

BEFORE THE ZONING HEARING BOARD
OF SPRING GROVE BOROUGH

IN RE:

ZHB CASE NO. 01-2025-213 KAYLEE AND
ZACHARY FLEMMENS TO BE CONSIDERED
FOR A VARIANCE TO ALLOW A 5-FOOT FENCE
IN WHAT IS CONSIDERED THEIR FRONT
YARD DUE TO BEING ON A CORNER LOT

BEFORE: KRISTYN STOUCHE, CHAIRPERSON
JAROD MARTIN, MEMBER
BETH KERN, ESQUIRE, SOLICITOR
DANIELLE ROBISON ADMINISTRATIVE ASSISTANT
SCOTT MILLER, OPERATIONS MANAGER

REPORTED BY : GAIL D. MCLUCAS, NOTARY PUBLIC
REGISTERED PROFESSIONAL REPORTER

DATE : APRIL 17, 2025, 6:00 P.M.

PLACE : SPRING GROVE BOROUGH OFFICES
1 CAMPUS AVENUE
SPRING GROVE, PA 17362

1 MS. BETH KERN: It is 6:00 p.m. We'll go
2 ahead and call this meeting to order. I am the
3 solicitor for the Spring Grove Borough Zoning Hearing
4 Board. And we'll start this evening's meeting with a
5 pledge to the flag.

6 (Pledge of Allegiance).

7 MS. BETH KERN: For roll call, we have
8 two of the three members of the Zoning Hearing Board
9 present here this evening. Would you just introduce
10 yourselves, first and last name, to those here in
11 attendance to the meeting.

12 MS. KRISTYN STOUCHE: Sure. My name is
13 Kristyn Stouch.

14 MR. JAROD MARTIN: My name is Jarod
15 Martin.

16 MS. BETH KERN: And for the applicants
17 that are here this evening for your application, so the
18 Zoning Hearing Board is a three-member body which is a
19 quasi-judicial body. They're here to hear your
20 application and make a decision this evening.

21 Unfortunately, the third member of the
22 board was unable to attend. So since there are two
23 members of the board here this evening, we want to make
24 you aware that in the event of a tie vote regarding
25 whether to approve or deny your application, that would

1 result procedurally in a denial of your application,
2 which you would have a legal right to appeal.

3 Understanding that, can you please
4 acknowledge that you understand that that could be the
5 outcome? Can you state your name and then indicate yes
6 or no for the stenographer, please?

7 MS. KAYLEE FLEMMENS: I, Kaylee Flemmens,
8 yes, understand.

9 MR. ZACHARY FLEMMENS: I, Zachary
10 Flemmens, also understand.

11 MS. BETH KERN: Okay. Thank you very
12 much. All right. We're going to hold on public
13 comments until during the new business item. If anyone
14 is here that has comment or would like to give
15 testimony, you'll be given an opportunity to do that
16 during the new business item.

17 So then we're going to move on to the
18 reorganization of the Zoning Hearing Board. Since this
19 is the first meeting of 2025 in which the Board is
20 coming together, I'll ask for a nomination for a
21 chairperson of the Zoning Hearing Board.

22 MR. JAROD MARTIN: I nominate Kristyn
23 Stouch to be the chairperson.

24 MS. BETH KERN: All right, all in favor
25 of that nomination?

1 MS. KRISTYN STOUCHE: Aye.

2 MR. JAROD MARTIN: Aye.

3 MS. BETH KERN: Opposed?

4 (No opposition.)

5 MS. BETH KERN: Kristyn is the
6 chairperson of the Board. So now you'll want to call
7 for a nomination of a Vice Chair, or you can nominate.

8 MS. KRISTYN STOUCHE: I'll nominate Jarod
9 as Vice Chair.

10 MS. BETH KERN: All those in favor?

11 MS. KRISTYN STOUCHE: Aye.

12 MR. JAROD MARTIN: Aye.

13 MS. BETH KERN: So now you can proceed
14 with calling the new business item. So you can go ahead
15 and read what item one is.

16 MS. KRISTYN STOUCHE: Item 1 is
17 ZHB-01-2025-213 Glenview Road, Spring Grove,
18 Pennsylvania 17362. Kaylee and Zachary Flemmens to be
19 considered for a variance to allow a 5-foot fence in
20 what is considered their front yard due to being on a
21 corner lot.

22 MS. BETH KERN: All right, so if the
23 applicants could please come up to the podium to present
24 your application. We're also going to need to get you
25 sworn in.

1 KAYLEE FLEMMENS AND ZACHARY FLEMMENS,
2 were called as witnesses, being duly sworn,
3 testified as follows:

4 MS. BETH KERN: And also the Zoning
5 Officer present this evening, Danielle Robison. Would
6 you also please swear in the Zoning Officer?

7 DANIELLE ROBISON, being duly sworn,
8 testified as follows:

9 MS. BETH KERN: Before the applicants
10 proceed, do you have any information to share regarding
11 this application or property of interest for the Board's
12 attention this evening?

13 MS. DANIELLE ROBISON: Sure. So the
14 property is on the corner lot here. This is their
15 garage and a little driveway. They're just wanting to
16 put the fence right on the back at the end of the garage
17 and go back. Unfortunately because of our ordinances,
18 we have to have the variance because it is considered
19 their front yard and they're only allowed by ordinance
20 to have a three-foot fence.

21 MS. KRISTYN STOUCHE: But your address is
22 Glenview, right?

23 MR. ZACHARY FLEMMENS: Yes.

24 MS. KRISTYN STOUCHE: And your mailbox is
25 on Glenview?

1 MR. ZACHARY FLEMMENS: No, it is not.
2 It's actually on Hamlet.

3 MS. KRISTYN STOUCHE: Okay, I understand.

4 MS. BETH KERN: And was there public
5 notice given for this hearing this evening?

6 MS. DANIELLE ROBISON: Correct.

7 MS. BETH KERN: And was the property
8 posted in advance?

9 MS. DANIELLE ROBISON: Yes, ma'am.

10 MS. BETH KERN: Okay. Thank you. All
11 right, if you could, one of you just one at a time, if
12 you could explain to the board in just a little bit more
13 detail what you're proposing about the fence, if it will
14 be five-foot in the entire perimeter or if it's only in
15 certain sections just so they can better understand what
16 you're asking for this evening.

17 MS. KAYLEE FLEMMENS: We're just
18 proposing to have a five-foot fence the whole way around
19 the back yard, our back yard, because three-foot does
20 not suffice for our two large dogs and children. We're
21 keeping it 25 feet from the curb, which is the said
22 setback.

23 MS. BETH KERN: What material will the
24 fence be made out of?

25 MS. KAYLEE FLEMMENS: Vinyl.

1 MS. BETH KERN: Are there any other
2 fences similar in the neighborhood where your property
3 is located?

4 MR. ZACHARY FLEMMENS: Yes.

5 MS. KAYLEE FLEMMENS: Our neighbors right
6 beside us have a wooden. So I don't know if it's five
7 or six-foot.

8 MR. ZACHARY FLEMMENS: There's also
9 corner lots that also have beyond the flush point or
10 whatever you want to call it.

11 MS. KAYLEE FLEMMENS: There's some other
12 fences in the neighborhood that are on corner lots that
13 are higher than the three-foot ordinance. There's heavy
14 foot traffic and car traffic at the turn there. And
15 there's heavy foot traffic with lots of pets and I don't
16 think three-foot is going to contain if somebody wants
17 to get in or out, a child or a kid on either side.

18 MS. BETH KERN: And according to your
19 diagram in your application, is it also accurate that
20 the fence will connect to your house on either side to
21 the rear of the home?

22 MR. ZACHARY FLEMMENS: Yes.

23 MS. BETH KERN: And that portion of the
24 fence would also be five feet tall; is that correct?

25 MR. ZACHARY FLEMMENS: Yes. Same thing

1 all the way from side to side.

2 MS. BETH KERN: You recently purchased
3 this property; is that correct?

4 MS. KAYLEE FLEMMENS: Correct.

5 MR. ZACHARY FLEMMENS: Six months ago.

6 MS. KAYLEE FLEMMENS: October 11th of
7 2024.

8 MS. BETH KERN: In 2024. And you didn't
9 create the corner lot condition, it was that way when
10 you purchased it; is that right?

11 MS. KAYLEE FLEMMENS: Right.

12 MS. BETH KERN: I'm just asking you
13 questions just to help get some information on the
14 record that's helpful for the Board in deciding your
15 application. Okay?

16 Do either of the board members have any
17 questions for the applicants?

18 MR. JAROD MARTIN: No.

19 MS. KRISTYN STOUCHE: No.

20 MS. BETH KERN: Does anyone from the
21 public who's here have any questions for the applicant?

22 MEETING ATTENDANT: We're just here in
23 support.

24 MS. KAYLEE FLEMMENS: These are our old
25 neighbors. We lived out on 85 Roth's Church Road before

1 we moved in here. So those are our old neighbors, James
2 and Erica. And this is Victoria and Richard that live
3 right behind us right now, 503 Hamlet.

4 MR. RICHARD MATHIAS: Richard and
5 Victoria Mathias. We're the Flemmens' nextdoor
6 neighbor. Our back yard and their back yard meet and
7 we're in favor of their fence.

8 MS. BETH KERN: Okay. Thank you. Is
9 there anyone else that would like to make any particular
10 comment either in support or opposition or provide any
11 testimony relative to the application? It's okay if you
12 don't.

13 MR. JAMES STERNER: As former neighbors
14 of Zach and Kaylee --

15 MS. BETH KERN: Could you just state your
16 name, sir?

17 MR. JAMES STERNER: Absolutely. James
18 Sterner. As former neighbors, I would offer support.
19 We live on the other end of the neighborhood. We
20 regularly walk through where they live. Feel that it
21 would not detract from the neighborhood. Zach and
22 Kaylee maintain their property very well and with a
23 growing family and the neighborhood being supportive of
24 families and pets, we would be in support of them having
25 such a fence in our neighborhood.

1 MS. BETH KERN: All right. Thank you.
2 James and Richard, since you both kind of have given
3 some comments that have drifted into testimony, I think
4 it would be best if you could just please be sworn by
5 the stenographer here regarding your statements. I know
6 this all seems to be a little bit of overkill, but we
7 want to make sure we have the procedures in the record
8 correct for tonight.

9 RICHARD MATHIAS and JAMES STERNER, were
10 duly sworn as witnesses and testified as recorded.

11 MS. BETH KERN: All right. Well, if the
12 Board doesn't have any other questions and there's no
13 one else present with any comments or questions, would
14 you like to entertain a motion or make a motion?

15 MS. KRISTYN STOUCHE: Yes. I would like
16 to make a motion to approve their five-foot fence.

17 MS. BETH KERN: To approve the variance
18 as requested.

19 MS. KRISTYN STOUCHE: To approve the
20 variance as requested.

21 MR. JAROD MARTIN: Second.

22 MS. KRISTYN STOUCHE: All those in favor
23 say "Aye."

24 MR. JAROD MARTIN: Aye.

25 MS. KRISTYN STOUCHE: Aye. Those opposed?

1 (No response).

2 MS. BETH KERN: Your application has been
3 approved. There's no other business so you can call for
4 adjournment.

5 MS. KRISTYN STOUCHE: This meeting is
6 adjourned.

7 (The meeting concluded at 6:15 P.M.)

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1 C E R T I F I C A T I O N

2 I hereby certify that the proceedings and
3 evidence are contained fully and accurately in the notes
4 taken by me on the within proceedings, and that this
5 copy is a correct transcript of the same.

6 Dated in York, Pennsylvania this 23rd day
7 of April 2025.

8

9 /s/ Gail D. McLucas

10 Gail D. McLucas, Notary Public
11 Registered Professional Reporter

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17 transcript does not apply to any reproduction of the
18 same by any means unless under the direct control and/or
19 supervision of the certifying reporter.)

20 My Commission Expires:
21 November 22, 2028

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