to determine if he wishes to remain on the Board.

5. ADJOURNMENT

CHAIRMAN ACHENBACH ADJOURNED THE MEETING AT 6:30 P.M.

Respectfully submitted,

Secretary

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