

**FINAL**

**FRANKLIN TOWNSHIP YORK COUNTY PA  
BOARD OF SUPERVISORS (BOS)  
CONDITIONAL USE HEARING #2021-03 MINUTES  
August 11, 2021 6:30 PM**

**ROLL CALL:**

**PRESENT:**

Chairman Mark Wenrich  
Vice Chairman Brian Galbraith  
Supervisor David Buckwash  
Supervisor Naomi Decker  
Supervisor David Christensen

Engineer Phil Brath  
Solicitor Bret Shaffer  
Treasurer/Asst. Secretary Pamela Williams  
Zoning Officer (ZO) Jeff Gardner

**ABSENT:**

Roxy Cressler-Stenographer

**CALL TO ORDER:**

The August 11, 2021, Conditional Use Hearing, CUH2021-03 for 123 Stone Head Road, Dillsburg, PA, was called to order at 6:42 PM by Chairman Mark Wenrich. The meeting was held at 150 Century Lane, Dillsburg, PA and via Zoom. For visitors in attendance, please see the attached sign-in sheet.

Treasurer/Asst. Secretary Pam Williams swore in all parties who would be testifying since the Stenographer was not in attendance due to township error. Treasurer/Asst. Secretary Pam Williams is a Notary and as an authorized official is qualified to swear in those parties testifying in the hearing.

Treasurer/Asst. Secretary Pamela Williams was sworn in and presented Exhibit 1, the first advertisement placed in The Sentinel for CUH2021-03 on July 28, 2021; Exhibit 2, the second advertisement placed in The Sentinel on August 3, 2021; Exhibit 3, pictures of the posted notice on August 2, 2021, of CUH2021-03 provided by Jeff Gardner, Zoning Officer, Barry Isett & Assoc., Inc.; Exhibit 4 being the application and any exhibits attached to it at the time it was submitted to the Township office; and Exhibit 5 is the Township Zoning Ordinance and all amendments thereto.

Kathryn Fox indicated that she would like to move her real estate office to her guest house at her home. A CUH was previously approved for a granny flat but was never used. Before they built their current house, the plan was to have two structures, but they attached an addition to the granny flat which is their current residence. Kathryn Fox is requesting to move her office to that granny flat, which is attached to their house with a porch. She currently leases but does not use her current office there and only stores files there. She currently works from home.

Kathryn Fox stated the reason she applied for the CUH is because she will need to put up a sign approved by the Real Estate Commission and that no longer makes her a no impact home-based business. She stated nothing would change functionally but she must put up a sign. Solicitor Bret Shaffer inquired if that is per state regulations, and she indicated that was the reason. Solicitor Shaffer indicated that for home occupation, she would need to limit the size of sign to four square feet. Kathryn Fox then inquired if she even needs approval.

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Solicitor Shaffer inquired by going from a no impact home-based business to a home occupation if any people would be coming to the residence for her to complete her work. Kathryn Fox indicated that the once she makes a change with the Real Estate Commission it would be considered an office people could come to conduct business. No one usually does; the only reason anyone would be coming to her office would be to drop off paperwork and she currently has a drop box (shown in the picture of the notice posting) at the end of her driveway, and no one even needs to come down her driveway. Solicitor Shaffer indicated that because she is posting signage and on the rare occasion someone may need to come to her property, her application is justified to seek permission to have the home occupation. Solicitor Shaffer inquired if her professional license requires her to have the signage and she responded that it did.

Solicitor Shaffer questioned the size of space she would be using for her office, and she said it is about the size of a living room. It is in a separate building, and the Real Estate Commission requires the office be separate from the house. They will not approve the office if it is in her house. Zoning Officer Jeff Gardner inquired how people would make access. Kathryn Fox responded there is a front walk that goes to the right, a porch, and a front door. Zoning Officer Gardner asked if people could drive around to the back and turn around. Solicitor Shaffer indicated that it appears there is parking for a couple of cars. Kathryn Fox indicated she does have paved parking and there is extra beyond that. Solicitor Shaffer inquired if it has electric, water, and septic and Kathryn Fox indicated that it does. Solicitor Shaffer inquired if she had any objection to there being no Stenographer present and using the Zoom Meeting as the official record; Kathryn Fox replied that she did not. Solicitor Shaffer inquired about the part of the building that would be used as her office and what percentage of the structure that would be. Kathryn Fox replied about  $\frac{1}{4}$  of the first floor. The Real Estate Commission requires she have a private meeting area, her files and that she basically needs a desk, table, and a filing cabinet. Solicitor Shaffer asked if she would accept as a condition of approval that the granny flat would then no longer exist. Kathryn Fox indicated she agreed that the granny flat would no longer exist and, the granny flat went away when they attached their house to it. Solicitor Shaffer indicated that the BOS would make it a condition that the granny flat would be revoked. Chairperson Mark Wenrich inquired if the conditional use approval of the granny flat in 2016 had ever been used; Kathryn Fox replied that it had not. Chairperson Wenrich also asked if Engineer Phillip Brath if the BOS should agree with this conditional use because they did not issue the original conditional use approval. The granny flat and its previous original conditional use approval were discussed in more detail.

Solicitor Shaffer indicated that it didn't stop being the accessory housing, the correct term, just because it was never used. Engineer Brath confirmed that when the structures were connected it was no longer a separate structure. Supervisor Naomi Decker clarified that there was an existing house on the property when the property was purchased, and they moved there and lived in that house. Supervisor Decker said it was her understanding the in the future they wanted to keep that structure in case a member of the family needed to be there. Kathryn Fox

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indicated that was correct, and when they bought the property there were multiple structures that were not approved. They repaired and did the needed processes for the property to conform.

Supervisor David Buckwash inquired if the real estate office must be separate from the house. Kathryn Fox indicated that is needed to be accessible with a separate front entrance. She explained there are two front doors and that is the requirement of the Real Estate Commission. There was more discussion in detail to clarify the entrance into the accessory housing. Zoning Officer Gardner indicated that the conditional use would need to have a change of use if the structure would no longer be used as an office and it's appropriate as they're changing the use. There was more discussion on the change of use. Solicitor Shaffer indicated the Zoning Ordinance states that not more than 35% of the dwelling unit could be used for a home occupation. Kathryn Fox indicated that it is much less than 35%. Supervisor Buckwash asked how big her sign would be. Zoning Officer Gardner indicated that Ordinance Section 420 states it can only be four square feet on each side. Kathryn Fox indicated that her sign would be as small as possible and located on the pillar visible on the photo. Zoning Officer also indicated it cannot be illuminated.

No other neighbors or residents asked any questions.

**A motion was made** by Supervisor Buckwash to approve the conditional use CUH2021-03 application contingent upon the condition on this conditional use to revoke the prior conditional use 2016-04 for the accessory housing and regarding the signs to be placed for advertising of the real estate business.

**Second by Naomi Decker**

**Discussion:** Zoning Officer Gardner indicated that Kathryn Fox would need to provide a Zoning Application to change the use at no cost; this is needed for the township and records. Supervisor Galbraith thank Kathryn Fox for bringing this to the BOS.

**The motion passed.**

**A motion was made** by Supervisor Buckwash to close the CUH2021-03 hearing.

**Second** by Supervisor Christensen

**The motion passed.**

The hearing adjourned at 7:00 PM

Respectfully submitted, *Pamela Williams*

Pamela Williams, Treasurer/Asst. Secretary-Franklin Township York County