

Carroll Township Zoning Hearing Board

Business Meeting Minutes

Monday August 28th, 2023 @ 6:00pm

Meeting attendees were:

Gary Reihart – Chairman

Frank Setlak – Secretary

Brandon Slatt – Carroll Township Zoning Officer

John R. Wilson – Solicitor from CGA Law Firm

Following are the meeting minutes from the Zoning Hearing Board (ZHB) business meeting held on Aug 28, 2023. The meeting was held at the Carroll Township offices.

1. A motion was made to accept the July 24th, 2023 ZHB business meeting minutes into record. The motion was seconded and passed unanimously.
2. The business meeting was recessed to commence with the hearing for dockets 2023-006 and 2023-007.
3. The hearing portion of the meeting was adjourned to continue with the business meeting.
4. Solicitor John Wilson distributed a draft copy of the Carroll Township Zoning Hearing Board Application for the Board members to review. John had discussions with Gary Reihart and Brandon Slatt to prepare and to submit the changes in the draft. The Board tabled this for the next Business meeting since Rich Gensler and Mark Heishman did not attend this evenings meeting.
5. Frank Setlak requested Chairman Reihart to table the conversation regarding his submission of the draft changes to the Short Term Rental ordinance since half of the Zoning Hearing Board was not in attendance this evening. Chairman Reihart agreed.
6. A motion was made to adjourn the meeting, which was seconded, and unanimously passed.

Prepared by: Frank Setlak

attach

230828 Zoning Board Business Meeting Minutes.docx

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
230724 Short Term Rental Proposal.docx

ZONING HEARING BOARD APPLICATION INSTRUCTIONS

1. The **APPLICATION FORM** must be filled out completely with full answers to every statement and questions. The application **MUST** be signed by the property owner.
2. A **FILING FEE**, which is established pursuant to Section 450-703 of the Zoning Ordinance, must be paid at the time of filing the application. This fee only partially covers the extra cost to the municipality of investigating and processing the application through its various stages and is permitted by law.
3. To be considered a **COMPLETE APPLICATION**, all Applicants requesting a special exception(s) and/or a variance(s) must provide the information required by Section 450-605.B.1. Failure to provide this information could result in an application being considered incomplete. If an Applicant fails to provide all of the information required by Section 450-605.B.1, the Zoning Hearing Board may, at its sole discretion, determine to proceed with the application or to continue the hearing until the application is complete.
4. **PHOTOGRAPHS** of the subject property are often helpful for the Zoning Hearing Board when reviewing an application. Accordingly, applicants are encouraged to include and attach photographs as exhibits to the application.
5. Pursuant to Section 450-606, each application shall include a **PLOT PLAN** drawn to scale with sufficient clarity to show the nature and character of the request.
6. When all of the above-referenced requirements are met, **FILE** the application with the Township Zoning Officer and pay the Filing Fee.

- 8 COPIES OF SUBMITTAL
- SUBMITTAL IN ELECTRONIC FORMAT.



Carroll Township, York County
555 Chestnut Grove Road, Dillsburg, PA 17019
Tel: (717) 432 4951 Fax: (717) 502-8807

ZONING HEARING BOARD APPLICATION

1. APPLICANT INFORMATION.

Name: _____

Address: _____

Phone: _____ E-Mail: _____

2. REPRESENTATIVE/CONSULTANT INFORMATION (if applicable).

Name: _____

Employer: _____ E-Mail: _____

3. PROPERTY OWNER INFORMATION.

Name: _____

Address: _____

Phone: _____ E-Mail: _____

4. PROPERTY INFORMATION.

Address: _____

UPI#: _____ Zoning District: _____

Existing Improvements: _____

Present Use: _____ Proposed Use: _____

Size of Property: _____ (acres) _____ (square feet)

Date of Previous Application, if any: _____

The above-referenced Applicant requests a hearing before the Zoning Hearing Board and a determination on the following matter(s) (mark all that are applicable)

_____ **APPEAL**
(complete Section 1)

_____ **SPECIAL EXCEPTION**
(complete Section 2)

_____ **VARIANCE**
(complete Section 3)

Carroll Township, York County
555 Chestnut Grove Road, Dillsburg, PA 17019
Tel: (717) 432 4951 Fax: (717) 502-8807

DO NOT WRITE IN THIS SPACE (TOWNSHIP USE ONLY)

Docket No.: _____

ACTION TAKEN:

DATES:

Application filed. _____

Fee Paid \$ _____

Notice of hearing mailed to:

Applicant _____

Neighboring property owners _____

DATES OF NEWSPAPER PUBLICATION

~~Notice sent to newspaper.~~ _____

PROPERTY
~~Sign sent for posting.~~ _____

Date of hearing. _____

DECISION SIGNED & SENT TO APPLICANT / OWNER
Decision made. _____

Appeal filed. _____

SECTION I – REQUEST FOR APPEAL

REQUEST FOR APPEAL. Applicant hereby appeals the determination of the Zoning Officer dated _____, pursuant to § 450-605.D. of the Zoning Ordinance.

Applicant must provide the following information:

*****If space provided below is insufficient to provide a complete answer, Applicant may attach separate documentation with additional information to this Application*****

Determination Being Appealed (e.g., grant/denial of permit, issuance of cease and desist order):

Relevant Zoning Ordinance Sections: _____

Basis For Appeal By Applicant: _____

SECTION II – REQUEST FOR SPECIAL EXCEPTION

REQUEST FOR SPECIAL EXCEPTION. Applicant hereby requests a special exception, pursuant to § 450-605.B. of the Zoning Ordinance.

Applicant must provide the following information:

*****If space provided below is insufficient to provide a complete answer, Applicant may attach separate documentation with additional information to this Application*****

1. Brief description of the proposed use: _____

2. Zoning Ordinance Section Authorizing Special Exception: _____

3. Brief explanation as to how the proposed use will:

(a) Comply with all applicable provisions and consistent with the purpose and intent of Chapter 450 (Zoning Ordinance) of the Code of Carroll Township. _____

(b) Not detract from the use and enjoyment of adjoining or nearby properties. _____

(c) Not substantially change the character of the subject property's neighborhood. _____

(d) Be served by adequate public facilities (*e.g.*, schools, fire, police, and ambulance protection, sewer, water and other utilities, *etc.*). _____

(e) If applicable (for development within the designated floodplain), comply with those requirements set forth in Chapter 400 (Floodplain Management) of the Code of Carroll Township. _____

Carroll Township, York County
555 Chestnut Grove Road, Dillsburg, PA 17019
Tel: (717) 432 4951 Fax: (717) 502-8807

(f) Not substantially impair the integrity of the Township's Comprehensive Plan. _____

(g) Not be detrimental to the public health, safety, and welfare. _____

(h) Not overcrowd the land or create an undue concentration of population. _____

(i) Not impair an adequate supply of light and air to adjacent property. _____

(j) Not adversely affect transportation. _____

SECTION III – REQUEST FOR VARIANCE

C

REQUEST FOR VARIANCE. Applicant hereby requests a variance, pursuant to § 450-605(B) of the Zoning Ordinance.

Applicant must provide the following information:

*****If space provided below is insufficient to provide a complete answer, Applicant may attach separate documentation with additional information to this Application*****

1. Brief description of the proposed use: _____

2. Zoning Ordinance Section(s) From Which A Variance Is Being Sought: _____

3. Describe the unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property.

4. Describe the unnecessary hardship that is due to the above-referenced conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance, in the neighborhood or zone in which the property is located.

5. Explain why the unnecessary hardship has not been created by the Applicant in this case.

6. Explain why the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the

Carroll Township, York County
555 Chestnut Grove Road, Dillsburg, PA 17019
Tel: (717) 432 4951 Fax: (717) 502-8807

appropriate use or development of adjacent property, nor be detrimental to the public welfare.

7. Explain why the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

8. If applicable, explain how the variance complies with the standards and criteria for special exceptions and variances in Chapter 400 (Floodplain Management) of the Code of Carroll Township.

I hereby certify that all of the above statements and the statement contained in any attachments submitted herewith are true and accurate to the best of my knowledge and belief.

Signature of Applicant Printed Name Date

Signature of Property Owner* Printed Name* Date*

** Only required if Property Owner is different from the Applicant.*