

**HOPEWELL TOWNSHIP
YORK COUNTY PA
PLANNING COMMISSION
MINUTES FOR APRIL 18, 2023
MEETING ROOM & STREAMING VIA ZOOM
7:00 PM**

Chairman Ann Yost called the April 18, 2023, Planning Commission meeting to order at 7:00p.m. Also, in attendance were members, Tom Malkie (via Zoom), Chuck Webster (via Zoom), Manager, Katie Berry and Zoning Officer, Keith Hunnings (Via Zoom).

Approval of Minutes:

Malkie motioned to approve the March 21, 2023; Webster seconded the motion. Motion carried.

Zoning Hearing Application No. 2-2023 – Jeff and Brenda of 410 Edie Circle were present in person. They will be attending a Zoning Hearing on April 20, 2023 requesting a variance of Section 27-301(2) and (3), of the Code of Ordinances, Zoning, Accessory Uses and Structures, to allow properties with 2 front yards to erect sheds up to 12’x12’ and fences up to 6’ in one of the yards and are looking for the recommendation of the Planning Committee before doing so.

Mr. Conrad stated they moved into the Mayberry development in August 2022. They chose a lot as it was a bit larger than others with it rear facing Rt. 24. Mr. Conrad added that the builder never made mention to the double frontage Ordinance that would apply to this lot having two street frontages. Mrs. Conrad added it was not until they were ready to close on their house that they found out they would need to apply for a variance.

Yost stated that since a fence was approved via a variance from a previous Zoning Hearing at a neighboring property last year, that it would only make sense for that to keep consistent. Yost, however added it is hard to justify the structure (shed) based on the ordinance. Yost added the Board has precedence to deal with then. Hunnings added that the ordinance clearly states no accessory structures in a front yard via verbiage of the zoning ordinance. Yost added although she typically feels an ordinance stands; in this case the two front yards, the existing berm, the ability to set the shed back 25 feet, the ability to avoid the seepage pit, and working within the context of the existing building, that a variance could be applied. Hunnings added they do have a hardship having a double frontage lot. Yost feels there is a precedence and stated she feels there is no harm to this variance.

Malkie added he agrees with Yost. He stated his only concern was the placement of the fence to the seepage pit. Mr. Conrad had a photo displayed and cleared up the placement and it does not affect it. Yost asked if Webster had any concerns, he did not.

Yost made a motion to recommend approval of a variance for a fence to match or be similar in context and design to nearby fences and the shed also similar in context. Malkie seconded the motion. Motion carried.

Zoning Hearing Application No. 3-2023 – Ferd Dorn was present representing for property owner, Genesis Motor Werks, Inc., requesting a variance from the current use of an auto shop to a mixed use, to include an auto shop, office space and craft store. The property for which relief is sought is 15180 Barrens Road N., Stewartstown, PA, 17363.

Mr. Dorn introduced himself and his family members present with him. Mr. Dorn stated he has been passing this property for over 35 years and feels it has opportunity. The previous business' have not remained for long and he feels by allowing for multiple use he and his family can utilize its location and existing structures. Mr. Dorn added the large building to the left will stay an auto type facility, the building in the center would become offices for his electrical business and possibly a craft store for his granddaughter. Dorn added his business service trucks do not come to the office everyday, so he does not feel traffic would be increased. His plan would be to slowly just improve the appearance outside slowly, adding some additional trees. No structural changes.

Yost confirmed with Hunnings the issue is this property is a preexisting non-conforming property in the Agricultural Zoning. Hunnings stated that under the zoning ordinance under existing nonconformities there is a section regarding expansion or alteration of an existing structure. Hunnings stated although it was a variance applied for, this would be considered a Special Exception request. Yost agreed that makes more sense. Hunnings said you would need to look at the proposed usage verses what is existing, type of use, the impact of the change (traffic, noise etc.). Hunnings added the main concern is that whatever use goes in, whether it will be a more intense use. Hunnings added something like heavy manufacturing, or large retail establishment causing more traffic would not be allowed. Yost agreed and does feel the uses they are promoting do conform.

Yost made a motion that based on the specific uses proposed (craft store, office space and garage), the continuation of the nonconforming use is within the character of the zoning district and would recommend approval. Mr. Orwig of 15132 Winterstown Road was in the audience and asked to speak. Mr. Orwig stated he is a neighbor and asked if this gets approved as proposed can the owner at a later time change business' to something larger, for example a Dollar Store or higher of impact. Yost reiterated that the motion started is only to recommend approval of the specific business types applied for at this time. Hunnings added that in the future any change with a nonconforming property would need to go back through a zoning hearing if it remained zoned as agricultural. Yost then asked if Webster had any comments. He stated he feels it will a good that the location will be getting used again and is agreement with the plans as submitted. Malkie then seconded the motion. Motion carried.

Public Comment:
None additional

Yost motioned to adjourn at 7:28 p.m. Yost seconded the motion. Motion carried.


Katie Berry, Recording Secretary