

Dover Township
Zoning Hearing Board
February 17, 2021

Acting Chairman Jane Ginter called the meeting to order at 7 p.m. Members present: Phillip Brown, Robert Wright, and Richard Pope. Absent: Steve Barkdoll. Also present: Zoning Officer John McLucas, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and 12 citizens.

I. Reorganization

Motion by Wright, second by Pope, to nominate Jane Ginter as Chairman of the Zoning Hearing Board for 2021. All members voted aye; motion carried.

Motion by Brown, second by Wright, to keep the remaining ZHB officers for 2021 the same as 2020: Robert Wright Vice Chairman, and Phillip Brown, Chairman Pro Tem. All members voted aye; motion carried.

II. Minutes

Correction to the minutes of December 16, 2020: Steve Barkdoll was not present at that meeting. So noted.

Motion by Wright, [no second] to approve the minutes of the meeting of December 16, 2020, as amended. All members voted aye; motion carried.

III. Zoning Case

A. ZHB 20-5, Angel Ingham, 3480 Summer Drive; request for Special Exception to permit a Rooming House in the R3 Zoning District; Section 27-657

The applicant, Zoning Officer, and two audience members were sworn in.

Attorney Craley noted that the ZHB heard a very similar application in November in the maintenance garage, and, during that hearing, things got loud. He had to get louder, and he doesn't want to do that again. The ZHB Chairman has the legal right to expel anyone who is unruly. The applicant is represented by counsel tonight. Everyone will have an opportunity to speak and ask questions. The ZHB *denied* this application in November.

Attorney John Elliott was present on behalf of the applicant. He noted that this is a new application. The previous application involved requesting more occupants than there were off-street parking spaces. Tonight's hearing involves a request for a maximum of two tenants or boarders, with a maximum of four occupants with four off-street parking spaces.

Angel Ingham was called to testify. This property is in the R-3 district, purchased by Ms. Ingham in March 2020. She and David Cortez reside there now. The lot is .193 acres. There are three bedrooms. She and David occupy one bedroom. Guests in other two rooms. Uses Air B&B to identify guests. Currently has two guests now. These two previously rented through Air B&B, but now she doesn't charge them. "Due to Covid 19," she hasn't evicted them. There is one bed per bedroom. She will continue to occupy the house when there are roomers. Public water and sewer to the property. Parking: four spaces available – two in the garage; two in driveway. Section 27-657 was reviewed for compliance. Yes, one bed per room. Two other bedrooms available. Owner occupied, yes. Off street parking limited to two tenants, with two

residents, four spaces. Adequate water/sewer. As for Section 27-1004, general standards for Special Exception, Ms. Ingham complies with residential use; police protection yes; public water/sewer; public street, yes; conforming residential home for this district; traffic compliance on street, yes; no commercial or industrial traffic. The applicant is okay with limiting her business to two roomers with two residents.

Chairman Ginter clarified that there are two roomers there right now? How long do roomers typically stay? Ms. Ingham said that the roomers may stay as long as they want as long as they abide by the Air B&B rules. Currently the roomers have nowhere else to go? Where do they get their mail? At her house. People may stay from one day to an undetermined time, as long as they abide by Air B&B rules? Yes. How about the applicant's rules? Ms. Ingham answered that they should show basic decency. Any restrictions on pets? No pets. How about if the roomers have a guest to stay? That guest is not permitted to spend the night. She says she enforces this rule.

Mr. Pope clarified: she can't evict these people? She says she can charge rent when she's approved. Right now, she "can't" ask them to leave or charge them rent.

How does she get guests? When they first arrived, it was through Air B&B, so Air B&B "screened" them. If the guest causes any damage, Air B&B pays for the damage. She's registered with Air B&B, and it's been listed except there are no dates available until maybe March, when she says a room should be available. When a party enters, she knows how long that person will stay.

Charge per night? \$30 per night. Less than a hotel.

Will she be there to meet the guests when they arrive? Not necessarily. Any documentation on Air B&B that it's only one occupant per room? Air B&B filters it. If a party searches for suitable rooms for two guests, her listing will not show up on their choices because she has specified that each room is suitable for one person only.

As for the non-rental situation, the same people were living there during the last ZHB hearing, but after that decision she stopped charging rent.

Mr. McLucas asked about the off-street parking and is there anything to prove that those spaces are available? Not at this time. The applicant assumes that the Township took pictures for the posting. At the last hearing, she testified that she had only one parking space in the garage. There are two now? Yes. From her previous testimony, Ms. Ingham said that she had to have guests stay somewhere else after 14 days. Not like that anymore, she says. Did Air B&B regulations change? No. Discussion was held on what the previous testimony was, namely that the person has to stay somewhere else after 14 days to break the 14-day rule. Also, the applicant testified that no rent has been charged since the November 18, 2020, hearing. Mr. McLucas produced an email from the applicant indicating that there was some payment in December. Inconclusive.

Attorney Craley noted that he did an internet search for Ms. Ingham's rental, and his information revealed that the following is available: one bedroom, one bed, for two guests. Ms. Ingham asserted that the two guests, one bedroom, one bed info is incorrect, and she will change the information assuming the use is approved tonight. Again, a couple would not receive her information based on two guests per room, and she only permits one guest per room.

Mr. McLucas confirmed that if this application is approved, will she still require them to park in the driveway? Yes. Will she require them to park on the street? No.

From the audience: Gary Boring, 3475 Summer Drive, across the street from the applicant. Same tenants as previous hearing? Yes. Have they gotten new cars with license plates from different states? One of the vehicles belongs to the couple who used to stay with the applicant. Now, the wife lives with Ms. Ingham, and the husband lives somewhere else. One guest is from Alabama; another couple is the one who is split up. Mr. Boring says that Ms. Ingham hasn't made anyone park in the driveway since the last hearing. Tried to clarify the car situation. Does she live on a public road? Yes. He says it's not public, as it hasn't been turned over to the township.

Chris Gilbert, 3485 Summer Drive, asked who drives the black Mazda associated with Ms. Ingham's business, one person or two? One. A guest's sister comes and takes care of him, all hours of day and night, and apparently they share the vehicle. That sister lives in another house. He's been living at Ms. Ingham's since October.

Mr. Boring asked for clarification on the sister/brother situation. Applicant is unclear on the situation. How about pets? She doesn't allow pets now? He tried to clarify different testimony. She asserted that no pets are permitted.

Attorney Craley clarified that Ms. Ingham and David Cortez live there. There's also Corinne Johnson and José Delgado with the sister who comes to visit in the black Mazda. Attorney Craley tried to clarify the vehicle situation. What kind of car does Corinne have? Black SUV. Ms. Ingham was unclear on that situation. Also, a friend from Connecticut stopped in tonight; what kind of car does that person have? Unknown. Color? Unknown. Not staying overnight? Yes, staying for the weekend. Ms. Ingham and David have a black VW bug and a blue Prius. All of vehicles have PA tags? Angel and David, yes. Black mazda – unknown but not PA. How about the black SUV? Alabama? Maybe? Four spaces for four vehicles should be occupied by the black VW, blue Prius, black Mazda, and black SUV? Yes. And maybe the friend from CT.

Attorney Elliott – referred to the previous testimony –the 14 night stay, to comply with the HOA. Yes.

Now she will require all people to park in driveway. Yes.

There are only two occupants who spend the night (other than the applicant and Mr. Cortez).

Gary Boring spoke again, referring to several photos he took of various vehicles parked outside the applicant's house. He had previously emailed these photos to Mr. McLucas. Clarified that the CT friends will not actually be spending the night in the applicants' house.

Mr. McLucas noted that he's pretty sure this property is being used as a rooming house despite no permission from Township. These photos are part of another on-going court case, per Mr. McLucas.

Attorney Craley noted that the photos might not be relevant for tonight's application/discussion. Might be relevant to a previous violation.

Mr. Brown feels that the ZHB members need to go with the applicant's under-oath testimony tonight. Mrs. Ginter agreed.

Mr. Boring asserted that no one parks in the driveway, as many as four cars are parked in the street, and that the applicant has a blatant disregard for others. There have been several vehicles changing in and out. Her Air B&B listing is still up, even though the use was denied in November.

There was no Planning Commission recommendation. Hearing closed at 8:07 p.m.

At 8:31, the ZHB reconvened.

For the record, Attorney Craley clarified that his daughter, one of the audience members, is now a licensed attorney and in the interest of learning the ropes, so to speak, she accompanied the ZHB members and Attorney Craley into the Executive session for discussion and deliberation.

Motion by Brown, second by Wright, to approve the request by Angel Ingham for rooming house at 3480 Summer Drive in the R-3 district with the following conditions: maximum two rooming house guests at any one time; four off-street parking spaces must be available at all times; and all roomers must use those off-street parking spaces at all times. Three members voted aye; *Ginter opposed*. Motion carried.

IV. Other Business

Nothing at this time.

Motion by Wright, second by Brown, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary