

**MINUTES OF
SPRING GARDEN TOWNSHIP ZONING HEARING BOARD
January 19, 2015**

CALL TO ORDER: The monthly meeting of the Spring Garden Township Zoning Hearing Board was held on Monday, January 19, 2015 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	3 people in the audience

PUBLIC COMMENT PERIOD: None

APPROVAL OF MINUTES: The minutes of the October 20, 2014 meeting were approved on a motion by Mr. Barton, seconded by D. Quance. There were no public comments. Motion passed unanimously.

ZONING APPLICATIONS

- a. Application #125-01-15: Simeral Construction Co.** is requesting a Variance to Section 310.6 to construct an attached garage, encroaching into the rear setback. The property is located at 1029 Smallbrook Lane, York, PA, owned by Mark & Ann Miller and is zoned R-1 (Residential-Suburban).

Atty. Stacey MacNeal, Andrew Lehman from Simeral Construction, and Dr. Mark Miller were present. Atty. MacNeal stated they just realized that an additional five (5) feet encroachment should be requested because the new addition may need to be shifted because of an existing basement doorway that would be in the way. Atty. Keiter and the Zoning Hearing Board concurred that the additional 5' would be considered diminimus and it would not be necessary to readvertise this hearing; the Board can proceed at this time and make their determination based on the information provided.

Atty. MacNeal also noted that the Planning Commission had discussed the issue of this property being a double frontage lot, and therefore a front yard setback would apply; especially as it pertains to modification of the front yard setback along an improved street. Atty. Keiter agreed with Mrs. Keller that the front yard definition does not apply to the yard on Smallbrook Lane in this case because the Zoning Ordinance definition of a front yard refers to an area bounded by the street line, **front wall of the house**, and side property line. The variance application proceeded.

Mr. Lehman explained the construction project. This is an existing single family dwelling with an attached two-car garage. The Millers would like to convert the existing garage into a modern kitchen and then construct an attached three-car garage. The new garage would be constructed over existing impervious area, however it would now encroach 20' into the rear yard setback along Grantley Road. Grantley Road is a 60' right-of-way, so the new garage would be 5' to the property line. There is an existing stockade fence along Grantley Road, which actually sits in the right-of-way, and the new garage would be approximately 12' behind the fence. The new garage would be a 1 ½ story in height and would be similar construction as the existing house. He also noted that the adjacent properties would not be adversely affected by this. At the adjacent property there is a similar garage as now being requested. There are other garage encroachments along Grantley Road as shown in their photographs.

There were no questions or comments from the audience. Motion Mr. Barton/ seconded Mr. McMillion to approve the Variance as requested with the additional 5' encroachment. Motion passed unanimously.

OTHER BUSINESS:

- a. Mrs. Keller indicated the Township Planning Commission is gathering information in order to discuss possible amendments to the Zoning Ordinance dealing with definitions, digital billboards, fueling stations, etc. If the Zoning Hearing Board thinks of any issues that could be addressed, they should provide that information to her to be passed on to the Planning Commission.
- b. James McMillion has agreed to serve another five years on the Zoning Hearing Board and the Board of Commissioners has appointed him to another term.
- c. Dustin Quance had completed ten years of voluntary service on the Zoning Hearing Board and the Board of Commissioners presented a Certificate of Recognition to him.
- d. Atty. Keiter unofficially announced that he will be turning 70 years old this year and is considering stepping down and retiring at the end of 2015. He suggested the Zoning Hearing Board may want to think about his replacement during the year and may want to interview several candidates. He will provide more information with a retirement date and list of suggestions at a later time.

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

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