

A P P R O V E D

**SPRINGETTSBURY TOWNSHIP
ZONING HEARING BOARD
DECEMBER 7, 2023**

MEMBERS IN

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

ALSO IN

ATTENDANCE: John Luciani, Interim Zoning Officer
Gavin Markey, Solicitor
Randall Heilman, Director of Community Development
Benjamin McCue, Deputy Zoning Officer Elect
Jill Trostle, 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.

RECESS: A two-minute recess was taken to resolve technical difficulties. The meeting resumed.

Mr. Achenbach introduced the members of the Board and Springettsbury Township staff.

2. ACTION ON THE MINUTES

A. NOVEMBER 2, 2023

Mr. Shuttlesworth asked that the minutes be amended to reflect that he was present via Zoom at the November 2 meeting, although he was having technical difficulties and was not able to verbally participate. **MR. SHUTTLESWORTH MOVED TO ACCEPT THE MINUTES OF NOVEMBER 2, 2023, AS AMENDED, SECONDED BY MR. SEILER. MOTION UNANIMOUSLY CARRIED.**

INTRODUCTION OF NEW ZONING OFFICER: Mr. Heilman introduced Benjamin McCue, the new Zoning Officer Elect for Springettsbury Township. Mr. McCue started on November 14, 2023 and will be officially appointed as Deputy Zoning Officer in January 2024.

3. OLD BUSINESS: Board members were asked to remain after the meeting to sign formal decisions from the last Zoning Hearing Board meeting.

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 in a newspaper of general circulation prior to the meeting and adjoining property owners were notified by letter.

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4. NEW BUSINESS

ZHB-2023-0012 - 4038 Old Orchard Road, York PA 17402

Mr. Luciani, Interim Zoning Officer, provided a brief summary of the case submitted by the applicant, Jeffery Turnow. Mr. Turnow is requesting a variance to allow an 18 ft x 24 ft expansion of a summer house (non-conforming structure) currently located in the R-10 Medium Lot Single Family Home zoning district. Under Section 325-193.B, expansion of a non-conforming use accessory building shall not exceed fifty (50) percent (%) of the existing total usable floor area of the building. Mr. Luciani noted that the purpose of the ordinance is to prevent creation of rental properties or additional uses on the property. The requested variance would allow the non-conforming accessory building to be expanded upon by more than fifty (50) percent (%) of the existing total usable floor area of the building. The property is served by public sewer and the proposed expansion will not create additional impervious areas.

The following witnesses were sworn in:

Jeffery Turnow, Applicant
Joe Musti, Contractor

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Mr. Musti, Contractor, represented the applicant and provided an overview of the variance being requested. The following is a summary of his testimony:

- Mr. Musti has known the applicant for several years and was contacted by Mr. Turnow to build an addition to the summer house located in the rear of the property.
- The property owners purchased the property in 2013 and have no intention of leaving or selling the property.
- The main property is a small farmette, built in 1826. Several photos of the main farmhouse and summer house were provided. The summer home is approximately 50 feet from the main farmhouse.
- Mr. Musti shared the unique characteristics of the farmhouse. The kitchen of the farmhouse is located in the basement level, the living area is located on the first floor, and the bathroom and bedrooms are on the third floor. There is also a fourth floor attic.
- Mr. Turnow is retired and has had a number of medical procedures that now limit his mobility.
- The applicant's family has grown to the extent that additional space is needed for family gatherings.
- The expansion of the summer house would provide a kitchen, bathroom and space needed on one floor to accommodate family gatherings.
- There is currently a concrete/slate patio adjoining the summer house, which is the location of the proposed expansion.
- The proposed expansion will have two doors for egress and will not be attached to the main farmhouse.
- All other ordinance requirements are met with the exception of the dimensional variance request.

Responses to Questions of the Zoning Hearing Board:

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- Mr. Turnow confirmed that the summer house would be for residential use only and would not be used as a rental property nor create an additional use of the property.
- The expansion would be designed to blend in with the current character of the summer house.
- Mr. Turnow was asked if the expansion could be limited to only 50% of the original structure, to which Mr. Musti noted that 50% would be 170 sq. feet representing the size of a medium sized bedroom which would not be large enough for the intended use.
- The existing summer home already has a kitchen and bathroom facility connected to the public sewer system.
- The dimensional variance requested is the minimum expansion needed to accommodate the gathering of extended family members.
- Ms. Cunningham asked about the location of the chickens. The chickens are located behind the garage on the right side of the lot.
- The expansion will not affect or add to the chicken flock.

Additional Comments of Interim Zoning Officer, John Luciani

Mr. Luciani noted that stormwater management would not be an issue because the expansion would not create additional impervious areas. The parcel is approximately three acres, so setback requirements are also not an issue.

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 that the request is for a dimensional variance with a deviation of 86% and the applicant has provided testimony pertaining to characteristics of the neighborhood, personal hardship and the intended use to show that this is the minimum variance needed to afford relief. Mr. Markey suggested the request be approved with one condition, that the accessory summer house never be used as a rental property going forward.

IN THE CASE ZHB-2023-0012, MR. BAIR MOVED TO APPROVE THE DIMENSIONAL VARIANCE REQUEST TO ALLOW AN ADDITION TO THE ACCESSORY STRUCTURE IN THE BACK YARD TO EXCEED 50% OF THE ORIGINAL STRUCTURE WITH THE CONDITION THAT THE ACCESSORY STRUCTURE REFERRED TO AS THE SUMMER HOUSE MAY NOT BE USED AS A RENTAL PROPERTY GOING FORWARD. MS. CUNNINGHAM SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

INFORMATION ITEMS:

Mr. Heilman announced there would be a January Zoning Hearing Board meeting with two, possibly three cases to be presented.

5. ADJOURNMENT

MR. SEILER MOVED TO ADJOURN THE MEETING, SECONDED BY MR. SHUTTLESWORTH. THE MEETING ADJOURNED AT 6:44 PM.

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Respectfully submitted,

Secretary
/jht