Dover Township
Planning Commission Minutes
May 2, 2012

Chairman Wayne Hoffman called the meeting to order at 7:00 p.m. Members present: Monica Love, Amy Brinton, Eric Harlacher, and alternate Carol Kauffman. Anthony Pinto was absent with prior notice. Also present: Zoning Officer Georgia Sprenkel, Solicitor John Baranski, Engineer Terry Myers, Recording Secretary, and one citizen.

I. Minutes
   Motion by Love, second by Brinton, to approve the minutes of the meeting of April 4, 2012. All members voted aye; motion carried.

II. Plans
   None this month.

III. Zoning Cases
   None this month.

IV. Other Business
   Motion by Brinton, second by Kauffman, to authorize the Planning Commission Secretary to sign the Planning Module for the Miller plan. All members voted aye; motion carried.

   Discussion on temporary portable classrooms – Dover Bible Church (or whatever the current name is) wants to place a portable classroom on the paved parking lot to use for Sunday School classrooms for children. It’s a permitted use in the Business Park Zone. The question Mrs. Sprenkel has is how long is temporary? The church building will be paid off in the fall, but they are out of room now. They don’t want to start building until they have a bit of money to do so. How long is temporary? The trailer installation would need to comply with the UCC code for safety, etc. Generally, the members felt that six months to a year is temporary. After longer than that, it seems to be more permanent. It would need to be installed like a mobile home. Issue a six-month building permit; they can renew it if desired. Or the Planning Commission can review the application for renewal. It’s likely that the church wouldn’t want to go through a land development plan for a temporary classroom. Will the portable classroom have any sewage facilities? If so, they’d need to hook up to the septic system. How big is the unit? Unknown, but it’s apparently big enough for three classrooms.

   From the audience, Madelyn Shermeyer asked about the temporary classroom trailers that the school used. These might have been a part of the school’s land
development plan. The Township issued a building permit for the temporary trailers. They were there for years.

Expanding an existing use by up to 35% is permitted by ordinance. How to regulate the time? Have them sign some sort of contract and renew it every year? Treat it as an accessory family unit? No matter what it’s called it would be good for the applicant to apply for renewal every year. Put a limit of five years? There’s nothing specific in the ordinance to give Mrs. Sprenkel any guidance. The use is not the issue; it’s the “temporary” part of the request.

In Section 27-22.4.b, under the definition of land development, under items that are not considered land development is “the addition of an accessory building subordinate to a principal building.” Allow with a building permit. Require a site plan, since it’s a commercial use. To expand, in the future, the church will need to address increased water and sewer use, especially for the entire church facility.

Treat it as an accessory structure, go with a building permit. How about the temporary issue? It’ll be installed according to the UCC... another question – is the church leasing it or buying it? That might affect how temporary it is. Where will it be on the parking lot? The building permit is good forever (?). They could actually keep the trailer there forever, under the building permit rules. If they were expanding the permanent structure by less than 35%, they’d be permitted to do so without a Land Development plan.

Mr. Baranski noted that their building permit must state their intention for this permit. They’d have to indicate that the intention was for a “temporary classroom” and the Zoning Officer could revoke that permit after two years or whatever, saying that it’s no longer temporary. Mrs. Sprenkel could specify on the permit the desired length of time. If they don’t say temporary on the permit, there would be no time line involved. Mrs. Sprenkel would be able to renew the permit depending on the circumstances. They’d need a “use” certificate.

Discussion on 6-month zoning approval (Special Exception)

Mrs. Sprenkel had another question/situation. Following the granting of a special exception from the ZHB, an applicant gets six months to do whatever it is they asked for. Another church (not the same one as in the question above) wanted to purchase some land; get a special exception for house of worship, then later build the church. Upon a question from Mrs. Sprenkel, the ZHB solicitor said a Special Exception approval is not renewable past six months. The church ended up not buying the land because the Township couldn’t guarantee that they would be able to do with it what they want within the time that they needed. It’s a permitted use by Special Exception in that zone (Residential), but, of course, they aren’t guaranteed to receive that Special Exception. They don’t want to risk the purchase of the land without an assurance of the approval of the Special Exception.

History: this was an Ag parcel; there was a subdivision years ago, while it was still zoned Ag. Now it’s zoned Residential and actually, there could be a small development on that parcel, as is permitted in that zone. With the change in zoning, the rules have changed for this parcel. If the intent was to prevent the lot from being further subdivided, that was circumvented with the change to Residential. It was noted that this parcel is in the future growth area. There is public sewer to the lot. The Planning Commission members were
not totally happy with the change in the zone. There are always pros and cons to zoning and/or re-zoning. Is it time to re-examine the growth boundaries? Did the Township let the consultants direct the Township’s attention to certain areas, rather than taking a hard look at what’s currently being done on each lot (commercial, public, church, school, etc.)? Even in the Ag zone, a house of worship is permitted by Special Exception. Why wouldn’t the Special Exception be granted two years from now, if it’s granted today? Mr. Hoffman feels that it shouldn’t be restrictive as to time within which to take action. Why is there a time limit? If the conditions of the lot and the zone don’t change from the time of the granting of the Special Exception, why wouldn’t the Special Exception be re-approved? Should the ordinance be changed? There was a discussion of the severity of the Zoning Hearing Board’s decisions. If an applicant meets all the requirements, that applicant should be granted his or her request. How to fix this?

Mr. Baranski suggested that the Planning Commission clean up some of the ambiguous language items in the ordinance. He said that he’s fine with tough Variance standards; however some of the Township’s specific standards are too “wishy-washy” for his taste. That’s a good first step. Mrs. Kauffman cautioned against revising the standards so that the Township’s hands are tied too tight if something extraordinarily strange is requested.

Motion by Love, second by Brinton, to request that the Solicitor draft some changes to Section 27- 1004, the Special Exception standards for consideration and remove any ambiguous wording. All members voted aye; motion carried.

How about the original question of six-month issue on a special exception? Add that to the list of changes? Mr. Baranski feels that would be too indecisive.

Motion by Harlacher, second by Kauffman, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary