

**HOPEWELL TOWNSHIP
YORK COUNTY PA
PLANNING COMMISSION
MINUTES FOR MARCH 21, 2023
MEETING ROOM & STREAMING VIA ZOOM
7:00 PM**

Chairman Ann Yost called the March 21, 2023, Planning Commission meeting to order at 7:00p.m. Also, in attendance were members, Butch Hensel, Tom Malkie (via Zoom), Chuck Webster (via Zoom), Manager, Katie Berry and Zoning Officer, Keith Hunnings (Via Zoom).

Approval of Minutes:

Butch Hensel motioned to approve the February 21, 2023, meeting minutes contingent on the revision of adding his name to the attendance. Tom Malkie seconded the motion. Motion carried.

Zoning Hearing Application No. 1-2023 – Engineer, Eric Johnston of Johnston and Associates, Inc. was present to represent Mr. & Mrs. Stinson for a consideration of recommendation on Zoning Hearing Application No. 1-2023, requesting a special exception under Section 27-204 (3)(7) to allow a bed and breakfast in the agricultural zone and seeking a variance of Section 27-504.7(Z)(1), of the Code of Ordinances, to exempt the owner from residing in the bed and breakfast and to allow the owner to reside in a barn to be converted into a residence on the property. The property for which relief is sought is 1683 Sieling Farm Road, Stewartstown, PA, 17363.

Johnston began the meeting by introducing Mr. & Mrs. Stinson as well as their prospective builders, Steve Yinger and John Fisher. Johnston explained the Stinson's own a three-acre tract which consists of an existing stone house and barn which currently resides in the Agricultural Zone. The Stinson's are looking to renovate the existing barn into livable space for themselves and then convert the stone house into a Bed and Breakfast.

Johnston presented photos of the property and showed the prospective plan of the renovations. Zoning Officer, Hunnings added that as far as the special exception that is being requested in the Ag. Zone, he does not feel it is an issue. Hunnings added Bed and Breakfasts have been allowed in the Agricultural Zone before meeting the criteria listed in Zoning. The Board then moved on to discuss the variance being requested, which is to live in the renovated barn next door, not in the stone house, which would be the Bed and Breakfast. Living in the Bed and Breakfast is one of the criteria of being able to have a Bed and Breakfast. Yost added the owners do not reside at the dwelling (or at the property) currently and that would need to happen before the bed and breakfast could become usable. All agreed. Mrs. Stinson explained this is their retirement plan and is less than four years from happening.

Hunnings stated it will be up to the Zoning Hearing Board to determine whether the barn will be acceptable for the owners to reside in, due to grey definitions in zoning. Yost stated that all five of the standards must be met in order for a variance to be met. Yost added that standards A,B and C are not met, however she feels D and E are. Yost added variances deal with the land, not the structure, so the variance is hard to meet by all five standards. Hunnings added that in the past when dealing with Bed and Breakfasts the owners would also be residing in the dwelling, so it will be up for determination since there are two separate structures. Yost questioned whether the variance is necessary. Hunnings suggested that the Zoning Hearing Committee make the determination, as it is a grey area on definition of 'structure' and 'accessory'. Hunnings also added his only concern is for sewage flow. Eight hundred gallons a day are allowed. Hunnings stated he would have to look into what a four-bedroom Bed and Breakfast along with, however many bedrooms the new Barnhouse would have would produce. Johnston added the Bed and Breakfast would only be used up to 14 days a month and feels it would equal out for a standard type system.

Member Chuck Webster asked if the barn is going to change color and if not, is the garage going to match the barn. Mrs. Stinson added that the barn is not changing color. Webster also asked what type of material the garage will be made of. Builder, John Fisher replied that it will be corrugated metal. Hensel questioned whether there are any ADA requirements for the Bed and Breakfast given the age of the home. Hunnings replied that a commercial building inspector would have those answers and that would be determined at the time of permitting. The owners added the home was built in the 1800's. Hensel also asked whether existing dwelling rights would be necessary. Hunnings replied and said it does not; the Bed and Breakfast is not considered a dwelling unit. Hunnings also added both buildings would require building inspections with the renovations. Engineered plans would be required for the barn renovation.

In conclusion and to provide a recommendation Ann Yost feels that the variance is not met in the strictest sense of the variance, however Yost agrees with Hunnings that there is a grey area of the definitions of 'accessory use', 'principal use' etc. and that there is some leeway that could be allowed for the exception to occur.

Yost made a motion to recommend approval of both applications based on the statement above. Hensel then questioned the distance allowed (500 feet) from a neighboring resident and questioned whether the barn becomes the residents and if so, does it meet the 500 feet. Hunnings said it is on same lot and would not apply. Tom seconded the motion then. Motion carried.

Public Comment:

Lynn Trout of 1549 Sieling Farm Road (neighbor). Trout wanted everyone to know she is proud of this and supports the efforts of this idea. Trout stated that she feels the Stinsons are trying hard to maintain the stone house and its history for a good purpose and keep in its original state for the most part.

Butch motioned to adjourn at 7:32 p.m. Yost seconded the motion. Motion carried.


Katie Berry, Recording Secretary