

**MINUTES OF
SPRING GARDEN TOWNSHIP ZONING HEARING BOARD
August 16, 2021**

CALL TO ORDER: The monthly meeting of the Spring Garden Township Zoning Hearing Board was held on Monday, August 16, 2021 in the Township Municipal Building, 340 Tri Hill Road, York PA. Vice-Chairperson Michelle Poole called the meeting to order at 6:00 p.m.

Present:	Anthony Foster (arrived 6:11 pm)	Devon Myers, Esq., Zoning Solicitor
	Michelle Poole	Karen Meister, Key Reporters
	Michael Barton	Linda Keller, Zoning Officer
	John Porter	4 persons were in the audience
	Ann Luciani	

PUBLIC COMMENT PERIOD: None

APPROVAL OF MINUTES: The minutes of the January 18, 2021 meeting were presented for discussion. Page 2 needs to be corrected for the vote count: *Motion carried. Yes-3, No-2 (Luciani and Porter)*
The minutes were approved on the motion of Mr. Barton/ second Mr. Porter with the above correction. There were no public comments. Motion carried. Yes-4, No-0.

#125-01-21: Even Mo' Money, LLC has applied for a Variance to Section 310-5.E of the Spring Garden Township Zoning Ordinance for three proposed principal uses (three separate tenants for vehicle sales, service and/or repair) in the IP (Industrial Park) zone. A Variance is also requested to Section 310-15.B.1 to the Parking requirements. The property is located at 700 N. Broad Street, York PA and is currently vacant.

Andrew Miller, Esq. was present for Tracy Salinger, property owner, and Ms. Salinger was sworn-in. Atty. Miller explained the property is located in the IP zoning district and consists of two buildings on one property, formerly the Auto Glass Technology business, and access is via N. Broad Street, a private street. The northern building is 3751 sq.ft. in size and is 2 full stories. The southern building is 7200 sq.ft. in size. Both buildings are currently unoccupied.

Exhibit A was presented showing the County Assessment Map. Exhibit B was submitted showing an aerial view of the assessment map. Atty. Miller explained this property is surrounded by industrial uses – RG Group to the east, Wolf Lumber to the west, Trucking company to the north and Met-Ed substation and Graham to the south. They are requesting a Variance to Section 310-5.E to permit more than one principal use on the property (three separate tenants, all as one common use of vehicle sales, service and/or repair. This would be considered a dimensional variance and not a use variance. Proposed uses would be KC Auto Service in the north building upper level, Auto Glass Technology in the north building lower level, and Unique Limousine in the southern building. This will be their York satellite location and will have all their vehicles parked inside the building.

The other variance requested is to 310-15 to the parking regulations. Exhibit C was presented showing an approved Land Development plan from 2002. Parking is calculated as: KC Auto Service would require 9 spaces, Auto Glass Technology would need 17 spaces and Unique Limousine requires 6 parking spaces. A total of 32 spaces are required, however 26 spaces are provided. The applicant requested that parking inside the south building be counted towards the requirements. The Planning Commission provided favorable comments on both Variances.

6:45 pm. Motion Mrs. Poole/ second Mrs. Luciani to pause the testimony at this time and make a determination if parking inside the building counts towards the parking requirements. Motion carried. Yes-4, No-1 (Porter). After discussion as to whether the display area can be considered parking under the parking regulations, the hearing was resumed at 6:51 p.m.

Motion Mr. Porter/ second Mrs. Luciani that the 15 parking spaces available inside the building are not parking spaces as used in the Zoning Ordinance. Yes-4, No-1 (Barton).

Atty. Miller outlined the Variance standards and the topographic constraints on the property. He also noted the dimensional variance requested is more relaxed than a use variance.

Motion Mr. Porter/ second Mrs. Luciani to approve the Variance to permit 3 tenancies as vehicle sales/service/repair establishments. Motion carried. Yes-3, No-2 (Barton & Foster).

Motion Mr. Foster/ second Mrs. Poole to approve the parking Variance as requested. Motion carried. Yes-3, No-2 (Porter & Luciani).

OTHER BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 7:37 p.m.

Submitted by,
Linda S. Keller, Zoning Officer