

Dover Township  
Zoning Hearing Board  
September 15, 2021

Chairman Jane Ginter called the meeting to order at 7:01 p.m. Members present: Robert Wright, and Richard Pope. Absent: Phillip Brown and Steve Barkdoll. Also present: Zoning Officer John McLucas, Solicitor Mike Craley, Stenographer Tammy Rinehart, Recording Secretary, and seven citizens.

**I. Minutes**

**Motion** by Wright, second by Pope, to approve the minutes of the meeting of February 17, 2021. All members voted aye; motion carried.

**II. Zoning Cases**

- A. ZHB 21-1 -- Thunderbird Terrace Mobile Home Park; appeal from Decision of Zoning Officer, replacement of non-conforming structures in a mobile home park; R4 residential district

Four members of the audience were sworn in, along with the Zoning Officer. Attorney Craley clarified which documents are part of the record. He asked if there are homes or applications that are in the works that prompted this appeal. Attorney Stacy MacNeal noted that there are vacancies that will not be able to be filled without the requested relief being granted. There are no actual pending applications, but if there's no appeal now, the applicant will not be able to use those pad sites. Without relief from the Zoning Officer, the applicants cannot use the sites as intended and as they have been.

Mr. McLucas explained the various permits that have been submitted, noting that there's always an issue with meeting the setbacks as required in Section 27-644. He notified the mobile home company if there was a problem. Only a handful of the remaining lots will fit the homes to be placed. After evaluation of the sites, he determined that it's been the practice to reduce the setback from 25' to 15' but other dimensions and setbacks must be met. It was noted that a mobile home park is a permitted use in this zone.

How is the rear setback measured? Separation between the buildings, 30'. How to measure the rear setbacks? Front is 20' now 15', rear is 10', side is at least 30'. How to determine mobile home lot area? Individual lots are not calculated. Setbacks are part of the non-conforming structure.

Is the Township acknowledging that the mobile home lots are dimensionally non-conforming because they are smaller. Yes.

A pad site is, on average, 5K square feet -- but how about if it's smaller? Part of the non-conformity from the original layout.

The Township regulations have an impact on the use.

Manufactured home communities are unique in use. There are existing pad sites; established by the location of pad sites, utilities, grading. This is where the homes are placed. Applying new regulations to older communities can render some pad sites unuseable.

Second, setbacks are the issue. Setback is from either street ROW line or property line. There are no actual property lines... so how is the setback measured? There are no street ROW lines from which to measure, either.

Updated copies of the exhibits 1-5 were presented.

Kent Raffensberger, Environmental Planner, answered questions by Attorney MacNeal. In 2010 Dr. Chadaga, the owner of the mobile home park, approached Mr. Raffensberger to see if some of the vacant land in the park could be developed, adding a street from Fox Run Road, which would terminate in a cul-de-sac across the street, adding single-family residential homes, then further subdivision for single-family uses, plus some apartment uses. This project was never completed. Total property around 75 acres. Currently 171 m/h units with access drives (paved, internal to the lot), entrance on Fox Run Road. 171 pad sites. Since 1967.

One property. One deed. One tax parcel number. Plan from 2010 was shown, looking at the existing conditions. Homes are oriented facing (parallel to) the street/access drive. Are there recorded ROWs for the paved cartways? Not that he knows. Are there existing homes that are closer to the street than 20'? Yes. Are some homes closer than 30' apart? Yes. Possibly some rears of homes are closer than 20' apart.

How does Mr. Raffensberger determine the setbacks? Sees the entire property as one lot with one front setback, one side, and one rear setback. This property conforms to the front and rear setbacks, but the side setback on the southern edge might be iffy. Given the definition of a mobile home lot, are there any set and established boundaries? No.

The area of land occupied by the home depends on the existing utilities, driveway, and the size of the home.

Photos were shown, Exhibit 5. Attorney MacNeal's point was that the pad site can't really be moved because of the location of the existing utilities and the topography of the entire lot.

Is there an existing 50' buffer yard and screening? No. This is a requirement for new communities. Mr. Raffensberger is not aware if the Township said this site has to comply.

Would application of the regulations result in loss of pad sites? Yes. Why? Because with the new unit, if it's deeper, with the limited space available, that would encroach into the utilities and topography. That's assuming that the unit is larger than what's currently there.

How about replacing a structure with a non-conforming structure? Just request a Variance. This would be an option, yes.

Setbacks were specified for a reason – was it safety? There are all sorts of regulations to comply with.

Are the homes owned by the park? There are mostly owner-occupied. Some rentals. When they need to replace a home, will the landlord replace with newer homes? Yes.

Kimberly Nicholson said there are maybe 20 older homes in the park now.

It was noted that a double-wide unit is shorter but wider than a single-wide, so placement needs to be where it would fit lengthwise between two other homes.

If applying for a Variance to place a larger home, is it the owner of the park who would be applying? Yes, the park, not the owner operator. So, is there any kind of Variance that could be granted as a blanket for the entire park, rather than apply for multiple variances along the way? Attorney Craley said that the law treats a mobile home as a single-family detached dwelling. It must meet proper setbacks, etc. If they can't meet the setbacks, the applicant must explain why with a Variance application.

But, per Attorney MacNeal, these are specific regulations to mobile home parks.

Kimberly Nicholson, 1300 Market Street, Lemoyne, Property Management, Inc., answered questions from Attorney MacNeal. PMI leases the lot and provides a living space between an apartment and a fee-simple single-family home. To bring in a unit, one must go through the application process. People get a variety of choices of location for the unit. When

homes are replaced, should they be replaced anywhere or on the same lot? Older homes (from the 1970s) were smaller; newer ones are larger. A new unit would go in the same general spot, shifting depending on the size of the new unit. Now, one can get either a single wide or double wide. A double-wide is 24' x 60' or 28' x 60'; single is 14'-16' x 76'; anything new today is still larger than the original size. It might have to be placed closer to the setback.

What will happen if the older homes can't be replaced with newer ones? It'll go downhill. Ms. Nicholson has had applications to replace homes, but never trouble with the regulations.

Attorney Craley noted that minimum separation distances are in the ordinance and building code. The UCC provides for a minimum separation distance between homes, and the UCC deals with fire safety. The Zoning Ordinance is different from that. Also, Ms. Nicholson testified that the amount of land that goes with each pad site is not actually specified. It's up to the residents to determine that as they figure out who mows what part of which yard.

From Mr. McLucas, he is not aware of a separation distance in the UCC. That applies to the piers, porch, etc. Use may be continued, as outlined in the non-conforming section. We're dealing with a non-conforming structure, and if it can't be done, it must be replaced with a conforming structure. If can't do that, apply for a Variance. Same standard as all the other mobile home parks in the Township. That would likely be hardship enough.

Wrap-up by Attorney MacNeal: the use is for 171 pad sites in the mobile home community. The applicant cannot conform to the new regulations (set in 2011). But, they have replaced homes with other homes because the former Zoning Officers did not interpret the regulations as Mr. McLucas does. Ms. Nicholson said the former Zoning Officer allowed 25' separation, 20' in the back, couple of feet for the front setback. Essentially, conforming to the regulations prevents or affects the applicant's use of this property as a mobile home park. Prevention of this use will result in more vacant pad sites and a deteriorating atmosphere.

Attorney Craley discussed the "access drive" terminology. Is it called an access drive or a driveway or a street? There are no recorded ROWs as on a private street. Ordinance definitions were batted back and forth. Essentially, these are multiple single-family dwellings on one lot.

If the mobile home park setback regulations weren't in the ordinance, would the R4 setback regulations apply? Yes.

When new regulations have an impact on an existing use, that's not something the Township can enforce. Attorney MacNeal feels that the regulations affect the existing use.

When Johnston and Associates was preparing the plan for the other uses (s/f, townhomes, in 2010), they were using the regulations for the R4 zone.

Per Attorney Craley, Judge Renn's decision was that a Variance was needed for each replacement. It was noted that in that case, the new homes were not larger than those being replaced.

There was no Planning Commission recommendation, as that meeting was cancelled because Noah was in town with his ark. Hearing closed.

At 8:45 p.m., the ZHB retired to discuss.

At 9:08, the ZHB reconvened. The Board will take additional time to review the information and make a determination. They have 45 days. They will hold another executive session for deliberation on this case at October 20's meeting.

**III. Other Business**

Nothing at this time.

**Motion** by Wright, second by Pope, to adjourn. All members voted aye; motion carried.  
The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Julie B. Maher,  
Recording Secretary