

**Liberty Township, Adams County
39 Topper Road, Fairfield, PA 17320
Planning Commission Monthly Meeting**

June 19, 2018

The Planning Commission of Liberty Township, Adams County, met on Tuesday, May 22, 2018, at 7:30 p.m. in the Liberty Township Municipal Building, 39 Topper Road, Fairfield, for the regular monthly meeting.

Present: Nancy Wenschhof, Chair; Barb Ruppert, Secretary; Geoff Grant, Vince Gee, and Alternate Rich Luquette; Dominic Picarelli, Township Engineer

Not Present: -- Judie Hogan

Nancy Wenschhof called the meeting to order at 7:30 p.m.

Public Comment:

Clifton Kipe, who resides at 607 Harbaugh Valley Road, noted that the Planning Commission should be flexible; being really restrictive doesn't take citizens into account. For instance, if a garage were in front of the house, why is it wrong for the garage entrance to face the road instead of facing sideways? That doesn't necessarily allow for a good entrance from the driveway. Or, what is wrong with having a shed in the front yard for trash removal? The PC should be sensible and cooperative with taxpayers instead of making it difficult. And why is Jamie Harbaugh handing out lots of permits for portable buildings that are dropped off if they don't need a permit? All should work together to serve the people of the township.

Nancy Wenschhof clarified that Jamie Harbaugh gives a land use permit and approves the location of the structures that don't require a building permit.

Minutes: The May 22 meeting minutes were reviewed. Geoff Grant moved for approval of the May 22 meeting minutes. Vince Gee seconded the motion. All voted yes, and the motion passed.

Old Business:

Accessory Structure Placement

In looking at possible revisions to Section 303.4, which addresses the placement of accessory structures, the Planning Commission continued to discuss whether they advise absolutely no accessory structures in front yards, or advise allowing these structures under clearly defined conditions.

Members noted that the ZO of many other municipalities do not allow any accessory structures in the front yard. Some allow them only on special types of lots. There was disagreement as to whether the Adams County Zoning Ordinance allows accessory structures in the front yard. Members will review this before the next meeting to see what the county ZO allows in front yards and to consider whether to recommend matching the township ZO's "yard" definitions and requirements to it.

Members confirmed that part of the confusion in the township's ZO stems from the definition of setbacks, which notes a front setback is the "same as the required front yard." To avoid confusion, the PC recommends striking "required front yard" from the setback definition.

Confusion also stems from two conflicting directives in the ZO: Section 303.4 applies to all accessory structures and states that they cannot be "within the required front yard" (which means only the setback area), but in Section 205.4 for the Residential Office Commercial Zone, the chart notes they are not permitted "in front yard" (which means the entire front yard area). Dominic Picarelli noted that if you are

trying to restrict something within the setback but not within the whole yard, zoning ordinances usually say "front yard setback."

Dominic Picarelli also noted that the first question for the PC is: What do we want? Not to allow any accessory structures at all in the front yard? Or only to allow a certain type of accessory structure, such as a residential garage? Or to allow them on a certain lot size? Only on larger lots with long driveways? What about other types of accessory structures?

Members agreed that the main goal behind their recommendations would be to balance aesthetics, being good neighbors and maintaining property values with homeowners' rights to use their property as they would like if they have a larger lot and the structure wouldn't be seen very prominently from the road. They don't want the township to look like Frederick, which has townhomes with detached garages in front of them. But the township is rural and has some larger lots where buildings would not be right near the road.

Members noted that garages are not the only type of accessory structure a homeowner might want in a larger front yard. What about smaller structures such as gazebos? They discussed adding a new use to the ZO that would allow 1 or 2 "small accessory structures" behind the front setback, under a certain square footage and height (for instance, 200' total and no higher than 15'). Examples are a gazebo, a garden shed, a playhouse. This shouldn't include structures for livestock, such as chicken coops. It would be in Section 303 and apply to all zoning districts. Barb Ruppert agreed to draft this possible use and definition for members to discuss at the next PC meeting. If the PC recommends adding this use, how would Section 205.4 for the Residential Office Commercial Zone need to change?

Members then discussed Geoff Grant's draft of a new use and definition to add to the ZO for "detached residential garages" in the front yard. The PC is trying to meet the need of homeowners who want to add a garage but their house is set so far back from the road that most of the property is the front yard. Adding the "detached residential garage" use in the Agriculture/Conservation zone would give leeway for this, but would avoid having commercial garages in the front yard. Members discussed limiting the use to 1 garage in the front yard area, behind a required front setback of at least 200' from the road; limit it to 1 story; limit it to no more than 725 square feet total in the front yard (it could extend farther back or have another structure in back yard); not have it extend across the center of the house (so that it doesn't block the view of the house). They decided there was no need to specify materials, design or which way the garage opening faces. Barb Ruppert agreed to revise the draft as noted so members could make a recommendation at the next PC meeting.

They also discussed whether the township should add this section first as a conditional use that township supervisors need to approve, and if the supervisors see that most requests coming to them are reasonable, then add it into the ZO.

As one last item on accessory structures, Section 205.4 (Residential Office Commercial Zone) notes a maximum accessory structure height of 15' and 204.7 (Residential Zone) is 20'. These should be consistent.

New Business: None

Other Business:

No-Impact Home-Based Businesses

At the last meeting, members discussed inconsistencies in the ZO related to no-impact home-based businesses. Information is repeated in the definitions and the ordinance, but does not match. Because the township solicitor says 435.1 should contain all of the information because it outlines the rules, Dominic Picarelli had advised that we should remove the numbered/lettered information from the definition. This way there is not information in two places that could become inconsistent if the township makes a change on this item. The Planning Commission will discuss this and make a recommendation at the next meeting.

Land Use Permit Expiration

At the last meeting, members decided that in their review notes on the ZO, they would add a land use permit expiration of 12 months, renewable as long as the Zoning Ordinances haven't changed. To address the issue sooner, however, they will make a recommendation on this addition separately at their next meeting.

SALDO Review Section IV – Members will continue reviewing the SALDO again at Article IV, Section 410, at the next meeting. Some specific issues to address:

- The Planning Commission requests a copy of the latest driveway ordinance change on driveway permits and drainage pipes so that it can add it to its update of the Zoning Ordinances. It is unclear whether the driveway requirements apply if a driveway accesses any road or only if it accesses a public road.
- The Planning Commission should consider whether to recommend defined setbacks for both principal and accessory structures in each zoning district.

At 9:42 p.m., Vince Gee moved to adjourn the meeting. Geoff Grant seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for July 17 at 7:30 p.m.

Respectfully submitted,



Barb Ruppert
Planning Commission Secretary