

**MINUTES OF  
SPRING GARDEN TOWNSHIP ZONING HEARING BOARD  
August 18, 2014**

**CALL TO ORDER:** The monthly meeting of the Spring Garden Township Zoning Hearing Board was held on August 18, 2014 in the Township Municipal Building, 340 Tri Hill Rd., York, PA. Present:

James McMillion	David Keiter, Solicitor
Michael Barton	Linda Keller, Director of Community Dev. & Planning
Dustin Quance	Karen Meister, Key Reporters
Earl Quance	10 people in the audience

**PUBLIC COMMENT PERIOD:** None

**APPROVAL OF MINUTES:** The minutes of the May 19, 2014 meeting were approved on a motion by Mr. D. Quance, seconded by Mr. E. Quance.

**ZONING APPLICATIONS**

**APPLICATION 125-04-14 – Scott Hamberger, d/b/a Brickyard Tavern, 748 S. Albemarle Street, York, PA** has submitted an application for a Special Exception to Section 310.35.B.2 for expansion of an existing nonconformity to allow an addition which encroaches into the rear setback requirement, and a Variance to Section 310.15.B.1 to the Parking requirements. The property is located in the Commercial Zone.

The applicant was represented by Atty. Stacey MacNeal and Robert Sandmeyer. Atty. MacNeal explained that the property is an existing tavern since World War 2 and never had on-site parking. The vacant lot across the street was used for parking. It is an existing gravel lot with no striping or lines, and can park 50 cars. This would accommodate the additional cars required with the proposed addition to the tavern. If the parking lot was brought to Township specifications with aiseways, entrances, striping, etc., it would only allow 27 cars. The Planning Commission agreed that this be considered an existing nonconformity, and recommended that it be treated as is and keep in the existing condition.

Atty. MacNeal noted the Special Exception is to the rear setback issue. The required setback is 30'. The existing deck is 2' to the property line; the proposed addition would be 20' to the rear line. The side setback requirement is met. Several photos and site plans were presented for review. The proposed addition is for new ADA restrooms, kitchen, and 24 new seats.

Mr. Hamberger noted that there is a gentlemen's agreement with Smokers Outlet to use their parking lot after hours.

There were no questions from the audience. Motion by Mr. Barton to approve the Special Exception request for the rear setback encroachment with the Planning Commission's recommendation that a restrictive covenant be included that the lot across the street is to be considered the parking area for this Tavern as long as the tavern is in existence. Seconded by Mr. D. Quance. Motion passed unanimously.

**APPLICATION #125-05-14 – Pennsylvania State University, 1031 Edgecomb Avenue, York, PA** is requesting a Special Exception to Section 310-8F to allow an addition to Ruhl Student Community Center exceeding the allowed height requirement. The property is located in the AO (Apartment-Office) Zong.

The application was presented by Bryan Clement of HF Lenz and Holly Gumke, Director of Business Services for Penn State York. Mr. Clement explained the current height of the building is 30'6". The maximum height permitted under the ordinance is 30'. The proposed 12,000 sq.ft. addition for a gym and offices would be 36', with an additional 4.75' of screening for mechanical equipment for a total of 40.79'. The building is set back over 200' from any property line.

There were no questions from the audience. Motion Mr. E.Quance to approve the Special Exception as requested. Seconded by Mr. Barton. The motion was passed unanimously.

**ADJOURNMENT:** The meeting was adjourned at 7:40 p.m.

Submitted by,  
Linda S. Keller, Director of  
Community Development & Planning  
SPRING GARDEN TOWNSHIP