

# Carroll Township Zoning Hearing Board

Business Meeting Minutes

Thursday December 7<sup>th</sup>, 2023 @ 6:00pm

Meeting attendees were:

Gary Reihart – Chairman

Rich Gensler – Vice Chairman

Frank Setlak – Secretary

Brandon Slatt – Carroll Township Zoning Officer

Following are the meeting minutes from the Zoning Hearing Board (ZHB) business meeting held on Dec 7, 2023. The meeting was held at the Carroll Township offices.

1. A motion was made to accept the Sep 25<sup>th</sup>, 2023 ZHB business meeting minutes into record. The motion was seconded and passed unanimously.
2. The Board discussed the reappointment of John Wilson as our Solicitor. Wilson advised Chairman Reihart that his firm --CGA--wants Wilson to get his billing up by increasing his rate to \$200/hr. Wilson was able to stay off the increase for 2024 but will most likely increase for 2025. Gensler asked what our spend was for CGA this year. Setlak reported a total of \$12,051 YTD. Of that figure, \$2,272 was for general representation (not hearing docket related). That means \$9,776 was spent for hearings which comes to \$1,396 per hearing. The Board's income from hearings is \$6,100 YTD.

The board discussed the concern that because Wilson is young in tenure of his career, the Township is paying for additional attorneys coaching John which we feel is not fair or right to the Township. If the Board had a seasoned attorney, our fees would be lower. Setlak has brought this up with John in one of his past invoices where he charged for other attorney's time for advice to him. Reihart said he would have a discussion with Wilson.

The Board also discussed the timing of receiving the written decision from Wilson on the completed hearings. The Board and Slatt felt the timing of receiving the final written decision is cutting it close to the legal time we have to sign it and to issue it to the applicant. The Board made a motion to advised Wilson to issue the written decision to the Board within 30 days of the final hearing date. This provides Slatt 15 days to coordinate signatures from the board and to submit it to the applicant. The motion was seconded, and unanimously passed.

3. The Board discussed the current progress of the Comprehensive Plan Committee. The Board of Supervisors (BOS) approved the RFP (request for proposal) to go public with a deadline of January 12, 2024. Once all RFP's are in, the Committee will meet to review, discuss and propose an organization to use to aid in the revision of the Plan.

The Board continued to discuss the different areas of land we would suggest to the Committee to be set aside for Recreation and Open Space within the Township as required

in Comprehensive Plans. Several properties were discussed and Brandon had each of them listed in his notes for discussion with the Committee.

4. The Board discussed the proposed revision to the Township Ordinance on Short Term Rentals and didn't know where it stood. Setlak stated that it fell to the side as there didn't seem to be a majority interest in changing our current ordinance. The Board discussed reviewing the proposed changes again and Setlak agreed to reissue the documented proposed changes to the Board.
5. The Board opened the discussion on the Township fees for Zoning applications. Setlak brought up the study he did on the fees in the surrounding Townships back in the Sept 29<sup>th</sup> Board meeting. Some of the Townships charge per variance request and not per hearing. Their feedback supporting this fee structure was that residents only have one variance request compared to businesses who can afford the higher total cost of multiple variance requests. Setlak stated that he just wanted to make sure we look at surrounding Townships to determine if any best practices could be adopted. The Board concluded to keep our fees at the current levels.
6. A discussion started on the topic of raising the fees paid to the ZHB members (which per the MPC, only future members would benefit, not current Board members). Reihart thought that the \$50 fee paid was pretty low with today's economy and has been that amount for several years. After further discussion it was decided to keep it at the current level. The Board members agreed that each of them came forward to participate on the Board, not to get the \$50 fee, but to contribute to the Township they live in. The Board already volunteered to be paid per meeting whereby the Ordinance states the Board Members are to be paid per hearing.
7. A discussion started regarding 2024 service fees and a request was made to obtain a letter from Roxy Cressler on her fee schedule for 2024. Slatt said he would contact her regarding this request. In addition, the Board needs a letter from Wilson on CGA's fees for his service for 2024. Slatt said he would reach out to Wilson too.
8. Slatt brought up his intent to provide the BOS a monthly report on the requests for hearings that the ZHB receive/act on to ensure the BOS are updated with Zoning discussions within the Township. There has been a lot of discussion lately that the BOS are not informed enough on Zoning or Planning board agendas or actions being taken. The Board agreed and understood.
9. A motion was made to adjourn the meeting, which was seconded, and unanimously passed.

Prepared by: Frank Setlak  
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## Short-Term Rental Proposed Changes

**§ 450-376. Short-term rentals.** Any dwelling unit owned which is rented or leased for the purpose of overnight lodging for a period of 21 days or less ~~in a calendar year, and which meets the definition of "Hotel" for the purpose of imposing an excise tax by York County.~~ Short-term rentals must adhere to the Township of Carroll Zoning Ordinance, Short-Term Rental Section § 450-377, and have a valid a short-term rental ~~license permit~~ as issued by the Township of Carroll. A short-term rental unit must be owner occupied (owner physically live at the residence ~~full time~~).

**§ 450-377.** Operators of short-term rentals shall conform to the following standards:

- A. A separate short-term rental ~~license permit~~ is required for each short-term rental dwelling. Short Term Rental ~~licenses permit~~ shall be renewed on an annual basis and with any change in ownership of the dwelling. A zoning permit is required for each parcel where a short-term rental is proposed.
- B. The short-term rental shall not provide meals or retail sales/rental of merchandise, equipment, or services for compensation (either directly or indirectly) ~~in Residential Zoning Districts.~~
- C. Short term rentals in ~~any property within a Residential Zoned Property designated zoning districts~~ shall be owner occupied.
- D. The applicant shall furnish evidence that there are no restrictions (HOA/deed restrictions) on use of the property as a short-term rental.
- E. If not on public water, the applicant shall furnish evidence (water test) that an approved means of potable water supply shall be used.
- F. The applicant shall furnish evidence that an approved means of sewage waste ~~or and~~ trash disposal shall be used.
- G. On-site parking requirements: Each short-term rental that is part of a single-family dwelling unit, shall provide at least one (1) vehicle parking space in the garage, driveway, or other on-site parking area for each bedroom plus at least two (2) additional vehicle parking spaces (to account for additional short-term tenants who may drive separately).
- H. Within all applicable districts, accommodations shall not exceed ~~six-two (62)~~ transient occupants per bedroom.
- I. The length of stay per transient occupant shall be limited to a maximum of 21 days per calendar year.
- J. Short-term rentals shall adhere to the UCC requirements for the use.
- K. All floors above grade or below grade shall have a permanently affixed direct means of escape to ground level. Any modifications to the external appearance of a building (except fire escapes) shall complement its residential character.
- L. The commencement of short-term rental activity of a dwelling shall be considered a "Change of Use" of the property and shall not occur without the property owner first applying for, and receiving, a zoning permit from the Township for such change in use, ~~followed by or in conjunction with an application for and approval of a short term rental license.~~

**Commented [FS1]:** Gary, the language is not requiring a garage, but uses garage as one of the options for parking.

**Commented [FS2]:** Gary, this is common language for governing sales and other commercial transactions.

- M. Occupants must adhere to all the Township’s nuisance ordinances and shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual, or excessive noise, offensive conduct, public indecency, threatening or fighting or creating a physically offensive condition. The renters shall sign a binding document that requires they acknowledge and agree to adhere to those minimum standards. A copy of the signed agreement shall be made available to the Township’s Zoning Officer when requested.
- N. Short Term Rental shall be permitted in those Zoning Districts as noted on the **Table of Land Uses by District**.
- O. Upon receipt of zoning approval for a short-term rental, the applicant shall submit, as part of a short-term rental ~~license-permit~~ application, the following:
  - a. A complete written application as provided by the Township.
  - b. Copy of the current recorded Deed for the Property establishing ownership.
  - c. Copies of current York County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
  - d. An initial inspection will be conducted by the Township at the time of short-term rental application, upon receipt of a verified complaint relating short-term rental compliance (including life Safety), and on an annual basis as part of ~~license~~ permit renewal.
  - e. Short-term rental ~~license-permit~~ applications shall be accompanied by administrative and inspection fees to defray the costs of processing and managing the application. The fee shall be as set by Resolution of the Township of Carroll as part of the Township’s overall schedule of fees.
  - f. There shall be no occupancy of recreational vehicles, camper trailers, and in tents at the short-term rental. There is to be no overnight sleeping of occupants or guests of the short-term rental outside of the dwelling unit.
  - g. The applicant shall prepare and present to the Township (~~with the Change of Use or License process~~) a copy of a notice or notices which shall be prominently and continuously posted at the short-term rental unit which shall contain all of the following information:
    - i. The owner’s name and a telephone number reachable on a 24 hour basis
    - ii. Township of Carroll Zoning Ordinance ARTICLE 2 Section § 450-377
    - iii. 911 address for the property
    - iv. Maximum number of occupants permitted to stay in the short-term rental dwelling and maximum number of days at any one time
    - v. Maximum number of all vehicles allowed to be parked on the property or in front of the dwelling unit within the property boundaries
    - vi. Notification of trash pickup day and the location to place trash for pickup. Refuse is not to be left or stored on the exterior of the property unless in water-tight metal or plastic can
    - vii. Floor plans for the short-term rental, showing emergency exits and path to exit from sleeping quarters.

**Commented [FS3]:** I still believe they need to provide these required tax certificates that York County and Pennsylvania requires.

**Commented [FS4]:** This would have to be the Zoning Officer or his designates (constable?)

| Proposed Short-Term Rental Changes  
(cont)

~~78/249~~/2023

Prepared by: Frank Setlak  
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