

Dover Township
Zoning Hearing Board
November 18, 2020

Vice Chairman Robert Wright called the meeting to order at 7 p.m. Members present: Phillip Brown and Richard Pope. Absent with prior notice: Chairman Jane Ginter and member Steve Barkdoll. Also present: Zoning Officer John McLucas, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and approximately 25 citizens.

I. Minutes

Correction to the minutes from the meeting of October 21, 2020: Richard Pope is a full-fledged member, not merely an alternate. Apologies by the Recording Secretary.

Motion by Pope, second by Brown, to approve the minutes of the meeting of October 21, 2020, as amended above. All members voted aye; motion carried.

II. Zoning Cases

- A. ZHB 20-3 -- 3480 Summer Drive, R3 district, Angel Ingham; Request for Special Exception for Rooming House; Section 27-65

Ms. Ingham was present on this application. She was sworn in, as were several members of the audience. Ms. Ingham spoke, noting that she wants to rent rooms in her single family home. She has met the standards, one bed per room, owner occupied, enough parking off street, adequate sewer capacity. She noted that the increased water use recorded in the summer was due to watering her newly sodded lawn. She noted that there are no rental restrictions in her neighborhood. She has a three-bedroom house, and she is renting two bedrooms. She does own the property and lives there with her boyfriend. Parking spaces for home and bed and breakfast--three on the street, two possibly in the two-car garage, two in driveway. Most number of people rented at any time? Two per room. Public sewer.

Questions from audience: Natalie Brown, who lives in Ashcombe Farms, spoke, noting that her daughter lives behind the applicant. Are all residents tested for Covid? Answer: there is a Covid 19 testing requirement through Air BnB. Also, are background checks performed? Done by Air BnB. Also, is this use considered a business? Ms. Ingham told the nature of her guests' circumstances: one person is staying there while looking for a home in the area. She has had guests who are relocating to the area and who are looking for homes. There was a comparison of using Air BnB and Craig's List to find a roommate. The applicant said that the person living in the home now is a roommate as they're sharing the house. Ms. Brown feels it's a business.

Seth Barton, 3445 Summer Drive, three houses up, reported that on several occasions, guests mistook his driveway for Ms. Ingham's. Are Walk ins encouraged? There's a sign on the door to that effect. No, the sign says walk on in... per the opening instructions for each guest, who doesn't get those opening instructions until everything is checked and paid. Mr. Barton's question was how will she protect her neighbors against people mistaking his house for hers? He's

concerned about the safety of his family. Next question: on AirBnB, background checks might not return info on sex offenders. The applicant asked has anyone in the neighborhood been harmed by her guests?

Scott Macklin, 3300 Pebble Run Drive, 100 yards or so away, doesn't care what she does in her house. How will she protect the neighborhood community from someone who rents from her and has a drug problem? Does she kick them out? Any action over and above what Air BnB does? How about the person who actually died on her lawn from a drug overdose? Yes, there was a drug overdose case in her yard, but that was not a guest through Air BnB, it was a personal friend. What about a guest with a similar problem? Ms. Ingham would call Air BnB. She takes no responsibility for removing a person like that from her home. She certainly wants to protect her property the same as anyone else.

Gary Boring, 3475 Summer Drive, lives across street. Rents two rooms? Yes, but it's not a business. How about all the other vehicles here and there? He thought a vehicle was in and out every weekend? That seems excessive for only two rooms. How about little kids? She says if there are children on the premises, they are over 18, little ones. He disputed, reporting that there was a young child there recently with a suitcase, etc. The applicant confirmed that a guest is a traveling nurse.

Erica Byer, 3290 Summer Drive, lives beside the applicant. A child was on her property and used her swingset. The applicant disputed that there was a child. Also, how about any animals going onto the neighbor's property and leaving calling cards? Again, a dispute between the applicant and Ms. Byer.

Timothy Bibb, 3485 Summer Drive, across the street – what does the applicant consider off-street parking? Curbside. Her ad says, "Plenty of off-street parking" – does she consider that 'plenty'? Applicant: is there an HOA decree that says only your guests can park in front of your house? Again a dispute and heated words from applicant.

Tonya Ford, 3375 Summer Drive, spoke regarding security. She moved to this neighborhood for a safer environment. How will AirBnB protect the neighborhood children? Applicant: anyone can perpetrate a crime, not necessarily an AirBnB guest. Tonia Ford noted that yes, but AirBnB invites people into the community. She feels that it might not be safe. Applicant: she usually doesn't see her guests too much and has had no trouble.

Tara Shenberger, 3166 Fox Ridge Drive East, spoke about the parking. The HOA bylaws state that if the guests are there for more than 14 days, they must be parked in the driveway. The applicant confirmed that some guests will stay for 13 days, sleep somewhere else, then return to start the 13-day cycle again. Ms. Shenberger said that Air BnB does background checks but not great ones. How will Ms. Ingham protect everyone in the neighborhood? How about if a guest is a sex offender? If a sex offender is a guest for only 2-3 days, they don't need to register their address. She's concerned about the safety of her child.

Gary Boring, 3475 Summer Drive, lives "catty-corner" from the property. So this isn't a business? The applicant talks of her "customers" – that seems like a business to him. The applicant said that rent collecting isn't considered a commercial business. She gave the ins and outs of Air BnB being an avenue to permit her to get guests into the house. She feels it's not a business in the usual manner. Mr. Boring

has a problem with people being there for 13 days and leaving, then coming back. Ms. Ingham has one person now who stays for a week, but not on the weekends. Does she post this place on Craig's List? No, she never did, she said. She posts it on Air BnB but not on Craigs' List. She uses Craig's List for another property. Mr. Boring disputed the applicant's statements. Also, he relayed the time that the person died on the lawn and the applicant's reaction being a bit cavalier -- "yeah, it happens."

Scott Mackley, 3300 Pebble Run Drive, 100 yards away. Was she ever issued a cease and desist order for the Air BnB use? Yes, and she's still working as an Air BnB. Yes, but the the cease and desist was not properly prepared, failed to state 30 days to appeal. She restored the ad, then filed for the zoning hearing. Re: security, yes, all neighbors have responsibility to protect property, etc., but she invites people into the neighborhood. What about if a guest isn't complying with rules? What does she intend to do? She says safety is everyone's responsibility, not just hers.

Timothy Bibb, 3485 Summer Drive, noted that the applicant's check-in policy is listed as "flexible." Would she consider changing her policy to more specific hours? She's concerned about her family's safety with people arrive at all hours. The applicant's answer? What's her check-in time have to do with Ms. Bibb's children?

Mr. Brown reported that he went past the house, and saw the garage plus the driveway – that looks like there are two off-street parking spaces in the driveway; so the three out front are not considered off-street. She feels she has adequate parking.

Scott Meckly, 3300 Pebble Run Drive. How many vehicles does she own? One, parked in the garage. She has two off-street parking spots. How many are curbside? Three. It was confirmed that two rooms are available, up to two people per room. Ms. Ingham's boyfriend has a car, too, so now two spots are now taken up with their vehicles. Applicant: if her family visits, they can park on the street, but if they need another space, they can park in front of another house; there are no restrictions against that. She sees no difference between her family and guests.

Applicant: she doesn't like "bad" people any more than anyone else. She's been with Air BnB for six years and never had a problem. The drug overdose was a friend and indeed unfortunate. She keeps to herself and works outside the house a lot in retail. She feels that her guests are good people, and she's had no incidents. Her neighbor is the one who started reporting her for violations. Her Air BnB customers keep to themselves in the house. She understands that her neighbors have fears and concerns, but she's had good experiences. She feels that she is doing something good for her customers/guests, as some of them are homeless and down on their luck, and she offers her room to help them get back on their feet.

Testimony from the audience:

Gary Boring 3475 Summer Drive, had parking concerns. Presented HOA documents, which states that any person living there for more than more than 14 days per calendar year would be classified as a resident. On a discussion of where the parking spaces are located, the applicant says she will get both her vehicles into the garage, but Mr. Boring was doubtful that this would happen any time soon. He asked about a couple who were there over the weekend with two vehicles. She says if she rents out two rooms, there are usually two vehicles, and she still has more spaces. He feels that she's skirting the HOA rules. If the people are there for 13 days, they're residents. As such, they must park in the driveway.

Attorney Craley noted that HOA matters are private, not the purview of the ZHB.

From the audience: Erica Byer, read a letter from Frank Zaminsk, 3380 Summer Drive, who couldn't be here tonight. The letter was in opposition to the application, citing the HOA rules and agreements.

Natalie Brown, Ashcombe Farms, says that if the applicant is making a profit, that classes the use as a business. Attorney Craley reminded the audience that Ms. Ingham has applied for rooming house status, that's it. Mrs. Brown says that the Township doesn't allow businesses in residential areas. Also, York County has a sex trafficking business, and they move into neighborhoods, etc., and befriend the residents, and it's downhill from there. She worries about her granddaughter, living behind the applicant. She's also concerned about decreasing property values and safety. She doesn't want the children to be at risk with any guests. And as for homeless or battered women whom the applicant supposedly helps? There are plenty of shelters, etc. Response from the applicant: sex offenders are on parole and they must register and cannot travel widely. She feels that anyone can come into the neighborhood and commit a crime separate from her Air BnB guests. She feels that Mrs. Brown's concerns are the same everywhere for everyone. Mrs. Brown noted that many sex offenders are non-compliant. Gavel banging and yelling.

Tara Shenberger had a problem with people from the audience being prevented from talking. Mr. McLucas noted that we're here to discuss the rooming house Special Exception application. Also, she's concerned with crime; she works late hours and comes home in the dark and shouldn't be afraid to come home because of late night guests.

Gary Boring, 3475 Summer Drive, feels that the Board should be looking out for the Township as a whole. What if she improves her basement and rents out three more rooms? In this family neighborhood? Please, interpret the situation and look at where Dover Township should go. Watch the rentals – and make sure it doesn't open the Township up to increased problems. Check the narrow view of what the Board/Township wants. Attorney Craley clarified that the Board of Supervisors appoints the ZHB members, and the rooming house use is permitted in most zones of the township. If the applicant meets the requirements, fine. If there are concerns with what the applicant is doing, go before the Board of Supervisors. Mr. Boring: how much more can the neighbors do to say that they don't want this use in their community? How are the neighbors to differentiate between Air BnB customers and non-Air BnB customers if there's a car parked in the driveway or on the street late at night? He feels that this isn't what the Township wants to permit. Applicant's response: directions for guests' entering are specific; if a guest is confused or in error, how is that her problem? Unfortunate, but not a crime.

Joshua Bentzel, 3190 Pebble Run Drive, across the way, read a statement regarding an ordinance about streets and sidewalks and street obstructions, 21-502. Unfortunately, a violation of that ordinance or any non-zoning issues, is a codes enforcement officer issue.

Ms. Bibb voiced that her main concern is increased traffic in the neighborhood. She noted that there are no lamp posts on the streets, very dark at night. Renters coming in at all hours, someone could get hurt.

Testimony concluded. The Board will meet in another room; likely make a decision tonight or can hold until later. Approved or denied, a written decision will be issued to applicant, Township, and to anyone else in the audience who requests. If approved, Dover Township and any audience member who testified can appeal. If denied, applicant can appeal. All appeals go to YCCCP. At 8:39, hearing closed. [No Planning Commission recommendation]

Reconvened at 8:48 p.m.

Ruling:

Motion by Pope, second by Brown, to *deny* the request for Special Exception by Angel Ingham for Rooming House, based on the applicant's failure to meet the off-street parking requirements of Section 27-657. All members voted aye; motion carried.

Attorney Craley noted that the applicant can appeal within 30 days of the date of the decision.

III. Other Business

Nothing at this time.

Motion by Brown, second by Pope, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary