

**MINUTES OF  
SPRING GARDEN TOWNSHIP PLANNING COMMISSION  
August 5, 2014**

**CALL TO ORDER:** The monthly meeting of the Spring Garden Township Planning Commission was held on Tuesday, August 5, 2014 in the Township Administration Building, 558 S. Ogontz St., York, PA.

Vice-Chairman Sandmeyer opened the meeting at 7:05 p.m.

Present: Bob Sandmeyer  
John DeHaas  
Dan Rooney

Dave Davidson  
Linda Keller, Zoning Officer  
7 people in the audience

**PUBLIC COMMENT PERIOD:** There were no public comments.

**APPROVAL OF MINUTES:** The minutes of the May 13, 2014 meeting were presented for approval. Motion was made by Rooney/DeHaas to approve the minutes. Motion approved unanimously.

**SUBDIVISION PLANS**

**York Pennsylvania Hospital Company, LLC, 325 S. Belmont Street, York, PA** has submitted a Final Subdivision Plan to create lots to allow separate ownership of existing buildings. The property is located in the AO (Apartment-Office) Zone.

John DeHaas recused himself from discussions and action on this plan.

The applicant is requesting the following waivers:

- Preliminary Plan
- Separate sanitary sewer connection for each lot
- Storm Water Management
- Topographic contours and datum
- Sufficient access to and from the proposed development over existing streets and roads...
- Access. Streets shall be laid out to provide access to all lots...

Motion Rooney/ Sandmeyer that Planning Commission recommends approval of the Subdivision Plan with the following conditions:

- Owner's signature
- Solicitor's review and approval of cross easement agreement

There were no public comments.

There were not enough members present to finalize the motion.

**ZONING APPLICATIONS**

**Application 125-04-14 – Scott Hamberger, d/b/a Brickyard Tavern** is requesting 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 requirements, and a Variance to Section 310.15.B.1 to the parking requirements. The property is located at 748 S. Albemarle Street, York, PA and is zoned Commercial.

Bob Sandmeyer recused himself from voting on this application since Site Design Concepts prepared the site plan.

The Applicant was represented by Attorney Stacey MacNeal. Ms. MacNeal noted the application is for two Special Exceptions; one for encroaching into the rear setback and the other for use of the existing parking area. The Variance is requested as an alternate for parking.

The Tavern building currently encroaches into the rear setback, and the proposed 1271 sq.ft. addition and 155 sq.ft. cooler addition would not encroach any further than the existing building. The front setback is existing and the side setbacks would be maintained.

Since there is no on-site parking, a vacant lot across the street has historically been used for parking. Mr. Hamberger owns that lot, also. It is an existing unimproved gravel lot which can accommodate 50 cars. The current Tavern use requires 37 parking spaces. With the proposed addition, they would need 50 spaces. If the parking lot were to be improved to Township specifications, it would only allow 27 cars, which would not be enough for the "tavern" use. They are requesting that the parking lot be acknowledged as a pre-existing nonconformity, with no need for further improvement.

Atty. MacNeal noted that patrons can also park on the street, and there is some parking at the Smokers Outlet available after hours.

Motion Rooney/ DeHaas to recommend acceptance of the fact that the parking area is a pre-existing nonconformity. They also recommend that the Special Exception to the rear setback be approved with the condition imposed that a restrictive covenant be attached to include the parking lot across the street be used for tavern parking as long as the tavern is in existence.

There were no public comments.

There were not enough members present to finalize the motion.

**Application #125-05-14: Pennsylvania State University** 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 at 1031 Edgecomb Avenue, York, PA and is zoned AO (Apartment-Office).

The Applicant was represented by Bryan Clement and Holly Gumke. Mr. Clement explained this is an expansion of an existing dimensional nonconformity. The building height permitted is 30'; the current building height is 30'6". The proposed building height would be 40' 9 1/2", which includes a 4.79' mechanical screen on the top. The actual building height addition would be 6'.

The proposed addition is for a gymnasium and office space. The building is not close to any neighboring residence or property line.

Motion DeHaas/ Rooney to recommend approval of the Special Exception as requested. Motion carried. 3 votes Yes, 0-No.

**OTHER BUSINESS** Mr. Davidson asked if the Planning Commission had a chance to review the "official map". He will re-distribute to the members for further discussion at the September meeting.

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Linda S. Keller, Zoning Officer