

Dover Township
Zoning Hearing Board
January 18, 2017

Vice Chairman Jane Ginter called the meeting to order at 7 p.m. Members present: Jeffrey Edmonds, Jane Ginter, Steve Barkdoll, Robert Wright. Absent with prior notice: Donald Bubb and Phillip Brown. Also present: Zoning Officer Georgia Sprengel, Solicitor Mike Craley, Stenographer, Recording Secretary, and seven citizens.

I. Reorganization

Motion by Edmond, second by Wright, to nominate Jane Ginter as Chairman of the ZHB for 2017. All members voted aye; motion carried.

Motion by Barkdoll, second by Edmonds, to nominate Phillip Brown as Vice Chairman of the ZHB for 2017. All members voted aye; motion carried.

Motion by Edmonds, second by Wright, to nominate Steven Barkdoll as Chairman Pro Tem of the ZHB for 2017. All members voted aye; motion carried.

Mr. Wright was identified as an official voting member for tonight's meeting.

II. Minutes

Motion by Wright, second by Barkdoll, to approve the minutes of the meeting of July 20, 2016. All members voted aye; motion carried.

III. Zoning Cases

A. ZHB 17-1-- Brian Widmayer, request for Variance to be able to build a single-family dwelling in the Industrial Zone; Fox Run Road and East Canal Road

Mr. Widmayer, Cash Now Real Estate, was present on this application. He presented a four-page packet of information (photos) that was marked as Exhibit 1. He would like to build a single-family home on this a portion of this 24-acre lot. The entire western portion of this lot is in the wellhead protection area. This lot is zoned Industrial, and building is prohibited in the wellhead protection area. Even if he wanted to go with an industrial use, he is severely limited as to what industrial uses would be permitted. There are overhead power lines which further limit the use of the lot. Mr. Widmayer noted that his company spent quite a bit of money cleaning up this parcel. They have not been successful in marketing it for industrial use. They plan to subdivide the parcel. Twelve acres would go with the residential use, and the applicant would continue to market the remaining 12 acres of the lot.

There are several uses that would be permitted on this lot, but many of those uses require public sewer, which is not available. Mr. Widmayer feels that a single-family residence would have the least impact on the wellhead area. How about the feasibility of running the sewer line up to that property? Several options were discussed, with no resolution.

Would the applicant further subdivide the 12-acre parcel? No, it would remain one lot, with one home built on it. The only subdivision would be to split the large lot into two 12-acre lots. Mr. Widmayer noted that the neighbor whose property adjoins the building lot is interested in purchasing that resulting lot to add to his property.

How would this be marketed? As a model home site? Yes, that's one option. The applicant might try just putting the lot on the Multiple Listing Service to see if they could sell it like that.

Was this property always zoned Industrial? No, Paula Ruby, from the audience, asserted that her parents owned the adjacent property years ago, and it was zoned Conservation.

Discussion was held on other options for this property, like making a smaller subdivision (not viable), other uses (storage units; market is saturated in this area).

Mrs. Sprenkel noted that the applicant approached the Board of Supervisors to ask if this property could be rezoned. The Board was a bit concerned about spot zoning. When Mr. Widmayer appeared before the Planning Commission, the Solicitor suggested that a Variance would be a better way to approach this situation.

Mr. Craley discussed sewage disposal on this lot. Is there a permitted use that does not require any type of sewage disposal? Doesn't look like it.

From the audience, Paula Ruby was sworn in. Her property is at 1660 Butter Road, and it adjoins Mr. Widmayer's property. Her pasture is over the wellhead protection area. She doesn't want to see any industrial uses on this lot. Nor would she want to see storage sheds. She doesn't agree with the zoning change from Conservation to Industrial. She'd rather see a single-family house on the lot. She noted that there's a lot of clean-up to be done on the lot before anyone can even get near building a house. Mr. Edmonds asked about the livestock that has been pastured over the wellhead area. His concern was the integrity of the well.

Mr. Widmayer noted that he would respectfully request a one-year time period within which to act on the Variance. Normally it's a six-month window.

The Planning Commission unanimously recommended approval of the Variance request, and suggested that the applicant request the 12-month window. Hearing closed.

B. ZHB 17-2 – John Wilson, request for Special Exception for Home Occupation for musical instrument repair in the R-3 zone; 2801 Sherwood Lane

Mr. Wilson was present on this application. He would like to have an in-home business of repairing guitars. There would be no employees, no external changes to his property. He will use less than 350 square feet of the home for this business. He has off-street parking for four vehicles. Customers will drop off their instruments and pick them up when they're repaired. There may be UPS drop-offs as well. Business will be by appointment only. If he uses any sign, it will comply with what is permitted by the ordinance. He can't really estimate how much traffic this business will generate. Maybe one or two customers per day, but not every day. It all depends on the nature of the repair to be made.

There were no questions or testimony from the audience. The Planning Commission unanimously recommended approval of this application. Hearing closed.

Rulings:

ZHB 17-1 – Brian Widmayer, request for Variance for single-family home in the Industrial Zone.

Motion by Edmonds, second by Barkdoll, to *deny* the application for Variance based on the applicant's failure to meet the standards for proving a hardship. All members voted aye; motion carried.

ZHB 17-2 – John Wilson, request for Special Exception for in-home business of guitar repair in the R-3 Zone.

Motion by Wright, second by Barkdoll, to approve this request for Special Exception as presented. All members voted aye; motion carried.

IV. Other Business

Nothing at this time.

Motion by Wright, second by Barkdoll, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary