

**APPROVED**

**SPRINGETTSBURY TOWNSHIP  
ZONING HEARING BOARD  
MAY 4, 2017**

**MEMBERS IN**

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

**ALSO IN**

**ATTENDANCE:** Shawn Strausbaugh, Deputy Zoning Officer  
Raphael Caloia, Assistant Planner  
Gavin Markey, Solicitor  
Sue Sipe, Stenographer

**1. CALL TO ORDER:**

**A. Pledge of Allegiance**

Due to Chairman Achenbach's late arrival Vice Chairman Seiler 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. MARCH 30, 2017**

**MOTION MADE BY MR. SCHMITT TO APPROVE THE MINUTES OF MARCH 30, 2017 AS PRESENTED. MS. CUNNINGHAM SECONDED. MOTION UNANIMOUSLY PASSED.**

Vice Chairman Seiler asked Mr. Caloia if the case was properly advertised. He responded that notifications had been made.

**3. OLD BUSINESS**

A. Att. Markey referred to Case Z-16-06, David & Jilla Spitzer – 2361 Druck Valley Road presented in May 2016. He noted that due to the objections of the neighbors the approval had been appealed but the applicant's attorney had not moved forward with the required briefs. A letter was recently issued mandating the attorney file his brief with the court. Att. Markey indicated they have now received notification that the attorney filed the brief and the next step would be for him to file their brief in response. The individuals who appealed will need to re-present to the Zoning Hearing Board since the main argument in their appeal was they were not represented by legal counsel. At this time the case is pending.

**4. NEW BUSINESS**

**B. Case ZHB-05-2017 Nicholas White - 770 South Kershaw Street**

All witnesses were sworn in.

Nicholas White

Mr. White indicated he has a corner lot property with two front yards on South Kershaw Street and Ninth Avenue. He is requesting to construct a six foot fence on the side and rear property lines and along the Ninth Avenue side of the property. It would start approximately 10 ft. from the rear of the property with a two-foot variance. He is seeking relief from S.325-121.D. Mr. White requires a six-foot fence because he has two dogs who are capable of jumping over a 4-ft. fence. It would allow his dogs to utilize the yard space with a six-foot fence and also provide privacy in his back yard. The property line is approximately 15 ft. from the street.

Mr. Caloia indicated Staff's review indicates the proposed fencing is set approximately 64 ft. back from Kershaw Street and 26 feet from Ninth Avenue. Staff does not believe the new fencing will interfere with the sight triangle for those intersections.

Mark Watkins

Mr. Watkins indicated he is Mr. White's neighbor and has no objections to the fence.

Mr. Markey indicated these types of cases have previously been approved as hardships. He noted this case is applicable to the case law dealing with permitted uses and with dimensional adjustments in which case the applicant's burden of proof is reduced in his favor. He determined it was a reasonable request from a legal perspective.

**MR. SCHMITT MOVED IN THE CASE OF ZHB-06-2017 TO ALLOW A SIX-FOOT-HIGH FENCE IN THE FRONT YARD OF MR. WHITE'S PROPERTY IN ACCORDANCE WITH S.325-121.D. SECONDED BY MS. CUNNINGHAM. MOTION UNANIMOUSLY PASSED.**

**5. ADJOURNMENT**

**VICE CHAIRMAN SEILER ADJOURNED THE MEETING AT 6:15 P.M.**

Respectfully submitted,

Secretary

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