

**MEETING MINUTES**  
**LANCASTER TOWNSHIP**  
**ZONING HEARING BOARD**

**February 22, 2022**

Chairperson John W. Metzger called the meeting to order at 7:00 P.M. The following members were present: John W. Metzger, Peggy D. Hall and Joseph C. LoCurto. Also in attendance was Joseph J. 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 January 25, 2022 meeting of the Lancaster Township Zoning Hearing Board were approved as written.

**OLD BUSINESS**

1. Continued from the January 25, 2022 meeting is the Appeal of April Koppenhaver of the Enforcement Notice issued by the Zoning Officer dated December 3, 2021, for violation of the Lancaster Township Zoning Ordinance (2012) pursuant to Chapter 280-402 (R-1 Zoning District, Permitted Uses) for the use of the property located at 156 Wilson Drive, Lancaster PA as a short term rental.

Mr. Daniels testified at the January 25, 2022 meeting that the notice and publication requirements have been met. He was sworn in and was questioned by Matthew J. Creme Jr., Esq., who represents the Township. Mr. Daniels delineated the events that led to the Enforcement Notice, including being notified by the public of the short term rentals at the property and two prior letters to Ms. Koppenhaver trying to resolve the situation. Mr. Daniels permitted Ms. Koppenhaver to allow existing reservations up to Labor Day but required an application for a Special Exception in order to continue. After no application was made, Mr. Daniels issued the Enforcement Notice dated December 3, 2021. An appeal was filed December 27, 2021. A continuance was requested by the Appellant and granted at the January 25, 2022 meeting.

Mr. Todd R. Bartos, Esq. represents Ms. Koppenhaver in challenging the validity of the ordinance which appears to prohibit rentals of less than 30 days and the alleged inconsistent enforcement of the ordinance. Use of a property as a Bed & Breakfast which permits rentals of less than 30 days is a use permitted in the R-1 District as a Special Exception use. An objection was sustained preventing the use of an exhibit apparently showing local Airbnb listings. Mr. Daniels testified that he acts when notified of a violation, but does not search tax records or Airbnb listings for violators.

Ms. Koppenhaver was sworn in and testified that she purchased the property in November 2020 and made significant improvements. She admits to listing the property on Airbnb and that so far the guests that have stayed have not presented any problems.

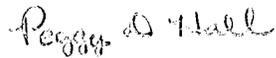
Several neighbors including George Cook, Tom and Jan Berger, Frank Orbin, Barb and Bill Boben, Wand and Allan Miller, Gil and Carly Lyons and Dr. William and Joan Boben have requested party status. There were no objections to any of these. Mr. Cook who spoke on behalf of several of the neighbors, argued that it is undisputed that the property was used as a short term rental without obtaining the appropriate approval and that Ms. Koppenhaver failed to meet her burden to prove inconsistent enforcement. Appeal should therefore be denied.

Mr. Metzger requested that all interested parties submit briefs on all the issues by March 11, 2022. He then made a motion to continue the matter to the March 22, 2022 meeting at which time the Board would render a decision. Mr. LoCurto seconded the motion, which carried unanimously.

#### **ADJOURNMENT**

There being no further matters before the board, Mr. Metzger adjourned the meeting at 8:30 P.M. The next regularly scheduled meeting of the Lancaster Township Zoning Hearing Board is Tuesday, March 22, 2022 at 7:00 P.M.

Respectfully submitted,



Peggy D. Hall, Secretary