

Dover Township  
Zoning Hearing Board Minutes  
October 17, 2012

Chairman Phillip Brown called the meeting to order at 7:00 p.m. Members present: Steve Barkdoll, Donald Bubb, Jeff Edmonds, Jane Ginter. Alternate Neil Hoffstot was absent. Also present: Zoning Officer Georgia Sprenkel, Solicitor Michael Craley, Stenographer Tammy Rinehart, Recording Secretary, and eight citizens.

I. Minutes

**Motion** by Ginter, second by Bubb, to approve the minutes of the meeting of July 16, 2012. All members voted aye; motion carried.

II. Case

A. ZHB 12-5 – Dover DPP VII, LLC (Dollar General), Carlisle Road; request for Variances

Three people from the audience were sworn in (two for the applicant, one citizen).

Stephen Sherk, Steckbeck Engineering, was present for the applicant, who is requesting a Variance for Section 27-508.4, access drive distance from side lot line, 10' required.

Also requesting a Variance for Section 27-703, required parking spaces. Required 41 spaces; asking for 30.

Variance also requested for Section 27-802, permanent signs. The ordinance permits free-standing signs of a maximum of 80 square feet and attached signs are NTE 30 square feet, for a total of 140 square feet. The applicant is proposing a 96.5 square foot free-standing sign and an attached sign of 150 square feet, for a total sign area of 246.5 square feet.

Mr. Sherk discussed the access drive distance variance. He noted that the tractor trailers that will need to access the property need a 55' turning radius. Their access drive will encroach a small distance into the 10' required distance. (At the point at Carlisle Road, there would be no setback; because of the lot shape, the distance would increase as one moved away from the road.) If the lot line were straightened, would there be enough setback? It seems so, by just looking at the plan. Mr. Sherk, however, was uncertain.

A copy of the plan was marked Exhibit A. There was a bit of confusion as to the proper forms of the exhibits included with the Zoning Application, but eventually everyone had the same information to review.

The applicant is planning to subdivide the property further. Mr. Brown noted that since there's additional land available at the access drive area, the applicant could certainly comply with the 10' distance required. Mrs. Sprenkel noted that the applicant is leaving enough space to provide road frontage to the residual lot.

Mr. Sherk noted that the remaining width of the residual lot would be 85'. The required lot width for a Township lot with public water and sewer is 75'. Mrs. Sprenkel noted that the Dollar General parcel is 1.8 acres; the total lot area is 11 acres. Dollar General's lot width is about 153' at the front.

Regarding the second ordinance request, the required parking spaces, 41 are required. The applicant is requesting 30 parking spaces because they feel that this number will be more than adequate to serve this size store, based on their experience. This would cut down on the

impervious area, radiant heat, storm water requirements, etc. They feel that the extra spaces would not be used.

Mr. Craley asked the ZHB to remember that there could be a different owner or use of this lot, which owner or use might need those required parking spaces. Parking spaces are calculated on the area of the building. The ordinance also states that there needs to be one space per employee on the busiest shift. Is that in addition to the number of minimum parking spaces?

Adam Hagarman, Bennett Williams Realty, was also present for the applicant. He clarified that there will be four employees per largest shift. Calculating the number of spaces required, Mr. Craley felt that the applicant would need 45 spaces. Mr. Hagarman confirmed that this is the smallest size store that Dollar General builds and this size uses 30 parking spaces. This business does not generate a lot of traffic.

Deliveries are usually scheduled for the morning hours, during regular business hours.

Regarding the sign variance request, the applicant is requesting a 96.5 square foot free-standing sign and an attached sign of 150 square feet. The total minimum sign area is 140 square feet; the applicant is proposing 246.5 total square feet.

Barry Crone, 4890 Carlisle Road, asked if the sewer and water lines extend that far. Mr. Sherk is unsure; Mrs. Sprenkel feels that those lines do indeed extend that far.

Floyd Bishop, 4870 Carlisle Road, noted that the sewer line only goes 8' deep. He also asked about the brightness of the signs and how far off the road is the store proposed to be located? A bit between 130 feet and 150 feet from the edge of the pavement. How bright are the lights? Standard, not flashing.

Crystal Thomas 4951 Carlisle asked if the sign will be turned off at night – yes. She asked why so large; it's a rural area. Mr. Hagarman noted that this is the sign size that the applicant's research has indicated that works. Mrs. Sprenkel said that the Dillsburg Dollar General sign is much smaller. According to Dillsburg Boro the freestanding sign is 48 square feet with 32 square feet belonging to Dollar General and 16 square feet belonging to another business..P

Mr. Bishop asked how far the light will extend. That would be addressed at the subdivision/land development phase.

Does Dollar General sell tobacco? Unknown but likely not. How will the store be neighborly and keep with the character of the rural neighborhood? They will comply with the Township's ordinance regarding buffering, screening, etc. Mr. Sherk noted that this is a permitted use in this commercial zone. If a fence is not required, the applicant will likely not put a fence on the property. Ms. Thomas is concerned with trash, etc., in the parking lot. She feels that if the company wants to be neighborly, even if a fence is not required, it would be courteous for the company to provide a fence in the interest of the neighbors.

Mr. Crone asked about lights that face downward. This will be addressed in the land development stage.

The Planning Commission unanimously recommended approval of the Variance request for the access drive provision, Section 27-508.4, with the recommendation that the applicants look at a joint access to the residual lot; AND unanimously recommended approval of the Variance request for Section 27-802, regarding the total sign area of 246.5 square feet, with the recommendation that the ZHB suggest the following: the free-standing sign size NTE 80 square feet and the total sign area NTE 140 square feet; AND unanimously recommended *denial* of the Variance request for reduced number of parking spaces with the provision that under Section 27-709, they provide a provisional parking area with a hard surface approved by the Township for

the extra 11 parking spaces. Hearing closed.

**Ruling:**

**ZHB 12-5 – Motion** by Barkdoll, second by Bubb, to *deny* all requests for Variances by Dover DPP VII, LLC (Dollar General), based on the applicant's failure to meet the required legal standards for variances. All members voted aye; motion carried.

**III. Other Business**

Joy Lederman had a question about her property, which was zoned commercial; she received a variance; then it was zoned conservation. It was recently re-zoned back to commercial. There's no road frontage, as it's a flaglot. Does the re-zoning affect the variance that she received? Mrs Sprenkel stated that Mrs. Lederman may continue raising her farm animals as she has done in the past. Tax rate? Probably not affected. She can still have her goats. She also asked about the Dollar General flaglot proposal. Mrs. Sprenkel noted that the lot DOES have road frontage therefore it is not a flag lot.;

**Motion** by Edmonds, second by Ginter, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary