

WARRINGTON TOWNSHIP
Minutes of the Zoning Hearing Board Meeting
Held, pursuant to due notice, in the Municipal Building
3345 Rosstown Road, Wellsville, PA 17365
Thursday, December 1, 2022, 7:00 PM

Presiding: Mr. Allan Winey, Chairman
Members Present: Mr. Kenneth Eshleman, Jr. - absent
Ms. Lisa Frye
Mr. Gregory Seifert - absent
Ms. Janelle Winey

Staff Present: Attorney Scott Harper, Zoning Board Solicitor
Mr. C Eric Swiger, Zoning Officer
Tammy Rinehart, Court Reporter

The meeting was opened with the Pledge to the Flag.

Minutes. Motion was made by Ms. Frey and seconded by Ms. Winey to approve the minutes of the July 7, 2022, meeting. Motion carried.

ZONING HEARING CASES

Case 2022-04 Joseph King Jr and Amber Estep-King, 1220 Alpine Road, Wellsville. Mr. and Mrs. King are appealing a Notice of Violation from the Zoning Officer regarding Section 520 – Non-Permitted Short-Term Rental.

Eric Swiger, Zoning Officer. Mr. Swiger said he sent a Notice of Violation to Joseph and Amber King on August 16, 2022, stating that it was noted that an RV/Camper has been placed at the property identified as 49-MF-0042B in the York County Tax duplicate. He said Section 520 of the Township Zoning Ordinance. The Township has no record of a Zoning/Building Permit or a Use & Occupancy certificate having been issued to occupy the “Tiny House”.

Testimony. Attorney Harper swore in the audience for testimony.

Attorney Beth Kern, C.G.A. Law Firm. Attorney Kern representing the applicants, presented testimony stating that the MPC states that the Township must provide proof of violation. In the violation notice sent by the Zoning Officer reference was made only to Section 520 of the Township Zoning Ordinance. She noted that the Ordinance was amended to add Section 520 in March 2022 and her clients Short Term Rental existed long before that date. She said the Notice of Violation did not list any other violations as required by the MPC and the King’s did not know they were in violation of UCC inspections, building and septic permits. No other violations were listed in the Notice. She said the use has been going on since 2017 and they have just now received a Notice. The Township has not met the burden of proof that other issues have not been addressed. The Notice of Violation only mentions Section 520 – Short Term Rental as a violation. The purpose of the Hearing is because the applicants have been told they would be prosecuted for a Section of the Zoning Ordinance that they feel they have not violated.

Janelle Winey, Zoning Board. Ms. Winey said the Notice of Violation says: “This notice is to again inform you as the owners.....”. She said this statement says that they have been informed prior to this Notice.

Allen Winey, Zoning Board. Mr. Winey said no matter the outcome of this hearing, the other violations will need to be addressed.

Attorney Scott Harper. The applicants will need to be notified of the other violations and they will need to comply with those violations at that time.

Mr. Ben Lance, Mt Airy Road. He said the violation is an illegal non-conformity and he would like to know how the Township should proceed to correct the violations. Should the Notice of Violation be rescinded until notices are sent for the other non-conformities.

Mr. Len Kotz, Farm Valley Road. Mr. Kotz did not agree with the Zoning Officer citing Section 520 as a violation in this case due to the alleged violation was existence prior to Section 520 being added to the Zoning Ordinance in 2022. Mr. Kotz said the property owners will need to comply with DEP regulations for sewage disposal.

Jenna Harris, Mountainview Court. As a Township resident she is in favor of the short term rental use of the property and allow the owners to have a chance to bring the remaining violations into conformance.

Barry Haynes, Alpine Road. Mr. Haynes is a neighbor of the applicants and said he has no objection to the use of the property as a short term rental as long as the owner’s bring the violations into compliance with Township and State regulations.

Motion was made by Ms. Frye and seconded by Ms. Winey to close testimony. Motion carried.

Lisa Frye. Ms. Frye said what they heard tonight was that the Notice of Violation sent by the Township Zoning Officer is not valid due to the alleged violation being in effect prior to the enactment of Section 520 in 2022.

Motion was made by Ms. Frye to find in favor of the applicant and to overrule the decision of the Zoning Officer and the applicant does not need to Cease and Desist the use. Mr. Winey seconded the motion. Motion carried.

Attorney Kern requested reimbursement of the fees paid by the applicant.

Motion was made by Ms. Frye and seconded by Ms. Winey to refund the fee. Motion carried.

ADJOURNMENT

Motion was made by Ms. Frye and seconded by Mr. Winey to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:00 PM.

Rebecca Bradshaw
Township Secretary