

Dover Township
Planning Commission Minutes
June 2, 2021

Chairman Wayne Hoffman called the regular Planning Commission meeting to order at 7:02 p.m. Members present: Anthony Pinto, Eric Harlacher, Justin Bigham, Michael Curley; alternates Brian Kimball, Mark Miller, and Stephen Stefanowicz. Also present: Solicitor John Baranski, Zoning Officer John McLucas, Engineers Terry Myers and Cory McCoy, Recording Secretary, and five citizens.

Chairman Hoffman thanked everyone for attending the technology training session that preceded this meeting.

I. **Minutes**

Motion by Pinto, second by Bigham, to approve the minutes of the meeting of May 5, 2021. All members voted aye; motion carried.

II. **Zoning Cases**

None this month.

III. **Plans**

None this month.

IV. **Other Business**

Members of the public:

Jesse Shiflet, 2500 Oakland Road; request for Township to consider permitting livestock in Residential Zoning District with additional requirements

Jesse Shiflet was present on this request to keep chickens or rabbits (total of 30; likely fewer; no one animal over ten pounds) on his nearly four-acre plot in the R-3 Zone. The lot is bordered on one side by a commercial property. Other municipalities are permitting this type of use, and Mr. Shiflet provided information as to what is permitted where. Mr. McLucas provided a notice of violation that was sent to Mr. Shiflet after a neighbor complained about the sound of a rooster. The rooster has since been removed from the property. Mr. Shiflet was originally going to file an application for a Variance from the Zoning Hearing Board, but Mr. McLucas thought it prudent to have Mr. Shiflet come to the Planning Commission first. Jessica Reape was also present on this application to provide input on the research that the applicants did to find the information on other municipalities. Did the other municipalities specify “no roosters”? Only York City prohibited roosters.

Discussion was held on the nuisance factor involved with roosters and other noises. Mr. Shiflet has done his prep work to make sure that the coop is cleaned, the odor is minimal, and that the animals are limited to his property and are not running free around the neighborhood.

Chairman Hoffman noted that the applicant has a far larger lot than most of his neighbors and larger than a “normal” residential lot. Sometimes it’s difficult for zoning to accommodate “city” and country living. It was noted that there are likely many more

residents who are keeping chickens in the residential zones but because no one complains, especially about a noisy rooster, no one's the wiser.

Mr. Shiflet noted that he is a veteran who suffers from post-traumatic-stress-disorder, and the keeping of animals is very therapeutic for him and his state of mind.

This isn't an existing ag operation, which would be permitted in this zone. The applicant could apply for a Variance and take his chances.

Mr. McLucas asked if the Planning Commission members are open to revising the ordinance. If so, there would be considerations for manure management and setbacks, etc. If people are permitted to have three dogs, certainly they should be able to have three chickens! If drafting a new ordinance, that could be a six-month process or so. That would probably be a better avenue than applying for a Variance, which he would likely not receive. In the meantime, he is still considered to be in violation of the ordinance, but the penalty is stayed as he works toward a satisfactory resolution of the situation.

Mr. McLucas noted that he receives many requests for keeping animals, especially chickens. Perhaps the ordinance might need to be amended to make a distinction between farm livestock and backyard livestock.

Mr. Curley requested that Mr. Stephanowicz check with the Supervisors to get their unofficial take on the situation and to say whether or not they might be amenable to an ordinance modification.

Everyone is generally in agreement with the need to draft an ordinance, taking into consideration setbacks, lot size, manure management, etc.

Sue Yeaple, 3635 Schoolhouse Road; considering subdividing property in Ag Zoning District

Sue Yeaple was present on this request: she would like to subdivide her 19.7-acre plot to convey a part to her neighbor, Garry Drawbaugh, who would like to obtain 8 acres or so to add to his lot to qualify for Clean and Green status. Mr. McLucas showed a possible distribution.

The problem lies in the maximum lot size in the Ag area. Subdividing an ag lot has a maximum lot size of two acres. It was subdivided in 1993, creating Ms. Yeaple's lot and another one. There are no further subdivision rights associated with this lot, *for dwelling purposes*. Ms. Yeaple's lot is on about 20 acres. Mr. Drawbaugh's lot is on about 3 acres. In this case, neither person (neither Ms. Yeaple nor Mr. Drawbaugh) wants to build anything on the resulting lot. It's just to put both parcels into the Clean and Green program. They are not creating another dwelling lot. Discussion was held on the inclusion of land in the Clean and Green program. Is merely moving the lot lines a "simple process" or not? Is it all right to create large parcels with *no new building*? These are both non-conforming lots at this time, and they will still be non-conforming if this proposal were approved. Can this be considered something other than a subdivision?

Is it possible to modify the ordinance to take a "land swap" such as this into account? The original intent of the ordinance was to limit the residential use in the Ag zone. As long as no further building is involved, technically the original intent of the ordinance is still being upheld.

Mr. McLucas recommends that the ordinance be modified to have a section to address this situation. Mr. Myers feels that if the ordinance intent is upheld and if the uses aren't changing, it should be permitted. A subdivision plan would still be required.

The Planning Commission can't do anything right now. The applicant would need to apply for a Variance and take her chances. If granted, she would still need to go through the subdivision process. In the meantime, the applicant should have the property surveyed. Perhaps she could lease the addition to the neighbor on a rent-to-own basis. He wants to use the additional land for hunting, as it's wooded.

V. Ordinances for Future Discussion

Common Ownership Merger (COM) – nothing discussed; keep on agenda for future meeting

Short-term rentals -- nothing discussed; keep on agenda for future meeting

Tiny homes -- does the Township want to provide language for this use?

Currently, a tiny home can be *built* in the Township but not lived in, because the minimum habitable area is 700 square feet. Mr. McLucas says he gets many calls for living in a tiny home, which is not permitted because of the 700 square foot requirement. Is tiny home living a trend? Some tiny homes are on wheels and moveable. Some tiny homes are on foundations. Some are contained in parks. Do any of these homes meet the building standards? Mr. Myers noted that mobile homes need to comply with different standards. If the home has wheels, it's a mobile home, Mr. Harlacher feels.

Mr. McLucas noted that the building code has provisions for mobile homes or manufactured homes. There are minimum habitable areas associated with those versions. Discussion was held on the differences between the terms. Manufactured homes are mobile homes. A modular home is built in sections and brought in and assembled on-site. This is considered a single-family dwelling. Is a tiny home considered a manufactured home? For a tiny home, the wheels can remain or be removed.

Bottom line, what is at issue is reducing the minimum square footage of a dwelling unit. One use would be to bring the home onto an existing lot as a shed or a "granny flat" type of use that is temporary, perhaps. That use is permitted in the Township. For that use, this structure still needs to be in excess of 700 square feet, but would be an *accessory use to a primary use*. The tiny home applicants are interested in the tiny home being the primary use.

Another angle is that some people cannot afford a regular sized house. They want to live somewhere that they own. Tiny homes can make that possible.

Another concern is the appearance. Mr. Kimball found some that were in modified shipping containers or old school buses, which might not be such an attractive sight in any neighborhood.

The Township must provide zoning for all types of housing.

Mr. McLucas said that this started with old mobile home parks having different sized mobile homes put on the same lot. With a larger home placed on the same lot, the people can't meet the setbacks, etc. A tiny home would fit but can't meet the minimum habitable lot area. How about any mobiles that aren't actually in a park? Could tiny homes be permitted in an old mobile home park?

Do we want to even discuss this further? Eric Harlacher, no; Tony Pinto asked how many calls did John get for this use? 20-30; so then Pinto, no; Brian Kimball, no;

Mike Curley, yes; Justin Bigham, yes; Mark Miller ?; Steve Stephanowicz, ?; Wayne Hoffman, keep it on the agenda for possible further discussion, as more information and/or requests are presented. If someone brings a specific request, we'll discuss.

Mr. McLucas feels that this is a housing trend, which the Comprehensive Plan just considered and suggests that the Township consider as well. He mentioned that there are mobile home parks located within even the Ag zone in the Township. Chairman Hoffman thinks that this might be trendy for "like-thinking people."

Hilton and Bull Roads -- Planned Residential Development -- the Township was approached by a company proposing this PRD on a Commercial lot. This would involve commercial uses, single-family homes, townhomes, all on one property. It's kind of like its own little village. There is no ordinance governing this. Is the Township interested in developing an ordinance? It was noted that this involves Chairman Hoffman's property.

Is the Township receptive to this type of plan? Or does it want to continue to hold out for a proposal for an entirely commercial use? Discussion was held on the intersection and the difficulty of managing truck traffic there. A warehousing application was presented a number of years ago with no results. Whatever use goes in there, fixing the intersection and roads is a given and non-negotiable. Mr. Myers thinks there should be more commercial use within the PRD proposal, but that is a discussion for further in the process.

Ultimately, the applicant is not going to pursue this concept if the Township is not generally in favor of it. To that end, a meeting will be held on **June 28, 6 p.m.** This will be a *joint meeting* with the Board of Supervisors, Planning Commission, and ICDC regarding the proposed PRD Ordinance.

The next regular Planning Commission meeting will be held on July 7, 7 p.m.

Motion by Curley, second by Harlacher, to adjourn. All members voted aye; motion carried. The meeting adjourned at 9:48 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary