

Dover Township
Planning Commission Minutes
November 7, 2018

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:01 p.m. Members present: Anthony Pinto, Eric Harlacher, Carol Kauffman, Brian Kimball; alternates Michael Curley and Justin Bigham. Also present: Solicitor John Baranski, Zoning Officer Georgia Sprenkel, Engineer Cory McCoy, Recording Secretary, and two citizens.

I. **Minutes**

Motion by Kimball, second by Kauffman, to approve the minutes of the meeting of October 3, 2018. All members voted aye; motion carried.

II. **Zoning Cases**

No cases this month.

III. **Plans**

A. Apple Outdoor Supply Wholesale, Lot #5, Hilton and Bull Roads (request to be tabled)

Motion by Harlacher, second by Kimball, to *table* the Apple Outdoor Supply Wholesale plan, as requested. All members voted aye; motion carried.

IV. **Other Business**

Karen Gilbert, 3481 South Salem Church Road – requests help with concepts for her farm

Karen Gilbert, Hellam, was present on this plan. Her parents own this farm, which did not sell at auction. Now she's trying to help them take a different approach. There are 25 acres on one side of the road; three acres and the house are on the other side of the road for a total of 28 acres. This is a historic house, built in 1781. This was the original Emig Mill of Emig Mill Road. The 25-acre parcel of land is zoned Agricultural; the house is in the R-3 zone. Her parents do not currently live on this property, but they might move back if necessary. Mrs. Gilbert wants to know what can conceivably be done with the house. The land is no problem. She might want to operate something out of the house; she might be able to tell someone else (a buyer) what the possibilities are. Perhaps a tea house? If it were to operate as a tea house, the hours of operation would likely be limited. Is an in-home business even permitted in the R-3 zone? What is actually permitted? From the ordinance, there are limited permitted uses in this zone. For a Special Exception, a home occupation is permitted.

Mr. Baranski read the no-impact home business standards, among them: the use must be compatible with the home use; no employees other than family living there; no retail options; no outside appearance of business; no equipment or processes that create noise, etc.; no additional waste than a family would use. Not a particularly good fit.

So, what about a home occupation use? Again, Mr. Baranski read the standards and permitted uses: a lawyer's office; accountant's office; real estate agent; no more than

one non-resident employee; small sign permitted; no more than 30% inside devoted to home occupation. Parking restrictions. Not a good fit here, either.

If the home were in the Ag zone, there would be no problem. To re-zone from R-3 would be spot zoning. Somehow, this property ended up as R-3.

A tea house is not a no-impact home business nor does it actually fit in the home business category for the Special Exception. How about a subdivision of the house from the other acreage? Would that help? Then they'd have two properties to sell. Subdivision would be possible as long as there are indeed 25 acres in the Ag property. Mrs. Gilbert noted that a subdivision would remove the house from the Clean and Green program, triggering the payment of the back taxes. Would that be a significant amount to pay? It was noted that a subdivision process would cost \$8K to \$10K.

The Planning Commission members would hate to see the house, a historic building, be torn down. How about a Variance to get approval for a bed and breakfast? This would be perfect for a bed and breakfast, with its historical value/significance. It's just in the wrong zone to do this – is that the hardship? No guesses as to how the ZHB would rule. Plus, the house would require major upgrades to make it workable. Average price for tillable land? Roughly \$5K-\$8K per acre.

How about erecting high tunnels on the agricultural land? Non-permanent structures, no permit required? Well, actually a permit is required for anything that is over 100 square feet. Lot coverage and anchorage have to be considered, too. Currently, the agricultural land is being leased for farmland. Mrs. Gilbert could actually put her own real estate office in the house. Something to consider.

Mrs. Sprenkel noted that this property could be considered in the reconfiguration of the Comp Plan. Indeed. What zone would make sense for this property? Not R-1 or R-3, certainly. Maybe it would be better to re-look at the standards for home occupation.

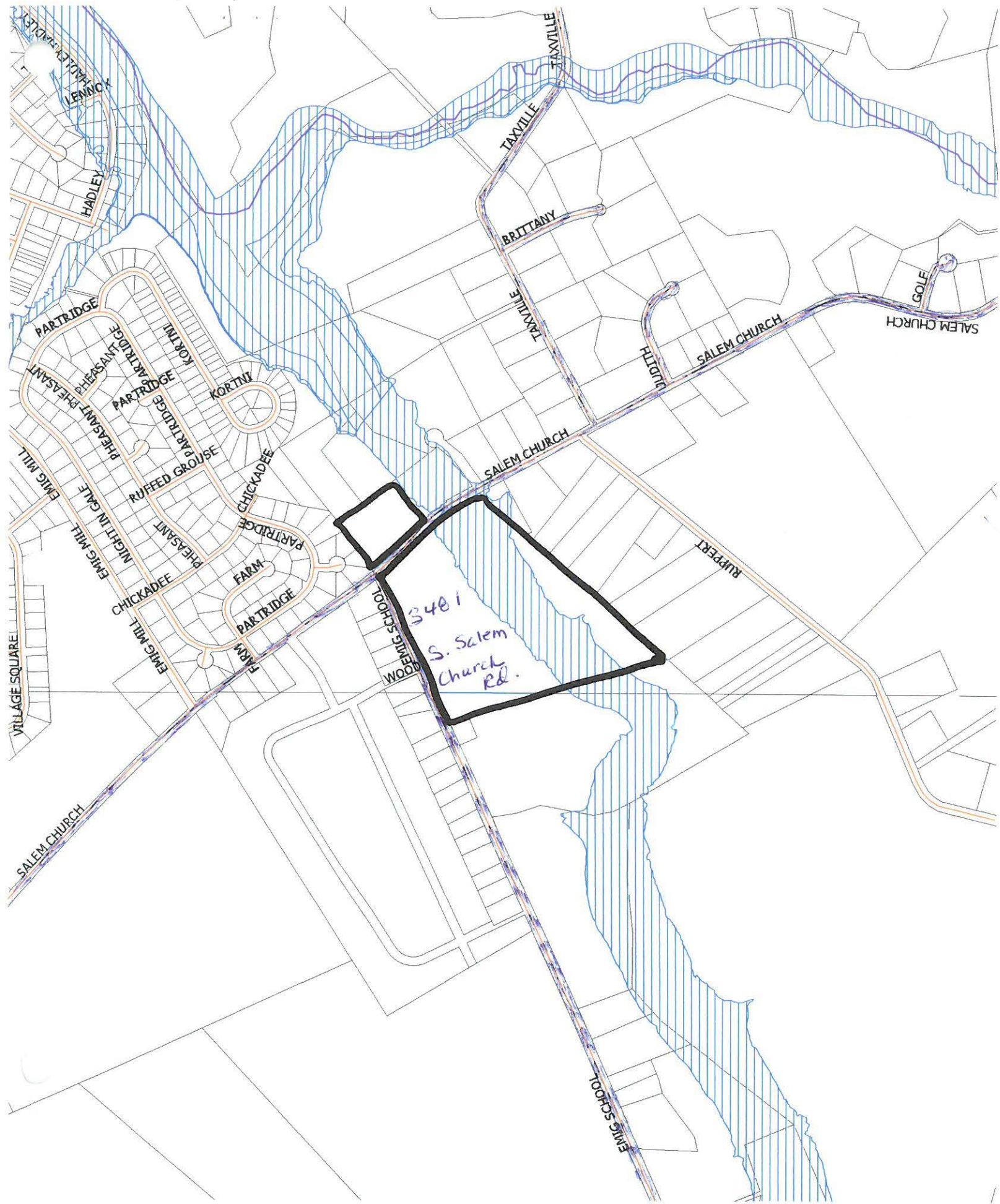
Discussion was held on the fact that it's generally bad policy to divide a property into different zones, such as what happened with this one. Unsure how that happened.

Update on the stormwater authority fiasco? There's a meeting either tonight or tomorrow night. Apparently, the issue is to go to the County Commissioners in January or so.

Motion by Kimball, second by Kauffman, to adjourn. All members voted aye; motion carried. The meeting adjourned at 7:56 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary



3401

S. Salem Church Rd.

GROM GEM SCHOOL

Map labels include: HADLEY, VENNOC, PARTRIDGE, KORTNY, CHICKADEE, RUFFED GROUSE, SALEM CHURCH, BRITTANY, JUDITH, RUPPERT, EMIG MILL, NIGHT IN CALE, PHEASANT, FARM, PARTRIDGE, SALEM CHURCH, GOLF, SALEM CHURCH, EMIG SCHOOL, EMIG MILL, VILLAGE SQUARE, and TAVILLE.