

PENN TOWNSHIP PLANNING COMMISSION MAY 7, 2020

Chairman David Baker called to order a meeting of the Penn Township Planning Commission at 7:00 p.m. via an online meeting on Thursday, May 7, 2020 at the Penn Township Municipal Building. Also present were planning members Clayton Black, Mark Elksnis, Kathy Gill, James Lumadue, Ray Van de Castle and Chad Yiengst along with Zoning Officer Robert Smith, and Township Engineer Eric Bortner.

Chairman Baker read a summary of the Public Meeting Guidelines.

The March 5, 2020 Planning Commission minutes were approved as submitted. There was no meeting held in April, 2020.

The planners received the following zoning appeals and made the following recommendations:

**ZHB20-03-Nicole Kitzman**, 4104 Chestnut Street, Fairfax, VA 22030. Applicant is requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a short-term rental. The property is located at 216 Park Heights Blvd. in the R-15 zone.

Ms. Kitzman represented this case. She would like to operate her home as a short-term rental through Airbnb. She intends to rent to families with no more than five members, accepting only one contract at a time. She will not allow pets. The property has a one car garage with a two-car capacity driveway. The property is partially fenced in, and the neighbors are aware she wishes to rent the property. The emergency contact would be her and her parents, however they would not be available twenty-four hours a day. Planner Elksnis expressed concern that once the permission is granted, what control does the township have if there are complaints. Planner Van de Castle added that there is a school around the corner, how are the renters vetted. Ms. Kitzman stated she wasn't sure how to provide an answer, however offered that each renter and property owner has a profile on Airbnb.

Planners Yiengst/Black moved for a favorable recommendation to the Penn Township Zoning Hearing Board on case ZHB20-03, Nicole Kitzman, 4104 Chestnut Street, Fairfax, VA 22030, requesting a special exception to Section 322 (Uses Not Provided For) in order to operate a short-term rental. Motion carried on a 6-1 vote, with Planner Van de Castle casting the dissenting vote.

**ZHB20-04-Octagon Rentals, LLC**, 515 Penn Street, Hanover, PA 17331. Applicant is requesting a variance to Section 306 (Access Drives), 628 b) & d) (Multi-Family Dwelling), a special exception to Section 628 (Multi-Family) and an interpretation of Section 103 (Definitions) in order to construct multi-family dwellings (3 units). The property is located at 300 John Street in the R-8 zone.

Attorney Paul Minnich represented this case for Octagon Rentals, LLC., in continuance from the March Planning meeting. Attorney Minnich introduced Mr. Jack Powell, PE,

Inc., the engineer for the project. Mr. Powell presented the modifications made, eliminating the access off of the alleyway, also the subdivision of the property into three separate lots so the properties could be sold individually if the owner would choose to do so. Mr. Powell explained the multi family dwelling is listed more as rental units, apartment houses and so forth, the single-family attached dwelling are the traditional row house, where you may have individual ownership of each house. Mr. Powell stated that the individually owned units meet the single family attached criteria, but would still require a special exception. Planner Van de Castle stated there is an issue with the driveways touching and there must be a three-foot grass piece between the driveways. Zoning Officer Smith stated it does not meet Zoning Ordinance 303.2C, parking areas shall be a minimum of five feet from the right-of-way of a public or private streets and/or property line. Chairman Baker stated the concern is having three units in this plan is very tight, and this was expressed at the March Planning Meeting. Planner Van de Castle also stated that the plan does not meet Ordinance 306.2f3, driveway shall not be located within three feet of a side and/or rear property line, therefore the plan does not work. Mr. Powell stated that the variances are minor in nature, and would ask for a waiver. Planner Van de Castle stated that this is going to cause problems for the property residents in the future. Chairman Baker asked the committee if anyone wanted to make a motion based on how the plan has been submitted, no one replied. Chairman Baker asked Mr. Powell if he wanted to go forward as the plan was now, or wanted to evaluate the concerns. Chairman Baker stated that the numbers are not adding up, and as planned, it will not fit. Mr. Powell conferred with the property owner, and decided to withdraw the request for special exception. The owner would like to submit the plan as a duplex, two units instead of three. This plan will be resubmitted as a duplex at a future Planning Committee Meeting.

Review and make recommendations on waiver and exoneration requests:

**There were none.**

The planners reviewed and made recommendations on the following pending subdivision/land development plans:

**P04-25 - SOUTH HEIGHTS, J.A. Myers Building & Development**, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fifty-nine (59) single-family residential building lots. The property is located within the southeast intersection of Cooper Road and Westminster Ave in the R-22 zone.

**There was no action taken on this plan.**

**SL17-10-MUSTANG POINTE, J. A. Myers**, 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan to create 190 new residential building lots. The property is located between Breezewood Drive and Bowman Road in the R-8 zone.

**There was no action taken on this plan.**

**SL18-20-STONEWICKE V**, Clover Lane Development, L.P., 160 Ram Drive, Hanover, PA 17331. A preliminary subdivision plan submitted to create fourteen (14) single family detached residential lots. The property is located at 310 Clover Lane in the R-15 zone. **There was no action taken on this plan.**

**SL19-13-Brookside Heights Phase IV**, Brookside LLC, 1454 Baltimore Street, Hanover, PA 17331. A final subdivision plan submitted in order to create (78) residential lots for single family attached and multifamily dwellings. The property is located off South Center Street and Overlook Drive in the R-8 zone. **There was no action taken on this plan.**

**SL19-15-South Hills Golf Course**, Maitland Investment, 630 Westminster Avenue, Hanover, PA 17331. A reverse subdivision and land development plan submitted to construct club house and pro shop and expand parking area. The property is located at 925 Westminster Avenue in the R-22 zone. **There was no action taken on this plan.**

**SL19-17-1020 Baltimore Street**, Billy J. & Sadie Kress, 1020 Baltimore Street, Hanover, PA 17331. A land development plan submitted to construct a mini storage facility. The property is located at 1020 Baltimore Street in the S/C zone. **There was no action taken on this plan.**

**SL20-02-Gonzales & Sons Management, LLC**, 27 Eastwood Drive, Hanover, PA 17331. A subdivision plan submitted to create two (2) lots for single family homes. The property is located at 517 Meade Avenue in the R-8 zone.

Lee Royer, R. Lee Royer & Associates, represented this case. Mr. Royer stated that he was before the committee in February requesting a variance for the lot width, which was also passed by the Zoning Hearing Board. He is asking for a favorable recommendation to the Board of Commissioners. Engineer Bortner stated that all York County and Staff comments have been addressed, with the exception of an O&M Agreement needing to be submitted.

Planners Elksnis/Yiengst moved for a favorable recommendation to the Penn Township Board of Commissioners on land development plan SL20-02, Gonzales & Sons Management, LLC. Motion carried on a 7-0 vote.

**Public Comments:** There were none.  
The meeting was adjourned at 7:59 p.m.  
Respectfully submitted,  
Donna M. Sweeney,  
Recording Secretary