

COLERAIN TOWNSHIP ZONING HEARING BOARD MINUTES

Edward McDonald 2022-10
September 7, 2022 at 7:00 P.M.

Members present were: Bob Stanley, Chairman, Doug Eaby, Vice-Chairman, Tammy Rineer, Member, and Sara Hodgkiss, Alternate. Josele Cleary, Zoning Hearing Board Solicitor was present as well as Rhonda Adams Court Reporter. Rhonda can be reached at 717-468-6250. A listing of others in attendance will be kept on file.

Ms. Cleary announced the hearing by reading the notice and asked the applicant to step forward. She also asked if anyone wished to be recognized as a party for this application. At first no one stepped forward.

Mr. McDonald was sworn in. He then presented his case by stating he is interested in converting his home into a two- unit dwelling for extra income.

Ms. Cleary asked Mr. McDonald to elaborate on the size, description and layout of the house and lot inside as well as out.

James Fetterman 98 Phillip Drive the raised his hand in order to be recognized as a party. Ms. Cleary asked Mr. McDonald if he had any objections to Mr. Fetterman's standing as a party and he did not. Ms. Cleary recommended the Board recognize him.

A motion was made by Tammy Rineer and seconded by Doug Eaby to recognize James Fetterman as a party. The vote was unanimous.

Mr. McDonald confirmed he had no further evidence.

Bob Stanley questioned the map included with the application; it showed two addresses but Mr. McDonald was not sure of that because the Zoning Officer included that with the application. After being questioned by Mr. Stanley he confirmed he lived in the house for 19 years, and that he lives alone currently, and confirmed the number of bathrooms.

Ms. Cleary asked Mr. McDonald to clarify the square feet of each floor of the house, how many stories including the basement there are, and where each of the dwellings if allowed would be located. Ms. Cleary also asked about the type and capacity of sewage system on the property. Mr. McDonald did not know the capacity of the system. He let Ms. Cleary know he has had six cars parked in his driveway in the past. Ms. Cleary also questioned Mr. McDonald on permits obtained if any on the property, his knowledge on the UCC Code as it related to his desired project, whether or not he asked for any advice concerning codes and such. Mr. McDonald spoke to Joe Chrisman the Colerain Township Zoning Officer and Building Inspector. Also, Ms. Cleary asked what the plans are for separating the units as there is an existing door. Mr. McDonald stated there would be a lock on the door.

Sara Hodgkiss asked if there would be a realtor used for the purposes of renting and he stated no he would be handling it himself. Ms. Hodgkiss also asked if there was a drawing available for the layout of the proposed rental unit and there was none. Ms. Hodgkiss also asked how the electric would be divided between himself and the renters. Mr. McDonald stated he planned on simply sharing the bill. Ms. Hodgkiss expressed her concern that there may be a legal requirement for separating the electric and that Mr. McDonald may want to refer to the Lancaster County Landlord Tenant Guidebook.

Mr. Stanley asked if there were separate meters and Mr. McDonald stated there is not. Mr. Stanley also questioned why certain sections of the application were not filled out. Mr. McDonald stated that the Zoning Officer helped him with the application.

Mr. Eaby asked about the well, and Mr. McDonald confirmed the existing well is private.

At this time, Ms. Cleary opened up questions from the audience and Scott Kulicke stepped forward. Mr. Kulicke asked Mr. McDonald if he has had tenants in the past. Mr. McDonald stated he has not.

Lynn Swisher asked Mr. McDonald if he planned on always residing in the residence while the proposed unit is rented out and he stated yes other than to go on vacation.

Owen Ryan asked Mr. McDonald if he was aware of any other applications like the one presented tonight from Octorara Pines. Mr. McDonald had no idea.

Kelly Charles questioned Mr. McDonald when the property be available to rent since she claimed it is listed on Zillow to be available on September 15th. Mr. McDonald stated it would be available upon approval of his application, she also reminded Mr. McDonald that she believed he had tenants in the past two of which she named. She also asked when Mr. McDonald applied for a building permit for the basement kitchen, what type of tenants was he interested in renting to and he stated tenants that could pay the rent.

At this point in the questioning a debate had begun between Ms. Charles and Mr. McDonald and Ms. Cleary intervened and explained the procedure to them again.

Ms. Charles asked Mr. McDonald why the basement kitchen does not show on a YouTube video and he claimed the videographers did not go in that area to film. She also asked about the insurance coverage he would carry on the home, and if he got permission from his mortgage company to rent the home out. He did not have written permission.

James Fetterman asked Mr. McDonald if he had a Fire Suppression System in the house. Mr. McDonald was not aware of that term but stated he had smoke alarms.

Christine Perkins asked Mr. McDonald about his screening process and he stated he will do that himself by running background checks and such. She also asked about parking and what type of lease he planned on using and finally what side of the basement door will the lock be on and he stated both.

Mark Wrigley asked if the current surveillance systems located on his property would remain if allowed to rent. Mr. McDonald stated it would depend on what the agreement would be with the tenant.

Ms. Hodgkiss asked if Mr. McDonald would make the proposed tenants aware of every camera on the property and he agreed he would and he also agreed he would have them removed by request of the tenants.

Mr. Stanley asked when the last of the six children left home; his last daughter left in April 2022.

Ms. Cleary reminded the audience that they may still ask questions but not testify.

Vicki Barrett asked Mr. McDonald if he felt that having a rental would be good for the neighborhood and he did not see any problems.

James Gray asked Mr. McDonald about parking as related to the possibility of having many cars in the driveway and having to move them in and out to make room for one to get out. Mr. McDonald did not see this as a problem.

Mark Wrigley asked Mr. McDonald if in the past he had either a written or oral agreement with a tenant in the current dwelling. Mr. McDonald stated he had an oral agreement but it was voided.

Stephanie Brackin stepped forward but her question was for the Board and not Mr. McDonald and that is not allowed.

Scott Kulicke asked Mr. McDonald to clarify the width of the driveway as he looked up an aerial photo and it appeared to be one car wide. Mr. McDonald disagreed that there would be a problem getting cars out and around the others.

Christine Perkins asked how the tenants would be monitored while he was away. He would communicate with them by telephone. And he agreed after she asked to have cameras in the rental. She also asked about parking in the winter and he claimed he would plow the driveway.

Bob Stanley asked about the amount of people he would be interested in renting to. Mr. McDonald stated his main concern was a tenant that could pay the rent that also had a good record.

At this time Ms. Cleary asked if there was anyone who wished to present testimony to the Board. All those that testified were sworn in.

Kelly Charles testified she is concerned over all the past police activity that has been related to 44 Frederick Way; activity and reports which she asked the Township to look into. She also brought up personal history she has had as well as other neighbors with Mr. McDonald which was also negative. She expressed her opinion that it would be criminal for the Board to consider allowing this.

Mr. McDonald offered information on Ms. Charles's husband and Ms. Cleary reminded Mr. McDonald that he was not in a debate but he could ask Ms. Charles a question. Mr. McDonald asked Ms. Charles about an incident involving her husband and Ms. Cleary interrupted him as he was getting of course. Again Ms. Cleary reminded everyone that only one person could speak at a time and also reminded everyone why they were there which was for a Land Use proceeding. She asked anyone if they had any testimony concerning the Land Use application.

Stephanie Brackin expressed her concern that allowing this use will set a precedence and eventually change the nature of Octorara Pines.

James Fetterman mentioned that he served on the Planning Commission at the time of Octorara Pines. He remembers the intent was for single family homes and not rentals.

Christine Perkins expressed her concern that if granted it would change the Pines dramatically.

Mark Wrigley expressed concern that allowing the rental would not meet the Ordinance due to neither unit being totally independent because of the shared electric. He also felt that the applicant had not been faithful in seeking the proper permitting. He also felt that if the application was granted the applicant would not abide by any conditions set by the Board. He also expressed concern for the health and safety of any potential tenants.

Scott Kulicke read Section 15.01 of the Zoning Ordinance which states the purpose of the Ordinance then expressed his concern that granting this application would change the character of the neighborhood especially after hearing all of the testimony.

Ms. Cleary asked if anyone else in the audience had any more testimony; seeing none she recommended the Board close the record.

A motion was made by Doug Eaby and seconded by Bob Stanley to close the record. The vote was unanimous.

Ms. Cleary explained the options available to the Board for the purposes of rendering a decision.

Bob Stanley asked to go into Executive Session at 9:06.

A motion was made by Tammy Rineer and seconded by Doug Eaby to deny the application of Edward McDonald Case 2022-10. The vote was unanimous

A motion was made by Tammy Rineer and seconded by Doug Eaby to adjourn the hearings at 9:16. The vote was unanimous.

Respectfully Submitted,

Carmen B. Wiker, Asst. Zoning Hearing Board Secretary