

Dover Township
Zoning Hearing Board
May 20, 2015

Chairman Donald Bubb called the meeting to order at 7 p.m. Members present: Jeffrey Edmonds, Jane Ginter, Phillip Brown, Steve Barkdoll, Robert Wright. Also present: Zoning Officer Georgia Sprenkel, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and 16 citizens.

I. Minutes

Motion by Ginter, second by Brown, to approve the minutes of the meeting of February 18, 2015. All members voted aye; motion carried.

II. Zoning Cases

- A. ZHB 15-3 – Lifestyle Foods, Inc., 3223 Alta Vista Road; Request for Variance for Wholesale/Warehouse in the R-3 Zone

Robert Schefter was present on this request. The property is under contract for purchase. This property has been used as a commercial property for many, many years, even though it's in the R-3 Zone. In 1997 and 1998, Variances were granted for various reasons on this property, all relative to commercial uses. The applicants would like to use the facility as an agricultural processing plant. No actual processing of the ingredients will be done on site. The bulk of the activity is re-packaging. No retail sales will be permitted on site. The building is there, the majority of the lot is paved and fenced. The hardship is that it would be rather difficult to turn this property into a residential use. How will this change the character of the neighborhood? This use would have no more impact than any other previous use. There will be truck traffic to and from the site; when compared to the most-recent commercial use, the Lifestyle traffic will be less. The previous use numbered about 8 trucks per day in and out.

Ray Lopez gave information on the activity of the company. They make salads, sandwiches, snacks, and side dishes, packaged for ready-to-eat convenience. The ingredients arrive at the plant, get packaged, and shipped out. The business would be moving its current plant operations from Adams County and the headquarters from York City to Dover Township, if this application is granted. He discussed truck traffic and traffic routes to and from the site. Proposed routes would be Route 83 to Bull Road to Alta Vista, or Route 30 to Roosevelt/Bull Road; they are trying to avoid Route 74 congestion.

The brochure that Mr. Lopez distributed was marked Applicant's Exhibit 1.

This is a "first-shift" operation – 6 a.m. to 3 p.m., Monday through Friday. No weekends. Parking layout has 54 regular spots and 4 handicapped spots. Truck traffic is to the right side of the building. Ample room for truck turning. Will keep the green areas green.

Any changes to the exterior? Perhaps to add loading docks, not soon, but in the future. The entire plant will be refrigerated. It is unknown what type of road classification is Alta Vista.

Currently there are 32 employees; expansion plans include possibly 45-50, including sales staff who are not actually on site. Produce comes from Pennsylvania where possible and from across the nation. Lighting will be directed downward. Waste products? Just packaging that comes to the plant. Little to no food waste. Public water and public sewer. No showroom, just offices; no public access because of the food processing regulations.

From the audience, there were no questions or testimony. The Planning Commission unanimously recommended approval of this application by Lifestyle Foods for a Variance. Hearing closed.

B. ZHB 15-4 – Brittany Wohkittel – 3047 Honey Run Drive; Request for Special Exception for Home Occupation for Beauty Salon in the R-3 Zone.

Brittany Wohkittel was present on this application. She and five audience members were sworn in. She would like to open a beauty salon in her home. She would be the only employee/owner. It would be a part-time venture. Sign will comply with the state requirements; 9% of the home's square footage would be used. Ample off-street parking; by appointment only, one client at a time. No disruption to the neighborhood. Will the customers need to back out onto the road? Quite probably. Even the homeowners back out into the street. Does she use the garage for parking? Yes. Her maximum desired number of clients would be three per day, five days per week.

From the audience, Ralph Letendre spoke. He resides at 3041 Honey Run Drive and owns a building lot between his property and the applicant's. He feels that this business would de-value his vacant lot. He is concerned that customers will park in front of his lot. [They would be permitted to do so, as it's a public street.] He also is concerned for the neighborhood children, with an additional three cars per day on the street. Honey Run Estates is a residential area, and he doesn't think that businesses should be permitted in the neighborhood. Mr. Craley noted that home occupations are permitted in a residential dwelling. The ordinance was put together by the Board of Supervisors, not the Zoning Hearing Board. Mr. Letendre feels that the business will expand past the three customers per day, and that the applicant will abuse the privilege of being granted permission to operate her business out of her home. Mr. Craley outlined what the applicant can do.

Mohammed Raja lives beside the applicant and has two small children of school age. He asked for the proposed hours. He is concerned about the traffic going in and out while his children are outside playing. Ms. Wohkittel stated 9 a.m. to 5 p.m., mostly Tuesday through Friday; possible 9-3 on Saturday. Her statement to the Planning Commission differed slightly.

Bruce Bradburn, 3059 Honey Run Drive, voiced his opposition to the application. He also feels that the business will lower the property values in the area. Mr. Craley noted that this business would be permitted in any residence in Dover Township.

Ms. Sprenkel presented a letter from a Mrs. Campanella, 2930 Monticello, who stated that she is not opposed to the idea, as long as the applicant complies with the regulations.

Mary Bradburn, 3059 Honey Run Drive, asked if Ms. Wohkittel would be permitted to operate 7 days per week. Yes, technically, but she certainly doesn't want to. Mrs. Bradburn also asked about the private covenants in place in their development. Mr. Craley noted that the ZHB goes only by the Zoning Ordinance; the association would govern other issues. If the restrictive covenants prohibit Ms. Wohkittel from operating this business from her home, she will need to deal with that separately apart from the Township.

Mr. Raja asked if there will be Saturday hours. Ms. Wohkittel noted that she cannot even set her hours officially until she is approved by the state. Mr. Raja also asked if there can be expansion. Mr. Craley explained that if there would be any changes, she would need to re-appear before the ZHB. Under state law, she is permitted to be the only operator.

Could she put a turnaround in? No room; too close to the property line.

The Planning Commission unanimously recommended approval of this application for Special Exception by Brittany Wohkittel.
Hearing closed.

Rulings:

ZHB 15-3 – Lifestyle Foods, Inc.

Motion by Ginter, second by Brown, to approve the application as presented. All members voted aye; motion carried.

ZHB 15-4 – Brittany Wohkittel

Motion by Barkdoll, second by Edmonds, to approve the application as presented. All members voted aye; motion carried.

III. Other Business

Nothing at this time.

Motion by Brown, second by Ginter, to adjourn. All members voted aye; motion carried.
The meeting adjourned at 7:59 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary