

FINAL

**FRANKLIN TOWNSHIP YORK COUNTY
ZONING HEARING BOARD
REGULAR MEETING
September 18, 2023**

CALL TO ORDER

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

ROLL CALL

Present:

Chairman Tara Cornwall, Rick Hoffman, Alternate Carl Oberg, Vice Chair Leonard McLaughlin, Solicitor Linus Fenicle via phone, Secretary Traci Kauffman, Assistant Marie Wilcox, Zoning Officer Wayne Smith

Visitors: See attached sign-in sheet

APPROVAL OF MINUTES:

Approval of the August 21, 2023, Zoning Hearing Board Meeting Minutes

Motion was made by Rick Hoffman to approve the August 21, 2023, Zoning Hearing Board Meeting Minutes.

Second by Carl Oberg

Discussion: There was no discussion.

All in favor. The motion carried.

OLD BUSINESS:

There was no old business at this hearing.

NEW BUSINESS:

Case #ZHB2023-1 This was a Continuation of the August 21, 2023, meeting.

The applicant is listed as Douglas Roth at 124 W Greenhouse Rd., Dillsburg. The property located at the above address is in an Open Space Zoning District and is parcel # 29-000-OB-0041.YO-00000.

Chairman Tara Cornwall opened the hearing by stating the applicants name & address. The purpose of the hearing is to consider a variance request submitted by the applicant Douglas Roth. The request for the variance is for a setback requirement of the zoning ordinance in order to construct a carport. The applicant also seeks an appeal from the decision of the Zoning Officer denying the permit application for the carport.

The proposed location of the carport does not meet the setback of 25 feet. The proposed location of the carport is 10 feet away from the property line. Mr. Roth is seeking an approval of a 15 feet variance.

The carport footer was poured in 1994 and met the regulations set forth for that period. Due to Mr. Roth being called back into active military duty service and, financial hardship Mr. Roth was unable to proceed with the construction of the carport in 1994.

Solicitor Mr. Fenicle added that there are two things to consider when deliberating this case, the denial of the permit and the second being, whether Mr. Roth is entitled a variance. Mr. Fenicle added that he believes that this case is a classical case of a dimensional variance. A previous case exists in which an individual alleged hardship when seeking a dimensional variance. There is an argument in this case that financial hardship can be used. Mr. Fenicle also stated that the Zoning Officer, Mr. Smith, based on the code as it exists today had no choice in his decision, he had to interpret the code literally in regard to the setbacks.

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Motion was made by Vice Chair, Leonard McLaughlin to approve the variance for the 15 feet.
Second by Rick Hoffman
Discussion: There was no discussion.
All in favor. The motion carried.

ADJOURNMENT

Motion was made by Rick Hoffman to adjourn the meeting at 7:23.
Second by Chairman, Tara Cornwall
All in favor. The Motion carried.

Respectfully submitted,

Marie Wilcox

Marie Wilcox
Assistant