

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

October 16, 2018

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Oct. 16, 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; Vince Gee, Judie Hogan; Dominic Picarelli, Township Engineer; Alternate Rich Luquette

Not Present: Geoff Grant

Nancy Wenschhof called the meeting to order at 7:37 p.m.

Public Comment:

Rich Luquette attended the Board of Supervisors Workshop today and reported that Jamie Harbaugh is no longer the township's zoning officer, and as of Dec. 1, Land and Sea is no longer providing zoning support. The supervisors have a proposal from a new company.

Minutes: The Sept. 18 meeting minutes were reviewed. Judie Hogan moved for approval of the meeting minutes, and Nancy Wenschhof seconded the motion. All voted yes, and the motion passed.

Old Business:

Proposed Zoning Ordinance Amendments: Section 303.4 (a); Section 600.3 (b); Section 435.1; and Sections 201.5 (c), 201.5 (d), 202.5 (c) and 202.5 (d)

Dominic Picarelli noted that there is nothing the PC needs to do with the county comments that were received after the last PC meeting, as the PC had already made a formal recommendation to the Board of Supervisors. Rich Luquette reported that the Board of Supervisors reviewed and agreed with the Planning Commission's formal recommendations on the four proposed zoning ordinance amendments from the township solicitor's Sept. 14 request, and that the supervisors requested the solicitor to incorporate the PC's and the later county comments into a revision.

Accessory Building Proposed Ordinance Amendments

At its last regular meeting, the Planning Commission did not recommend approval of the proposed zoning ordinance amendment to Section 303.4 that was received from the township solicitor because the PC is working on amendments that cover detached residential garages and small accessory structures in the front yard. Except for these specific types of structures, or in other exceptions noted in specific zoning districts, the PC does not think accessory structures should be allowed in the front yard for aesthetic and safety reasons (possibly blocking view of the home for emergency responders). Many of the other municipalities that members have researched do not allow accessory structures in the front yard, and Dominic Picarelli stated that he does not believe the county will allow any accessory structures in the front yard.

Detached Residential Garages

Rich Luquette presented his suggested revision of definitions and standards for detached residential garages allowed in the front yard based on feedback from the last PC meeting. PC members asked how corner lots should be covered, but decided that residents could apply for variances if their circumstances of two front yards create an issue. Rich Luquette also presented a diagram to accompany and clarify the standard. Members thought the diagram was clear and useful but asked if it should show corner lots as well. Dominic Picarelli recommended that the diagram not show variances such as corner lots because that would be too complicated.

As members reviewed the definitions to make sure they were clear, Vince Gee asked if the county should review them first. Dominic Picarelli noted that this would delay the PC's recommendation. Barb Ruppert noted the PC's recommended amendments were just a first step and would have to be subject to review and approval by the township supervisors and solicitor as well as the county.

Geoff Grant sent a note, since he could not be present, asking if the second, third and fourth definitions were needed. PC members determined that they are needed to define what the limit of 25% front coverage of the principal structure means.

PC members discussed their original idea that a detached residential garage should only be allowed in the front yard if the principal structure were at least 200 feet back from the road. Some members had proposed this distance since the discussion about revising this section came about in the first place because of a case where a house was set at the back of a large lot and could only build a garage in the front yard. Members determined that a garage should only be allowed in the front yard of larger lots, such as those found in the Agricultural and Conservation zoning districts, but that it did not matter how far back the house was from the required front setback as long as the garage met certain standards. The garage must meet setback requirements for the principal structure, not block the central front view of the house, and be limited in height and size to prevent adding a second-story apartment (in effect, another residence) and/or creating a commercial-use garage.

Because this new use applies only to certain zoning districts, members agreed that it belongs in Article II, which contains the specific requirements of each district.

Members also discussed the confusion as to whether accessory structures are allowed in the front yard in the Residential zoning districts. Section 303.4 of Article III states that these structures are not allowed in the "required front yard," which is defined as the front setback area; thus, as currently worded, it seems that these structures would be allowed in the rest of the front yard if the house is set back further than the *required* front yard. Members agreed that in Section 303.4 of Article III, the word "required" should be deleted in order to limit allowed front-yard accessory structures to only those listed in Article II, such as the proposed detached residential garage standards.

In addition, the Residential/Commercial zoning district charts in Article II clearly state that accessory structures are "not allowed in the front yard." Members determined that the wording of the Residential zoning district standard in Section 204.6 (b)(1) should be consistent with the charts, and thus the word "required" should be deleted so that such structures are not allowed "in the front yard" in this zoning district as well.

Vince Gee made a motion to recommend the following proposed zoning ordinance amendments to the Board of Supervisors related to the above discussion. Barb Ruppert seconded the motion. All were in favor, and the motion passed.

Recommended Zoning Ordinance Amendment, Definitions Related to Detached Residential Garage:

Building, Front – The view of the principal structure as seen from the street right-of-way line of the address street.

Building Width, Front – The distance between the front boundary lines measured along the front building line associated with the address street.

Building Line – A line, drawn parallel to a front, side, or rear property line that depicts the closest distance of an existing building to said front, side, or rear property line.

Building Line, Front Boundary – A line drawn perpendicular to the front building line extending from front property line along the address street to the principal structure at the widest separation from the building center line.

Detached garage - A detached building designed for parking or storing the residents' vehicles that does not directly adjoin or connect by a breezeway to the principal building (house).

Recommended Zoning Ordinance Amendment, Section 201.3 (c) shall be added to Article II (Conservation district):

One (1) detached residential garage is permitted in the front yard area only on lots zoned Agriculture or Conservation if it meets the following standards:

- a) The detached residential garage must meet the minimum setbacks for a principal structure in that district.*
- b) The structure shall be single story with a maximum height of 20 feet.*
- c) The structure shall not exceed a maximum square footage of 750 square feet within the front yard area. The structure may extend farther back into the side or back yard as long as it meets the required setbacks for a principal structure.*
- d) Any portion of the structure located between the principal structure foundation and the front setback shall not extend between the front boundary lines by more than 25% of the front building width.*
- e) See Appendix ___ for a diagram.*

Recommended Zoning Ordinance Amendment, Section 202.3 (c) shall be added to Article II (Agricultural district):

One (1) detached residential garage is permitted in the front yard area only on lots zoned Agriculture or Conservation if it meets the following standards:

- a) The detached residential garage must meet the minimum setbacks for a principal structure in that district.*
- b) The structure shall be single story with a maximum height of 20 feet.*
- c) The structure shall not exceed a maximum square footage of 750 square feet within the front yard area. The structure may extend farther back into the side or back yard as long as it meets the required setbacks for a principal structure.*
- d) Any portion of the structure located between the principal structure foundation and the front setback shall not extend between the front boundary lines by more than 25% of the front building width.*
- e) See Appendix ___ for a diagram.*

Recommended Zoning Ordinance Amendment, Section 204.6 (b)(1) of Article II (Residential district):

Delete "required" in "required front yard."

Recommended Zoning Ordinance Amendment, Section 303.4 (a) of Article III:

Delete "required" in "required front yard."

Small Accessory Building/Structures

Barb Ruppert presented the PC's suggested definitions and standards for small accessory structures allowed in the front yard from the August PC meeting. Members agreed that small structures should be an exception that is allowed in the front yard of any zoning district with a residential use. These structures would be of a size and use that would not create a problem with aesthetics or safety. Because the standards could apply to several specific zoning districts, members agreed they should be added to Article III, which covers general zoning requirements. Members agreed the exceptions of detached residential garages and small accessory structures should be noted in Section 303.4 to avoid any confusion.

Dominic Picarelli noted that the actual small accessory structures standards made the most sense in Section 301, which covers accessory uses and structures.

Judie Hogan made a motion to recommend the following proposed zoning ordinance amendments to the Board of Supervisors related to the above discussion. Vince Gee seconded the motion. All were in favor, and the motion passed.

Recommended Zoning Ordinance Amendment, Definition Related to Small Accessory Structure:

Small Accessory Structure – A subordinate building or structure of 200 total square feet or less, serving a purpose customarily incidental to the use of the principal building or structure and located on the same lot as the principal structure or use.

Recommended Zoning Ordinance Amendment, Section 301.9 shall be added to Article III:
Up to two (2) small accessory structures are permitted in the front yard area on properties occupied by a residential use if they meet the following standards:

- a) *The structure(s) must meet the required minimum setbacks for the principal structure on the property.*
- b) *The structure(s) may be no more than 15 feet high.*
- c) *The building (or the two buildings together) may not exceed a maximum square footage of 200 square feet.*
- d) *Examples of such structures include, but are not limited to, gazebos, garden sheds and playhouses.*
- e) *Structures to house livestock, such as chicken coops, are not permitted in the front yard.*

Recommended Zoning Ordinance Amendment, Section 303.4 (a) of Article III:

Add “detached residential garages and/or small accessory structures” so that this item reads: “Front Yard Setback – No accessory use or structure (except permitted signs, detached residential garages and/or small accessory structures) shall be located within the front yard.”

New Business:

Middle Creek Bible (25D16-0005---000) Subdivision Plan Submission

Dominic Picarelli explained that this submission is fairly simple; it's splitting a lot for hunting use, with maybe one house built. Although he has some changes he would make, such as correcting the plan to show that it is not landlocked, he recommends that the PC accept it to start the clock on the process. Vince Gee moved for acceptance of the submission, and Judie Hogan seconded the motion. All voted yes, and the motion passed.

The PC recommended that, when providing future plans for acceptance, the township secretary should attach the submission checklist to show whether the submission is complete or not.

Other Business:

SALDO Review Section IV – Members will continue reviewing the SALDO again at Article IV, Section 410, at the next meeting.

At 9:24 p.m., Barb Ruppert moved to adjourn the meeting. Vince McGee seconded the motion. All voted yes, and the motion passed. The next meeting is scheduled for Nov. 20 at 7:30 p.m.

Respectfully submitted,



Barb Ruppert

Planning Commission Secretary