

**APPROVED**

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

**MEMBERS IN**

**ATTENDANCE:** Dale Achenbach, Chairman  
John Schmitt  
Sande Cunningham  
David Seiler

**ALSO IN**

**ATTENDANCE:** John Luciani, Acting Zoning Officer  
Gavin Markey, Solicitor  
Kristin Denne, Township Manager  
Sue Sipe, Stenographer

**NOT PRESENT:** 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 1, 2015**

**MOTION MADE BY MR. SEILER TO DEFER APPROVAL OF THE MINUTES OF OCTOBER 1, 2015 TO THE JANUARY 7, 2016 MEETING, MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY PASSED.**

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

**3. NEW BUSINESS**

**A. Case Z-15-11 Brian Floyd – 2030 Mt. Zion Road**

All witnesses were sworn in.

Mr. Floyd stated he is requesting an 8 ft. variance on the south side of his property identified as Lot #3. He provided a letter addressed to the members of the Springettsbury Township Zoning Board that explained the details of his request (Applicant's Exhibit #1). He also provided a letter from his neighbor Chad Eisenhart, (Applicant's Exhibit #2) indicating his support of Mr. Floyd's request. The neighbor's property is adjacent to the location of the entrance, and there is a row of trees which blocks his neighbor's view along his property line. Mr. Floyd stated he is proposing to install a concrete outside entrance into his basement. This would include a railing around the stairwell with a retaining wall a foot above the ground with fencing. Mr. Floyd indicated the

new structure will extend approximately 6 ft. from the house. The concrete slab will be 4 x 4 and the retaining wall blocks are a foot wide with every block set back another ¼” to allow plenty of space. Mr. Floyd noted that the distance from the house to the property line is 16 ft.

Discussion was held regarding control of stormwater from the property. Mr. Floyd indicated they are contemplating a pump into the drainpipe from the house to their drain pit or they will install a pump system to make sure there is no runoff not only into their neighbor’s property, but also to prevent runoff into his basement.

Chairman Achenbach confirmed that the Board was familiar with the conditions needed to satisfy the variance request and the granting thereof.

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

Mr. Luciani confirmed the Township had no objection to the applicant’s request. He noted the request would leave a setback of 7 ft. which would be confirmed by the building permit submitted by the applicant at the time of proposed construction. He also noted the Township is requesting a condition for a detailed grading plan and a storm water plan.

Attorney Markey concurred with the Township’s findings and the conditions as stated.

**MS. CUNNINGHAM MOVED IN THE CASE OF Z-15-111 TO RECOMMEND APPROVAL FOR THE DIMENSIONAL VARIANCE TO ALLOW A 7 FT. ENCROACHMENT INTO THE SIDE SETBACK WITH THE CONDITIONS THAT A STORMWATER PLAN AND A GRADING PLAN ARE BOTH SUBMITTED WITH THE BUILDING PERMIT APPLICATION. MR. SCHMITT SECONDED. MOTION UNANIMOUSLY PASSED.**

#### **4. OLD BUSINESS**

##### **A. Case Z-15-10 Darrah Motor Sports**

Attorney John Ogden  
Joe Darrah

Attorney Ogden stated an agreement was reached with the Township, therefore no testimony would be given. He asked to place the terms of the agreement on the record with a request for a continuance until the January 7, 2016 meeting. The continuance is to allow the Township time to consult with the Board to assure the agreement is acceptable and also to allow time to consult with the police department to make sure that the agreement is satisfactory.

Attorney Markey indicated this is acceptable from a legal perspective with the Township. He noted they would like to have the agreement of both counsel for the Township as well as Mr. Darrah on the record to continue the hearing until January 7, 2016.

Attorney Ogden indicated the agreement consists of several points:

- Assuming approvals from the various agencies, they will ask the Board to enter an agreed upon zoning decision that indicates the change of use is approved for Mr. Darrah to be permitted to use his property at Graham Street for a towing company. Stipulations include there would be no more than five (5) customer or tow cars in the building at any given time, not including Mr. Darrah’s personal cars or vehicles.
- Customers who had their cars towed would not come to this location to pick up their cars. They would contact Mr. Darrah and make agreement to meet elsewhere or he could deliver the car to them.

- It was agreed that Mr. Darrah could continue to store the two trucks and trailers with number 89 on them. There would be no other outdoor storage and/or outdoor business activity. Mr. Darrah and his employees would be permitted to park their vehicles on the property, including Mr. Darrah's truck with the emblem J.K. Salvage.
- There will be no parking of any other mobile sign trucks at the property or on Grant Street leading to the property.

Attorney Ogden stated they would put the agreement into writing to be incorporated with the Board's decision to grant relief in order for the Township to enforce the terms of the agreement. He noted that as a procedural point they will have testimony to verify they meet the elements for the change of use out of the Ordinance to justify the decision, and to verify they agree to those conditions.

Chairman Achenbach reminded the applicant and the Board that the Ordinance states the use being considered cannot be a more severe use than what is currently existing at that location and is not based on the rules of motor vehicles or any outside agencies, but by facts and circumstances that prove this is a non-exacerbating use.

Attorney Ogden clarified the use as stated in the Ordinance says a nonconforming use or land may be changed to a use of equal or more restrictive classification.

Attorney Markey concurred that was correct and that would be the premise between the two parties. He recommended that the Board request there be stipulated conclusions so the Board can enunciate those findings on the record.

Attorney Rausch concurred and envisioned that to be the case. He indicated in the event that his client did not accept the terms of the settlement, they may have to go back to a hearing, at which time he would provide advance notice to Solicitor Markey.

Attorney Ogden was in agreement.

Attorney Ogden restated his client's request for a continuance until the January 7, 2016 session.

Mr. Darrah was sworn in and agreed.

Attorney Christopher King on behalf of the Township concurred.

Chairman Achenbach asked if there was anyone in attendance who wished to comment. Hearing none, he called for a motion.

**MS. CUNNINGHAM MADE A MOTION TO ACCEPT THE REQUEST FOR A CONTINUANCE AT THE JANUARY 7, 2016 MEETING. SECONDED BY MR. SCHMITT. MOTION UNANIMOUSLY PASSED.**

## **5. ADJOURNMENT**

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

Respectfully submitted,

Secretary  
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