

MARYSVILLE BOROUGH PLANNING COMMISSION
WORK SESSION
OCTOBER 25, 2011

MEMBERS PRESENT

Jennifer Brock, Chairman
Stephanie Stoner
Art Vaitl
Lou Simonetti

STAFF PRESENT

Janet Hardman, Code Enforcement Officer

OTHERS PRESENT

Ann Simonetti
Frank Boyer

1. Frank Boyer, 316 S. State Road, Marysville

Ms. Brock stated that Mr. Boyer was present to discuss options to convert a single family detached dwelling and a two story detached garage into 3 dwelling units.

Ms. Brock asked Mr. Boyer if the lot was flat.

Mr. Boyer stated that the lot is flat but drops off at the very edge.

Mrs. Stoner asked if the property was in the floodplain.

Mr. Boyer stated that it is located in the floodplain. He has elevation certificates prepared by Act One Consultants in 2007 that he presented to the Planning Commission. He has had some tenant problems in the past and feels that he needs to do something different with the property. He would like to have one bedroom unit on the second floor of the house and a one bedroom unit on the second floor of the garage and use the first floor as a seasonal unit because it is in the flood plain.

Mrs. Stoner stated that a flood can occur anytime.

Mr. Boyer stated that the seasonal unit can be rented by the week.

Ms. Brock stated that there is no requirement for the terms of a lease. The zoning ordinance regulates the use of the property.

Mr. Boyer stated that if he requests a conditional use approval, he does not want to loose his right to do a subdivision or a land development plan because he may want to build three new townhouses.

Ms. Hardman stated that a conditional use approval will not affect Mr. Boyer's ability to submit a subdivision or land development plan.

Ms. Brock stated that if the house and garage are tore down the lot will be vacant. Constructing a new single family dwelling or townhouse would be a new event. Ms. Brock inquired about the size of the lot.

Mr. Boyer stated that the lot is approximately 200' x 250' x 150'.

Ms. Brock stated that the acreage is sufficient to subdivide the lot with the existing dwelling and garage but the setbacks between the two buildings cannot be met. A request for a setback variance would have to be submitted to the Zoning Hearing Board.

Ms. Brock stated that in order to keep the existing dwelling and the garage on one lot and convert it to three units, the two buildings would have be connected to be one building.

Ms. Hardman stated that the conditionals of Section 27-1103.3 must be met.

Mrs. Simonetti passed out copies of Section 27-1103.3.

Section 27-1103.3 states: *The conversion of a building into a greater number of dwelling units shall be undertaken in an R-2 District in accordance with the following:*

- A. No conversion shall contain more than a total of four dwelling units.*
- B. The lot area per dwelling unit shall be not less than 3,500 square feet.*
- C. All other district requirements shall be met.*
- D. No alteration of the building exterior shall be made except as may be necessary for health or safety purposes.*
- E. Fire escapes shall not be located on any wall facing a street and shall not project into any required yard area.*
- F. Each dwelling unit shall have separate and private cooking and bathroom facilities.*
- G. Each dwelling unit must comply with the following minimum habitable floor area requires:*
 - (1) One bedroom configuration limited to two person occupancy – 500 square feet*
 - (2) Two bedroom configuration limited to four person occupancy – 700 square feet*
 - (3) Three bedroom configuration limited to six per son occupancy – 850 square feet*

Mrs. Stoner stated that the requirement of D. “*no alteration of the building exterior shall be made except as may be necessary for health or safety purposes*” would be an issue if an addition was constructed to connect the house and the garage.

Ms. Hardman stated that if the house and garage were connected with an addition, a conditional use approval would have to be submitted for the Planning Commission and Borough Council's approval.

Mr. Simonetti asked if the conditional use could be denied.

Ms. Hardman stated that if all the conditions of Section 27-1103.3. have been met the conditional use cannot be denied. The only thing that the Planning Commission or Borough Council could do would be to add more conditions on the approval. The purpose of a conditional use approval is to have a hearing to get the public input of the surrounding property owners to determine if additional conditions should be added.

Mrs. Stoner stated that the Zoning Hearing Board has the authority to deny variance requests.

Mr. Vaitl asked if the house and garage were connected would a zoning variance be needed.

Ms. Hardman stated a variance from the zoning hearing board would not be required to connect the house and the garage. A zoning permit and a building permit would be required to connect the house and the garage.

Mr. Vaitl asked what the first floor of the garage would be used for.

Mr. Boyer stated that the area in the floodplain can only be used for storage. He plans to use the second floor of the garage for the dwelling unit and the first floor of the garage for parking.

Ms. Hardman stated that the garage can be considered one off-street parking space.

Mrs. Stoner asked what is the uses abutting the property in question. Mrs. Stoner asked Mr. Boyer if he has discussed his plans with the neighbors.

Mr. Boyer stated that there are single family dwellings abutting the property. He stated there are two single family dwellings, a storage shed and then the bed and breakfast. One of the neighbors is elderly and one is getting ready to sell their house.

Mr. Boyer stated that the sewer service requires a grinder pump. Mr. Boyer asked if a grinder pump would be needed for each unit.

Mrs. Simonetti stated that she thinks a separate grinder pump would be needed for each dwelling.

Mrs. Stoner stated that the property is downstream from the sewer plant.

Mr. Vaitl asked if the property had on-lot septic.

Mr. Boyer stated that the property was originally on-lot septic but is now connected to the public sewer system with a grinder pump.

Mr. Vaitl questioned the capacity of the grinder pump. If the grinder pump is large enough it could handle three units. Most likely it is too small. Mr. Vaitl stated that a condition of approval should be made that the grinder pump is sufficient to handle three dwelling units.

Mrs. Stoner asked who is notified of the conditional use hearing and how are they notified.

Ms. Hardman stated that the abutting property owners are notified by regular mail letter, the property is posted with the legal notice and there is an ad in the newspaper as a legal notice.

Mrs. Stoner advised Mr. Boyer to get the neighbors opinions of the proposed change from single family to three family.

Mr. Boyer asked if someone attends the hearing in objection, would the request be denied.

Mrs. Simonetti stated that the testimony of persons in attendance will be taken into consideration but may or may not impact the decision.

Mrs. Stoner stated that if there are concerns, additional conditions can be added to the approval.

Mr. Boyer questioned the notification for the bed and breakfast conditional use hearing.

Mrs. Simonetti stated that only persons who are directly abutting the property in a circumference are notified by a letter from the Borough.

Mrs. Stoner asked when the bed and breakfast was changed from the store.

Mrs. Simonetti stated that the bed and breakfast was done during the time frame of the 2006 flood.

Mr. Boyer stated that all the other houses in the neighborhood get water on the first floor of their houses except his because he elevated the first floor of the house. The water must get up 19' to get water in the first floor of the house and 20' to get water in the kitchen.

Mrs. Stoner stated that the flood conditions are not an issue for existing buildings.

Ms. Brock stated that the flood elevation certificates are needed for insurance purposes.

Ms. Hardman stated that flood elevation certificates are also needed for the issuance of zoning permits and building permits when property is located in the flood plain.

Mr. Boyer asked if the flood elevation certificates need to be renewed.

Ms. Hardman stated the flood elevation certificates do not need to be renewed.

Mr. Vaitl stated that any new construction would have to meet the flood regulations.

Ms. Hardman stated that any new construction that is living area must be elevated to the base flood elevation.

Mr. Simonetti stated that the requirement of the ordinance stating that there are no alteration of the building exterior shall be made except as may be necessary for health or safety purposes cannot be met if an addition to connect the garage and house is done.

Ms. Hardman stated that the requirement of the ordinance regarding alteration of the structure is a Planning Commission decision.

Mr. Boyer asked what needs to be done to consider the house and garage connected.

Ms. Brock stated that a concrete walk with a roof would connect the house and the garage.

Mrs. Stoner stated that a floor, ceiling and walls would be needed to connect the house and the garage.

Ms. Hardman stated that since the attachment would be in the flood plain, it must be constructed to allow water to enter and exit.

Mrs. Stoner asked why the house and the garage would need to be connected.

Ms. Hardman stated that a land development plan would have to be approved to have two separate dwelling units on one lot.

(For the record, Mr. Vaccaro arrived at 7:10 pm).

Mr. Vaitl suggested a 36 inch knee wall on each side of the breezeway or a railing.

Mrs. Stoner asked if a porch would be enough to consider the house and garage connected.

Mr. Boyer stated there is a 36" concrete pad connecting the house and the garage. The back door of the house faces the garage.

Mr. Vaitl stated that a foundation with a footing is required to support a roof.

Ms. Hardman stated that the addition would be considered an alteration of the dwelling.

Mr. Boyer asked if he could apply for a zoning and building permit to attach the house and the garage before the conditional use request is submitted.

Mrs. Stoner stated that if Mr. Boyer did attach the house and the garage now, something may occur and a conditional use request may never be submitted.

Mrs. Simonetti asked if it would be an alteration if the addition was done before the conditional use is submitted.

Mrs. Stoner stated that houses and garages are connected so she does not feel it is out of the ordinary to do. Connecting the house and the garage before the conditional use request is submitted is a way to get around the ordinance requirement of no exterior alteration.

Mrs. Simonetti asked about the off-street parking requirements.

Ms. Hardman stated that the ordinance requires two off-street parking spaces per unit. Three dwelling units would require six off-street parking spaces.

Mr. Boyer stated that he can provide six off-street parking spaces.

Mr. Boyer asked what process he would have to take if he wants to construct a breezeway.

Mrs. Simonetti stated that he would need to submit a zoning permit and building permit application to the Borough office. The Borough's zoning officer will issue the zoning permit, and then the building permit application will be forwarded to Perry County Council of Government for review and issuance of the building permit along with a completed application.

Mr. Boyer asked what is needed to submit a zoning and building permit application.

Ms. Hardman stated that a plot plan is needed for a zoning permit and construction plans are needed for a building permit.

Mr. Simonetti asked if the breezeway is constructed would the building meet the requirements.

Mr. Vaitl stated that some municipalities want sealed engineering drawings for residential building permits.

Mrs. Stoner stated that the square footage requirements for one bedroom of 500 square feet can be met.

Mr. Boyer stated that the garage unit would be 624 square feet. The house is 700 to 800 square feet per floor.

Mr. Vaitl asked how many bedrooms will be in the dwelling units located in the house.

Mr. Boyer stated that all the units will be one bedroom. He does not plan to change the footprint of the house or the garage.

Ms. Brock stated that once the breezeway is built and the conditional use approval is submitted, there will be no exterior changes.

Mr. Vaitl asked if there is an entrance to the second floor of the dwellings. The ordinance states that a fire escape cannot be facing the street.

Mrs. Stoner stated that a fire escape is an additional egress other than the main entrance. The main entrance can be on the front.

Mr. Vaitl stated that any entrance constructed to the second floor of a dwelling is considered a fire escape.

Mrs. Stoner stated that it is her opinion that a fire escape is something additional beyond the main entrance.

Mrs. Simonetti stated that a house on Cameron Street needed a window as an egress.

Mr. Boyer asked what an egress window was.

Mr. Vaitl stated that one bedroom window must be an egress window and must be 5.7 square feet in area and be wide enough for a fire fighter to get in the window with his apparatus on his back.

Mr. Boyer stated that the house has a balcony and deck on the second floor in the rear.

Mr. Boyer asked if the house would have to be rewired to convert it to two dwellings.

Mr. Vaitl stated that upgrades are only required for new construction.

Mr. Boyer stated that he will be adding a new kitchen and bathroom.

Mr. Vaitl stated that building code questions should be directed to the Perry County Council of Government.

Mr. Boyer asked how long the conditional use approval is good for.

Mrs. Stoner stated that the conditional use does not have a time limit. The approval runs with the land.

Mr. Boyer stated that he is not in a position to do the conversion from single family to three family right now.

(For the record, Mr. Albright arrived at 7:40 pm).

Ms. Hardman stated that the ordinance does not require a time limit, however, the Planning Commission and Borough Council does have the authority to make a condition of a time limit.

Ms. Brock stated that time limits are normally not a condition of approval of a conditional use.

Mrs. Stoner stated that since conditional use approvals run with the land, the property could be sold and the new owner would have the option of converting the house and garage to three units.

Mr. Vaitl asked if the property owner would have to come back to the Planning Commission and Borough Council to eliminate the conditional use approval. Mr. Vaitl referred to a previous situation where the owner converted a dwelling into a business and needed approval to convert it back to a dwelling.

Ms. Hardman stated that approval is not required to eliminate a conditional use approval. The situation with the dwelling to a business required a conditional use approval because the dwelling was a nonconforming use being converted to a permitted use of a business. To change the business (permitted use) back to the dwelling (nonconforming use), a conditional use approval was required.

Mrs. Stoner asked if the bush shown on the aerial map would create a line of sight issue with the driveway.

Mr. Boyer stated that there is no shrubbery on his property.

The work session adjourned at 7:43 pm.

**MARYSVILLE BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 25, 2011**

1. CALL TO ORDER. The meeting began at 7:45 pm

MEMBERS PRESENT

Jennifer Brock, Chairman
Stephanie Stoner
Art Vaitl
Shawn Vaccaro
Chris Albright
Lou Simonetti

STAFF PRESENT:

Janet Hardman, Code Enforcement Officer

OTHERS PRESENT:

Ann Simonetti

2. MINUTES:

a. September 27, 2011 Minutes

Page 2, paragraph 2, change “Act 2476” to “Act 247”.

Page 3, 3. Public Comment #3. change “Lyons” to “Lions”.

Page 3, 3. Public Comment. #3. change “October 25, 2011” to “October 24, 2011”.

MOTION: Mr. Vaitl moved, seconded by Mr. Albright to approve the September 27, 2011 minutes as amended. The motion passed unanimously.

3. PUBLIC COMMENT.

a. Planning Commission vacancy and reappointments.

Mrs. Simonetti asked if the Planning Commission accepted Lori Mohr's resignation.

Ms. Brock stated that she received a resignation letter from Ms. Mohr.

Motion: Mrs. Stoner moved, seconded by Mr. Vaccaro to accept Ms. Mohr's resignation. The motion passed unanimously.

Mrs. Simonetti stated that Ms. Mohr's name should be removed from the agenda. The Borough Council needs to appoint a replacement for Ms. Mohr. Mrs. Simonetti asked if the Planning Commission had a recommendation for the appointment.

Mrs. Simonetti asked if any of the current planning commission members' appointment will expire in December. If so, are they willing to continue to serve?

Ms. Brock stated that her appointment will expire and she is willing to continue to serve on the Planning Commission.

b. Park and Recreation Study.

Mrs. Simonetti stated that she read in the minutes that a grant is needed to do a park and recreation study. Mrs. Simonetti asked if she could be of assistance in this matter.

Ms. Hardman stated that the Planning Commission needed assistance in getting a grant for a park and recreation study.

Mrs. Simonetti asked if another municipality's ordinance could be used.

Ms. Hardman stated that a study is required specifically for Marysville. A study is required before an ordinance can be written.

Mrs. Stoner stated that she checked into the grant availability for a park and recreation study.

Ms. Brock asked if the Park and Recreation Committee could assist with the park and recreation study.

Mrs. Simonetti stated that the Park and Recreation Committee meet on Tuesday prior to the Borough Council meeting. The next meeting will be on Thursday, November 10, 2011 due to the election.

Ms. Hardman stated that the park and recreation study will determine what park the fee in lieu of funds should be spent on and where new parks should be dedicated.

c. Community Day

Mrs. Stoner stated that she heard a lot of positive comments on the Community Day.

Mrs. Simonetti stated that there is interest in doing a Community Day annually.

4. OLD BUSINESS.

a. Article 4 Subdivision Amendment - Plan Specifications and Procedures

Article 4 review has been completed.

b. Article 5 Design and Improvement Standards.

Ms. Brock stated that Article 5 review has been completed. Article 7 Supplemental Requirements, Test and Studies was completed with the exception of a Park and Recreation Plan. A study is required to complete that section. Article 12 – Mobile Homes Parks is completed.

Ms. Hardman stated that the Appendices still need to be reviewed.

Ms. Brock stated that she is working on providing the Lancaster County Model SALDO in word format so that revisions can begin to be made.

Ms. Hardman stated that once the Lancaster County Model SALDO, Chapters 8, 9 and 10 is provided; a final version of Article 5 can be prepared for the Planning Commission's review as a whole.

c. Well Ordinance.

Ms. Brock stated the well ordinance has been completed.

5. NEW BUSINESS. None

6. GENERAL ANNOUNCEMENTS. None

**7. REPORT ON BOROUGH COUNCIL MEETING (Next Council Meeting 11/14/11).
None.**

**8. ADJOURNMENT/NEXT SPECIAL MEETING DATE 11/9/2011 @ 6:30pm/NEXT
REGULAR MEETING 11/22/11 @ 7:30 pm, WORK SESSION @ 6:30 pm.**

Motion to adjourn: Mr. Simonetti moved, seconded by Mrs. Stoner to adjourn the meeting at 8:10 pm. The motion passed unanimously.

Respectfully Submitted,

Janet Hardman,
Code Enforcement Officer