

**HOPEWELL TOWNSHIP
YORK COUNTY PA
PLANNING COMMISSION
MINUTES FOR AUGUST 17, 2021
7:00 PM**

Yost called the August 17, 2021 Planning Commission meeting to order at 7:00 p.m. In attendance were Chairman Ann Yost, Tom Malkie, Butch Hensel, Joe Shanabrough, Secretary, Katie Berry and Zoning Officer, Keith Hunnings and Township Solicitor, Doug Myers.

Approval of Minutes:

Malkie motioned to approve the July 20, 2021 meeting minutes. Shanabrough seconded the motion. Motion carried.

Blank – Bowers Road – Sketch Plan – Josh Myers with Shaw Surveying was present to discuss a Sketch Plan for Paul & Lydia Blank off of Bowers Road. The sketch plan was first presented in 2017. Back in 2017 building rights were in question, then the Blank's decided to hold off moving forward. The plan is proposed as three lots that would be put on a private road. Myers presented the Planners with the waivers that the plan would need approved:

- Waiver not have trees along the private drive as there are existing trees and it is in a rural agricultural zone
- Waiver of sidewalks
- Waiver of the curbs and gutters- storm water plan would be in place
- Waiver of a cul-de-sac- Proposing a T- turnaround, instead for less land disturbance
- Waiver of street lights
- Private street length- in order to reach the suitable are to build (no prime ag soil)

Hensel questioned the width of the private road and stated it would need to be suitable for emergency vehicles. Myers stated that this is a very early sketch plan and all the details would get addressed for the road should they move forward. Yost mentioned that length of the private roads has been waived in the past. Hunnings stated that there are still many factors that would need addressed for the plan to be approved: well, septic, nitrate testing, storm water, water sampling, ground water recharge easement. The waivers seem to be non-issues to the Planners. Hunnings suggested that the Agricultural Review Board should probably go out since there is an area of good quality soil around the proposed area. Yost also suggested we look at past road lengths that have been approved in the past for private roads. Yost questioned whether the dwelling rights are researched and no longer a question. Doug Myers, of MPL law stated the dwelling rights all match up and are not an issue. Doug Myers also questioned the need for road frontage as needed in the SALDO 22-505.

In closing Hunnings suggested before anything else is done Myers start with presenting the plan to the Township Board of Supervisors to get their general feelings on the soil/waivers.

02-2021 Zoning Hearing- Nadine's Overlook – Recommendation

Attorney Joe Erb, Benjamin A. Myers, Vice President of J.A. Myers, and Matt Bocek, Foreman, were present to represent Nadine's Overlook and to discuss the application for a Zoning Hearing that will take place Thursday, August 20, 2021 at 7pm. Solicitor Doug Myers of MPL Law was present to represent the Township.

The applicant requested two alternative types of relief. First, the applicant has asked for an interpretation "as to whether a one-story residential dwelling with a configuration of a finished attic area over the attached garage 'bonus room'" violates the zoning hearing board's 2018 decision requiring one-story residential dwellings in the Mayberry subdivision. In the alternative, the applicant has asked for a "variance to include in the design of a one-story residential dwelling the option of a finished 'bonus room' to be located in the open space situated above the attached garage area".

Attorney Erb began the discussion with the background of the development. The previous developer requested a relief on setbacks, in return for only utilizing single story homes. When Nadine's Overlook purchased the development, they sold some lots to Richmond America Homes. Richmond America Homes went forward with the plans as one-story dwellings. Nadine's Overlook moved forward to establish what they call a 'Bonus Room'. Nadine's Overlook conceded that the "Bonus Room" is accessed in the main part of the house and not in the garage. Nadine's Overlook also conceded that the majority of the "Bonus Room" is above the main part of the house and not above the garage. Going forward the issue is, what is considered a 'Bonus Room' as it relates to a second story. The Township is putting a stop to issuing building permits until the zoning hearing board has resolved whether the "Bonus Room" violates the 2018 ruling from the zoning hearing board.

Attorney Erb did mention that a few permit applications were approved with the 'Bonus Room' included. Hunnings explained that they were issued in error. However, those homes will be issued U&O's. The homes in question will be the ones built going forward.

A photo of the 'Bonus Room' and the steps going up to it were presented. Yost replied that she felt that it was a room, the other Planners agreed. Hunnings stated his interpretation of a second story would have steps that go up to it. Mr. Bocek stated that it does not change the look of the outside of the home being finished and would still be consider a one-story home. Yost reviewed the definition of "story" from the Township zoning ordinance and stated that the "Bonus Room" clearly met the standard for a second story. The other Planners agreed. Yost also reviewed the standards an applicant must meet to receive a variance. Yost stated that a variance was not warranted because the problem was self-created and that there was nothing about the physical circumstances or conditions such that the property cannot be reasonably used in strict conformity of the zoning ordinance. The other Planners agreed.

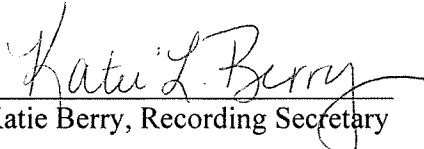
The Township Planning Committee unanimously made the following recommendations: (1) the Bonus Room as configured by applicant violates the 2018 ruling from the zoning hearing board because the area is a second story; and (2) the variance request should be denied because the hardship to Nadine's Overlook is self-created and that there was nothing about the physical

circumstances or conditions that the property cannot reasonably be used in strict conformity of the zoning ordinance.

Public Comment:

None

Chairman Yost adjourned the meeting at 8:55pm


Katie Berry, Recording Secretary