

FINAL

**FRANKLIN TOWNSHIP YORK COUNTY
ZONING HEARING BOARD
REGULAR MEETING
December 15, 2022**

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

ROLL CALL

Present:

Absent: No one

Chairman Tara Cornwall, Vice-Chairman Leonard McLaughlin, Rick Hoffman, Alternate Carl Oberg, Solicitor Linus Fenicle, Secretary Traci Kauffman, Zoning Officer Wayne Smith

Visitors: See attached sign-in sheet

APPROVAL OF MINUTES:

Approval of the April 18, 2022 Zoning Hearing Boards Reorganization Meeting Minutes

Motion was made by Rick Hoffman to approve the April 18, 2022 Zoning Hearing Board Meeting Minutes.

Second by Vice Chair Leonard McLaughlin..

Discussion: There was no discussion.

All in favor. The motion carried.

OLD BUSINESS:

There was no old business at this hearing.

NEW BUSINESS:

Case #ZHB2022-2 The applicant, listed as Kevin Anderson at 553 Sawmill Road, Mechanicsburg on the agenda was incorrect and should have been Shawn & Brittany Anderson, 4 Stoney Run Road, Dillsburg. The property is located at 153 Chainsaw Road, Dillsburg in a Residential Zoning District and as parcel # 29-000-OB-0117.00-00000. The applicant seeks a variance for a driveway under Ordinance 205 Steep Slope.

Sworn in to give testimony for the case was: Zoom participant was Karen McFall, those present were Secretary Traci Kauffman, Secretary, Franklin Township, Zoning Officer Wayne Smith, Kevin Anderson, 553 Sawmill Road, Mechanicsburg, Shawn & Brittany Anderson, 4 Stoney Run Road, Dillsburg, Brandon Guiher, KPI Technology, Bruce Sheaffer, 135 Chainsaw Road.

Chairman Tara Cornwall inquired of Secretary Traci Kauffman if the legal advertising was place in the newspaper. It was placed in the *Dillsburg Banner* on 11/24/22 and 12/1/22, Zoning Officer (ZO) Wayne Smith indicated the legal notice was posted on 11/30/22. The hearing was properly advertised, and the fees have been paid by the applicant.

Shawn Anderson spoke regarding his property at 153 Chainsaw Road. He indicated they would like to construct a single-family home on the property. Brandon Guiher of KPI Technology will speak in more detail regarding the driveway. The variance applied for is to construct a driveway within steep slope. There is 203 feet of road frontage, all 203 feet is greater than 25% and the steep slopes were existing conditions. It would not be possible to create a driveway due to the

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existing conditions and the strict compliance of the ordinance. The variance would not altar the essential character of the neighborhood, numerous properties on Chainsaw Road fall within this category and it will not impair any use of the adjoining properties. The disturbed area will be minimal and will be disturbed as little as possible.

Mr. Brandon Guiher of KPI Technology indicated the property was created by subdivision in 2004. It has 200 feet of frontage and the area for development is a very small portion and they tried to reduce disturbance as much as possible. The plans received have conditional use approval and several comments were made at the Conditional Use Hearing and the comments were addressed to comply with the revisions. Some minor changes were made regarding the size of the driveway culvert and some grading for retaining walls behind the house to benefit the property. Yellow areas represent 15 to 25% of steep slope and red areas represent 25% or greater and to provide access to the property they need the variance pertaining to the ordinance. The driveway is located approximately 36 feet from the Eastern property line and 166 feet from the Western property line. The new culvert pipe will be 15-inch plastic from 12 inch. Discussion ensued. Bruce Sheaffer inquired regarding the water run-off and drains being placed to keep the water from coming onto his property.

ZO Wayne Smith indicated it is a hardship because the steep slope runs the entire length of the road frontage, and it is the only area they could use for this driveway.

Solicitor Linus Fenicle spoke for neighbors Kevin and Lorraine Cummings, who could not be present, for the record that they are in support of granting this variance request.

EXECUTIVE SESSION:

Motion was made by Chairman Tara Cornwall to go into Executive Session at 7:19 p.m.

Second by Rick Hoffman.

Discussion: There was no discussion.

All in favor. Motion carried.

Time back to hearing: 7:23 p.m.

Motion was made by Chair Tara Cornwall to approve the variance for the driveway as proposed.

Second by Vice Chair Leonard McLaughlin.

Discussion: There was no discussion.

All in favor. The motion carried.

There will be a written decision within 45 days.

ADJOURNMENT

Motion was made by Rick Hoffman to adjourn the meeting at 7:24 p.m.

Second by Vice Chair Leonard McLaughlin.

All in favor. The Motion carried.

Respectfully submitted,

Traci Kauffman

Traci Kauffman

Township Secretary

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**FRANKLIN TOWNSHIP YORK COUNTY
ZONING HEARING BOARD
REGULAR MEETING
December 15, 2022**

CALL TO ORDER

The meeting was called to order at 7:26 p.m.

ROLL CALL

Present:

Absent: No one

Chairman Tara Cornwall, Vice-Chairman Leonard McLaughlin, Rick Hoffman, Alternate Carl Oberg, Solicitor Linus Fenicle, Secretary Traci Kauffman, Zoning Officer Wayne Smith

Visitors: See attached sign-in sheet

OLD BUSINESS:

There was no old business at this hearing.

NEW BUSINESS:

Case #ZHB2022-3 The applicant is listed as Robert Stahl of 3 Bethel Church Road, Dillsburg. The property is located at 3 Bethel Church Road, Dillsburg in a Residential Zoning District and as parcel # 29-000-MB-0060.00-00000. The applicant desires to construct an addition to his house and it is located in Open Space Zoning District. The applicant seeks a variance for a Front Yard Setback Ordinance 202.F.3.a.

Sworn in to give testimony for the case was: Secretary Traci Kauffman, Secretary, Franklin Township, Zoning Officer Wayne Smith, Chris Hoover, Hoover Engineering Services, New Cumberland, Robert Stahl, 3 Bethel Church Road, Dillsburg.

Chairman Tara Cornwall inquired of Secretary Traci Kauffman if the legal advertising was placed in the newspaper. It was placed in the *Dillsburg Banner* on 11/24/22 and 12/1/22, Zoning Officer (ZO) Wayne Smith indicated the legal notice was posted on 11/30/22. The hearing was properly advertised, and the fees have been paid by the applicant.

ZO Wayne Smith indicated the extension of the house even though considered in the front yard it is in the back of the house. The house does not comply with the current zoning setbacks. It is a pre-existing, non-conforming building. The addition will be to the back of the house.

Chris Hoover of Hoover Engineering indicated that he is providing a slightly modified plan. The plans for the addition have changed, but in changing the addition, it does not affect the variance request for the setback. The new plan will be Applicant Exhibit 1. The property consists of 15.42 acres and is on the corner of Bethel Church Road and South Mountain Road. The property currently has a single-family home, two outbuildings, and a gravel area. Most of the property is undevelopable. Three quarters of the property is wetlands or environmentally sensitive areas. The buildable area is around their home and the proposal is two extensions. One will extend from the east side of the house as a first-floor bedroom and the main part of the extension will be a living area and part garage. This building is an existing, non-conforming building and has pre-

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dated all of the ordinances relative to subdivision and zoning. This expansion could not occur without the variance requested. It will be built away from the street to the rear of the home. A 30 x 32 area will be located within the front yard setback area. The new addition will not be any closer to the road than the rest of the house. It is not located in a flood hazard area. The septic tank is 10 feet away from the new addition. It will not impair the use of any adjoining property owners and it will in compliance with all of the Township ordinances.

Motion was made by Chair Tara Cornwall to accept the variance as proposed on the amended site plan submitted.

Second by Vice Chair Leonard McLaughlin.

Discussion: There was no discussion.

All in favor. The motion carried.

ADJOURNMENT

Motion was made by Chair Tara Cornwall to adjourn the meeting at 7:39 p.m.

Second by Rick Hoffman.

All in favor. The Motion carried.

Respectfully submitted,

Traci Kauffman

Traci Kauffman

Township Secretary