

MEETING MINUTES
LANCASTER TOWNSHIP
ZONING HEARING BOARD

October 24, 2017

Chairperson John W. Metzger called the meeting to order at 7:00 P.M. The following members were present: John W. Metzger, Elizabeth W. Bamford, Peggy D. Hall, and alternate member Joseph C. LoCurto. Also in attendance was Joseph Kenneff, Esq., Zoning Hearing Board Solicitor, Thomas P. Daniels, Assistant Township Manager and Zoning Officer, and Cheryl Hansberry, Court Reporter.

MINUTES

On a motion, the minutes from the May 23, 2017 meeting of the Lancaster Township Zoning Hearing Board were approved as written.

NEW BUSINESS

1. Ernie Beiler has applied for a Special Exception pursuant to Chapter 280-403 for 575 Conestoga Blvd., Lancaster, PA 17602 to allow the use of the property for short-term rentals. He has also applied for a Variance pursuant to Chapter 280-1505 for the same property to allow the owner to not be the primary occupant of the establishment. Mr. Daniels was sworn in and testified that the notification and publication requirements have been met.

James H. Thomas, Esq. represented the Applicant and presented the Application. Mr. Beiler and various neighbors including Scott Morris, Yvonne McMurtry, Diane Reese, Joe Habib and David Connor were sworn in. The subject property is owned by E2 Property Investments, LLC which is owned by Ernie Beiler. Mr. Beiler resides with his family at 595 Conestoga Blvd., the neighboring property. The property was purchased in March 2016 and was at that time in considerable disrepair following prior flooding. Mr. Beiler has made extensive improvements. The property has been used as a Bed & Breakfast as advertised under the name "River Nook". There are two bedrooms on the first floor, with a third one in the basement. There are two full baths. Mr. Beiler stated that the occupancy rate is 9/10 people and that he would be agreeable to a condition limiting the occupancy to 10. A cleaning person is utilized, otherwise the Beilers are in charge of the property. Either the owner or someone representing the owner is available or at ready communication at all times. The current website advertising the property states that parties or events are not allowed without special permission. No pets are allowed. There will be no signs and no meals will be served by the Applicant. It is anticipated that a stay by one group of guests will not be longer than 14 consecutive nights. Mr. Thomas reviewed the requirements for a Special Exception and noted that all have been met. He argued that the Variance is minimal since Mr. Beiler will be living next door.

A neighbor, Scott Morris questioned whether the result of this Application would continue if the properties are sold. Some neighbors, including Diane Reese and Yvonne McMurtry expressed concern that these types of "AirBNBs" would proliferate. Joe Habib who resides next to the subject property stated that he was strongly in favor of the Application, noting how Mr. Beiler's work on the property has saved the area. Mr. David Connor agreed saying that the property was an eyesore and is now beautiful. Mr. Morris said he was in favor but would like to see the restrictions that were discussed made a part of the decision.

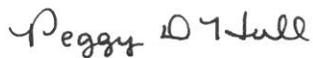
Mr. Thomas summed up by stating that the requirements for a Special Exception and a Variance have been met. Although this particular use is not directly addressed by the Ordinance, it is consistent with the regulations as written. Mr. Metzger requested a Memorandum of Law within 7 days, with any response due 7 days after that.

Mr. Metzger moved to close the record and continue the matter until the next regularly scheduled meeting of the Lancaster Township Hearing Board, which will be held on November 28, 2017. A Decision will be rendered at this time. Ms. Bamford seconded the motion, which motion carried unanimously.

ADJOURNMENT

There being no further matters before the Board, Mr. Metzger made a motion to adjourn the meeting at 8:15 P.M. The next regularly scheduled meeting of the Lancaster Township Zoning Hearing Board is November 28 2017 at 7:00 P.M.

Respectfully submitted,



Peggy D. Hall, Secretary