

Dover Township
Zoning Hearing Board
July 20th, 2016

Vice Chairman Jane Ginter called the meeting to order at 7:04 p.m. Members present: Jeffrey Edmonds, Phillip Brown, Steve Barkdoll, and Robert Wright. Absent: Chairman Donald Bubb. Also present: Zoning Officer Georgia Sprengel, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and six citizens.

I. Minutes

Correction to the Reorganization minutes from March 16, 2016: The officers for 2016 are as follows: Chairman Donald Bubb; Jane Ginter as Vice Chairman; and Phillip Brown as Chairman Pro Tem.

Motion by Edmonds, second by Barkdoll, to approve the minutes of the meeting of March 16, 2016, with the above corrections. All members voted aye, motion carried.

Robert Wright was designated as a voting member for tonight's meeting, in Mr. Bubb's absence.

II. Zoning Case

A. ZHB - 16-2 - William Often - 3223 Alta Vista Road, Dover. Request for Variance to use property as an auction house; AND request for Variance for sign to exceed 40 square feet.

The Zoning Officer and three members of the audience, including William Often were sworn in.

William Often was present for the proposal. Mr. Often presented two different Variances he is requesting. The first Variance is for a commercial use in a building located in an R-3 zone; he noted that this property has been used for commercial purposes in the past. Last year, a similar plan and Variance was approved. The second Variance is the sign. The ordinance states that the sign must not exceed 40 square feet. Mr. Often wants to put a 70 square foot sign up which would be smaller than the sign already on the building that measures 75 square feet. Mr. Often has given information on the parking layout which has 83 regular spots and four handicapped spots. The lighting on both sides of the building was also discussed. Neighbors near the building had positive things to say, nothing negative. A traffic study was not done, as the auctions would only take place once a week. There will be a snack bar. Mr. Often said there would be no need for tractor trailers or heavy equipment to come through. Homes would also be auctioned, but off-site.

Jane Ginter asked about the auction involving animals or livestock. No animals or livestock auctions at the building. If that would happen, it would be off-site, such as a farm. The building will be more focused on antiques and household items, with an occasional car and/or trailer.

Phillip Brown asked about storage. There is more than ample storage in the building for items to be stored inside until auction day. No other storage outside the building.

Another member asked about farm equipment, vehicles, etc.,--if they will be inside or outside. Mr. Often answered that these items can be put inside but would be kept outside. Mr. Often said that usually items like this are not kept on the property for long. The property is fenced and can be locked.

Mrs. Ginter questioned if it will be strictly an auction house or a flea market. Mr. Often answered that it will be strictly an auction house, NOT a flea market. Employees will be manning the building M-F, auction on Saturday and closed on Sunday.

Mr. Craley asked about hours. Mr. Often answered the hours would be between 12 p.m. to 7 p.m.: this is not officially set yet Employees working during the week would be there between 7 a.m. and 5 p.m.

Another member asked about the closest residential properties. Both residential neighbors have been consulted and are comfortable with the proposed use as an auction house. Closest residential properties are adjacent to the property's fencing.

A member of the audience, Lisa Stough, 3251 Alta Vista Road, stated that she and her husband attend auctions, so they support this proposal. Mrs. Stough's concern was mainly about trash that people scatter about and auction items that are left over, not sold. Mr. Often assured that there will be a dumpster and that he does not leave trash. Trash will be disposed of in the dumpster and taken away. Mr. Often stated that he likes to keep neighbors happy, since they help keep the business up and running by attending the auctions.

Attorney Craley did not feel a need for an Executive Session to discuss this case. He stated that businesses in the past have also needed the USE Variance. Mr. Craley had no objections and would recommend approval of the request for the USE Variance.

Mr. Craley stated the Variance for the sign is a bit different. The sign that is currently on the building is 75 square feet, and Mr. Often wants to put up a sign that measures 70 square feet. Since Mr. Often wants to reduce the size of the sign, Mr. Craley explained that the ordinance is sort of a play on words but the general doctrine of law is to always look favorably upon any measures taken to reduce a non-conformity. Mr. Craley would have no objections to the ZHB's granting this Variance as well.

Ruling:

Motion by Edmonds, second by Brown, to approve both requests for the USE Variance for an auction house AND the dimensional Variance for a 70-square foot sign based on the information presented by William Often, property at 3223 Alta Vista Road, Dover. All members voted aye; motion carried.

III. Other Business

None at this time.

Motion by Wright, second by Barkdoll, to adjourn. All members voted aye; motion carried. The meeting adjourned at 7:30 p.m.

Respectfully submitted,
Jess Stair
Recording Secretary