

**PENN TOWNSHIP  
ZONING HEARING BOARD  
MINUTES OF JANUARY 12, 2022  
ATTENDANCE**

**Board Members Present:**

Gerald Wolfe/Chairman  
Steve Bushey  
Aaron Kopp  
David Brenich

**Applicant(s)**

Ruth King, Case #210942 Applicant  
Sheila O'Rourke, GKH (Applicant's Attorney)  
Aaron Lantz, Case #210941 Applicant  
Sheila O'Rourke, GKH (Applicant's Attorney)

**Others**

Richard Landis, Supervisor  
Melvin Newcomer, ZHB Solicitor  
Jennifer Tulonen, Township Planner  
Matthew Reeser, Zoning Officer  
Rhonda Adams, Court Reporter  
Josele Cleary, Township Solicitor

Fred Hammond, Resident  
Patty Tompkins, Resident  
Michele Werder, GKH  
Ashley Martin, Resident  
Mark Zimmerman, Resident

The meeting was called to order at 7:00 PM by Mr. Wolfe.

**Reorganization of the ZHB**

Since this was the first zoning hearing of 2022, the board needed to reorganize. There was a motion by Kopp, with a second by Breinich to keep Gerry Wolfe as the chair of the board, Steve Bushey as the vice-chair, and Zoning Officer Matthew Reeser as the recording secretary of the ZHB. The motion was carried in full.

**Minutes**

Mr. Breinich made a motion to approve the minutes of November 10, 2021 as written and Mr. Kopp seconded the motion; the vote was unanimous in favor of approval by the Board.

**Case #210942** – Applicant Ruth L. King has submitted an application to be heard by the Penn Township Zoning Hearing Board, in which King has appealed an enforcement notice issued on October 20, 2021. The applicant also has requested special exception approval to operate a bed & breakfast on the subject property per §27-202 of the zoning ordinance, along with a variance(s) from the definition of a bed & breakfast in §27-112 which states in-part that a bed & breakfast must be owner-occupied. In the alternative, the applicant requests a use variance from Table 27-202 of the zoning ordinance. The property that is the subject of this application is 751 Temperance Hill Road, Lititz, PA 17543, which is located in the T-2 Agricultural Zoning District, Tax ID#500-23902-0-0000.

Anyone in the audience was asked whether they wished to receive party status. Party Status was requested by Patricia Tompkins, however, once party status was explained by the ZHB Solicitor and attorney O'Rourke objected the request, Tompkins withdrew her request.

All people present who might testify, were sworn in by the court reporter.

Since part of this application was an appeal of a zoning enforcement notice, Attorney Cleary spoke first, and the following was determined:

- The Applicant was and has been using the Sf-dwelling as a transient rental, through an online rental service
- The property was being used as a traditional Sf-dwelling prior to King purchasing the parcel
- King did not contact the township prior to renting the property online
- The Kings and their family clean the property and provide maintenance
- A person named Kayla manages the property for the Kings
- The Kings use the money created by the transient rental to supplement their family farm

The application was presented by Attorney O'Rourke; during which the following were explained:

- The application was incorrect with regards to the number of bedrooms. There are 4 bedrooms and a total of 8 guests are permitted to rent the property at a time
- Neighbors don't have an issue with the Airbnb use
- Guests are limited to a maximum of a 2-week stay
- There is a 2-night minimum stay
- There is no sign advertising the transient rental
- The property is served by a new on-lot septic system
- The kings are dairy farmers with approximately 50 head of cows

During a redirect, King stated that the transient rental generates more income than if the dwelling was occupied as is permitted by the zoning ordinance.

Eventually, there was a motion by Bushey, with a second by Breinich, to close testimony; which would allow the attorneys to prepare their versions of findings of fact prior to January 28, 2022. The motion carried in-full by the members of the ZHB.

This case was closed at approximately 8:03pm

**Case #210941** – Applicant Aaron J. Lantz has submitted an application to be heard by the Penn Township Zoning Hearing Board, in which Lantz has appealed a zoning enforcement notice issued on October 20, 2021. The applicant also has requested special exception approval to operate a bed & breakfast on the subject property per §27-202 of the zoning ordinance, along with a variance(s) from the definition of a bed & breakfast in §27-112 which states in-part that a bed & breakfast must be owner-occupied. In the alternative, the applicant requests a use variance from Table 27-202 of the zoning ordinance. The property that is the subject of this application is 710 West Lexington Road, Lititz, PA 17543, which is located in the T-2 Agricultural Zoning District, Tax ID#500-45373-0-0000.

Prior to this case being heard, party status was requested by Resident Mark Zimmerman of 716 West Lexington Road. Zimmerman stated he is a next-door neighbor to the subject property. There was a motion by Kopp with a second by Bushey to approve the request; which motion carried in-full by the ZHB.

Again, since a portion of this application was an appeal to a served zoning enforcement notice, Attorney Cleary presented first. The following are some of what was determined:

- Lantz stated that the transient rental of the property was started in or around March of 2020
- The property has been rented more than 75 times
- The nightly rental is \$100 plus additional fees
- Lantz didn't contact the township, prior to starting the transient rental of the property
- Lantz stated that he can make more money renting the property transiently instead of renting the property as is permitted within the zoning ordinance

After Lantz answered Attorney Cleary's questions, Attorney O'Rourke presented her case. The following are some of what was determined:

- There are 2 guest rooms
- There are 6 guests total permitted at a time
- Guests typically stay 2 days
- Guests can sleep in the 2 bedrooms, on the pull-out couch, and on the floor

Chairman Wolfe asked Lantz if he has spoken to anyone about the septic system; to which Lantz stated he had not

After the presentations, Mr. Zimmerman stated that since Lantz had purchased the property, trash cans lay in the front yard and the general condition of the property has waned over the past few years.

After the above, Mr. Kopp made a motion to close testimony; with a second by Breinich. The motion carried, however, Mr. Bushey voted no.

The attorneys had the opportunity to provide their findings of fact to the ZHB Solicitor on or prior to January 28, 2022.

There was a motion by Bushey with a second by Kopp to adjourn. The motion was carried in-full by the ZHB at approximately 8:37pm.

Respectfully submitted,



Matthew Reeser  
Penn Township Zoning Officer