

Dover Township
Zoning Hearing Board Minutes
March 20, 2013

Chairman Phillip Brown called the meeting to order at 7:00 p.m. Members present: Steve Barkdoll, Donald Bubb, Jeff Edmonds, Jane Ginter. Also present: Zoning Officer Georgia Sprenkel, Solicitor Michael Craley, Stenographer Cindy Repman, Recording Secretary, and twelve citizens.

I. **Reorganization**

Mr. Edmonds proposed a slate of officers for the ZHB for 2013 as follows: Chairman, Donald Bubb; Vice Chairman, Jane Ginter; and Chairman Pro Tem, Phillip Brown. This slate of officers was approved as presented, with no formal vote. Mr. Bubb declined to assume his role as Chairman for the rest of the meeting, so Mr. Brown continued as Chairman for tonight's meeting. Mr. Bubb will assume his Chairman duties for the next meeting.

II. **Minutes**

Motion by Ginter, second by Barkdoll, to approve the minutes of the meeting of February 20, 2013. The minutes were approved with no formal vote.

III. **Cases**

A. ZHB 13-1, Robert and Judy Lartz, 5841 Old Carlisle Road. Request for Variance for side setback, Conservation Zone. **(Hearing continued from last month.)**

Jeffrey Shank and Lloyd Kraft were present on this application. Also present were Robert and Judy Lartz, owners of the property. Mr. Shank presented the information. This Variance is for Section 27401.4.c, side setback. For health reasons, the Lartzes would like to move Mrs. Lartz's mother into an addition to be built onto their home. There will be a small kitchen, sitting room, bathroom, physical therapy room. No bedroom; she will use a bedroom in the main house. The Lartzes moved into this house as it is today; they had no control over the placement of the house on the lot, nor the driveway, nor the septic system. The house was likely built in the 1920s or 1930s. They can't put the addition on the back because of the sunroom area with a different level; on the north side is the septic system. They are proposing to put the addition on the south side, near the Bilco basement door, which controls the depth of the addition. This is in the Conservation Zone with 40' side and rear setbacks. The proposed addition will encroach into the side setback by 27'; leaving a 13' side setback. Any impact on the neighborhood? Buffered on neighbor's side with trees. Across the street is the Village Zone, which has smaller setbacks, 10 feet side setbacks, than the Conservation Zone, so the buildings are closer together. The applicants feel that this addition will not adversely affect the character of the neighborhood.

Any attempt to reorient the addition sideways? Mr. Kraft answered that one would need to go in and out of the addition to get into the basement. Distance to neighbor's property to south? 21'. Wouldn't it be less expensive to add a mobile unit? No, they wouldn't be able to tie into the house septic system; new regulations specify that it would need its own. Plus Mrs. Lartz's mother needs to be cared for at night. There's one bathroom on the first floor. The addition's bath would afford the mother privacy. She's currently living with the Lartzes; for six weeks. The Lartzes have owned the property since 2006 as their primary residence.

Mr. Edmonds questioned the existence of a second kitchen in one home. That was an old regulation that prohibited that situation.

There were no questions or testimony from the audience. The Planning Commission unanimously recommended

approval of the application by Robert and Judy Lartz for Variance for side setback in the Conservation zone. Hearing closed.

B. ZHB 13-2, Katie Shepard, property at 6421H Harmony Grove Road. Request for Special Exception for kennel, Conservation Zone.

The applicant was present on this application for a kennel in the Conservation Zone. She and six audience members were sworn in. Ms. Shepard would like to have a kennel for show dogs, which is her profession. People hire her to show their dogs. She trains, bathes, grooms the dogs, and then takes them to show. The property is 4.3 acres, with the existing garage to be converted into the kennel. The kennel will be 175' from the rear property line. Dog runs will be located off the side of the garage, at least 10' from any property line. She spoke with the Township SEO who recommended a holding tank for the bathing water, etc.

There will be five dog runs to start. She is the only employee. Number of dogs vary; today there are 10; sometimes there are five. She anticipates fencing some of the property for the dogs. She is also proposing a dog yard.

Description of her business: no breeding; she boards only the dogs that she shows. Doesn't board extra dogs. There are no unsupervised animals on the property outside, barking. When the dogs are out in the yard or the runs, Ms. Shepard is with them, training them and supervising their behavior. When she leaves the property, the dogs are crated inside.

When she attends a show, she takes the dogs along with her, regardless of whether the dogs are being shown or not, so they're not left unattended. If she leaves one of her personal animals at home while she's away from the house, she has a friend dog-sit, like any other dog owner does.

Who maintains the private road? She will maintain her part of it, but she is uncertain of the circumstances of any maintenance agreement. Mrs. Sprenkel noted that there's a ROW agreement but not a maintenance agreement. How far from the house to Harmony Grove? Half a mile, maybe. She guesses that there are four or five properties are between this property to Harmony Grove Road. From the garage/dog run area to the nearest house, how much distance? More than 1000'. Elevation of surrounding houses: some are obviously above this property; they use another access.

Questions from the audience: Dale Neiman, 6421F Harmony Grove Road, how many dogs? Right now, ten; maybe fewer next month. She's the only one so she can't overwhelm herself with too many dogs.

Brett Elliott, 6419 Harmony Grove Road, asked about expansion of the business. She's been doing this for four years and hasn't expanded. She doesn't want a lot of traffic; she prefers to pick up dogs at dog shows. Also, what if she sells the property? Could the next owner put in a different kind of kennel? Mr. Craley explained the term "special exception" and how it applies in this case. A kennel is a permitted use by special exception in this zone, but the Board must be satisfied with the details of the type of kennel. He recommends that an approval of this application be accompanied by the condition that if the use would expand into boarding or breeding, the applicant (current or subsequent) would need to appear at a Zoning Hearing Board hearing.

Steve Sheffer, 6421G Harmony Grove Road, is concerned about the noise of dogs and the shared lane maintenance. He is concerned about increased traffic. Ms. Shepard noted that her type of dogs aren't the type that are left out to bark unattended. She trains her dogs.

It was noted that in a deep snow, the residents on this road don't have plowing services. A neighbor takes care of the plowing. Ms. Shepard is more than willing to contribute to the care of the road.

Mr. Elliott noted that the lane is a one-lane road, with kids and dog walkers and four-wheelers on it. He is concerned that patrons of the business will not be aware of the dangerous nature of the road.

Mr. Craley noted that this zone would permit a beauty shop with 20 customers per day on this property, and the

Township can't do anything about the traffic, as it's a permitted use. He suggested that the audience members might want to look at the list of permitted uses. The applicant must meet all requirements of the ordinance. Audience concerns are taken into account, particularly for dangerous situations and the like.

The Planning Commission unanimously recommended approval of the application by Katie Shepard for Special Exception for kennel in the Conservation zone. Hearing closed.

Rulings:

ZHB 13-1, Robert and Judy Lartz

Motion by Bubb, second by Ginter, to *deny* the request for Variance for side setback due to lack of unnecessary hardship. Four members voted aye; *Barkdoll opposed*. Motion carried. *Variance request denied*.

ZHB 13-2, Katie Shephard

Motion by Barkdoll, second by Bubb, to approve the application for Special Exception for show dog kennel use, with the stipulation that the use will not be changed from show dog kennel to boarding or breeding by this owner or any subsequent owner without a new application for Special Exception. Four members voted aye; *Edmonds opposed*. Motion carried. *Special Exception approved*.

III. **Other Business**

None at this time.

Motion by Ginter, second by Bubb, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary