

Dover Township
Zoning Hearing Board
December 21, 2022

Chairman Jane Ginter called the meeting to order at 7 p.m. Members present: Phillip Brown, Robert Wright, Richard Pope, and alternate Jonathan Reynolds. Absent with prior notice: Steve Barkdoll. Also present: Zoning Officer John McLucas, Solicitors Mike Craley and Samantha Craley, Stenographer Tammy Rinehart, Recording Secretary, and 15 citizens.

I. Minutes

Motion by Wright, second by Brown, to approve the minutes of the meeting of September 21, 2022. All members voted aye; motion carried.

II. Zoning Cases

- A. ZHB 22-2, Variance application, Mavis Tire to exceed maximum of 30SF per wall sign and to exceed the total 140SF aggregate total per lot at 3966 Carlisle Road in the Commercial District

Chairman Ginter reported that this application was withdrawn on October 27, 2022.

- B. ZHB22-3, Variance application, KNG equity, LLC, to permit construction of a 3-story multi-family dwelling with a maximum building height exceeding 35' and 2.5 stories on property located on Fox Run Road, Thunderbird Terrace; R-4 Residential District

The Zoning Officer and three members of the audience were sworn in. Attorney Stacey MacNeal of Barley Snyder, Eric Johnston of Johnston and Associates, and Clinton Huhra, KNG Equity, were present on behalf of the applicants.

Applicant's Exhibit 1 was referred to, the tax map of the proposed project. This parcel is about 74 acres, zoned R-4. Current improvements were reviewed on Exhibit C-1 of the application. Current improvements are mobile homes. There are some vacant areas to the rear of the parcel. There's a stream to the front and the back of the property. There are woodlands and wetlands as well, and a sanitary sewer easement. Mr. Johnston reviewed the topography of the parcel, noting the steep slopes of the area. The applicant has a contract to purchase part (6.76 acres) of this property, using a formal subdivision plan.

Does the proposed parcel to be subdivided meet all the Township requirements? Yes, in terms of lot width, size, frontage. About 26% of the area proposed to be subdivided is in environmentally sensitive areas.

Exhibit B was reviewed. It was noted that the existing tree buffer will remain. The existing topography creates challenges for constructing a large building.

The proposed project is to construct an L-shaped building with adequate parking, etc., and overflow parking as well. This would be a 54-unit apartment building. Exhibit D was reviewed. The density is the allowable density under the ordinance. The Variance requested is to exceed 35' in height and 2.5 stories on the property. Attorney MacNeal noted that if need be, the applicant could probably make the 35' work, as the proposed 36' requested is only an average. The real issue is that the Township permits only 2.5 stories. The way the ordinance is worded, it seems that the basement apartments would qualify as a story.

Maximum impervious coverage is 60% in this district; the applicant is proposing about 30% impervious coverage.

Because of the elevation, the proposal is to add a third story to the rear of the building, which would be walk-out basement apartments.

If no variance were granted, and a building were to be constructed, it would have no doors or windows on the lowest story. The building's footprint would need to be increased to accommodate the spaces.

Mr. Johnston spoke to the fire chief, who gave his blessing to this Variance application, shown in Exhibit 2.

Attorney Craley asked if the project's lowest story meets the definition of a cellar and if it would qualify as a story according to the definition.

The requested relief is necessary to properly use this site.

From Attorney Craley, what area of the lowest level will be below grade? The entire front perimeter of the site. On questioning from Attorney Craley, Mr. Johnston replied that he's never seen the 2.5 story limit in any other ordinance; he's only seen a height restriction. Possibly it has to do with fire safety? Attorney MacNeal agreed, noting that Dover's ordinance specifically defines the half-story as an attic. She noted that from the road, this proposed building will look like a two-story building because the third story business will be in the back only.

On the bottom floor, maybe 12 to 14 apartments. Parking: 130 spaces for 54 apartments.

Clint Huhra spoke to what style and type of apartments will be in this building. It will be an attractive front, not brick, 1 and 2 bedroom apartments, no elevator. It will be stylish to attract good long-term tenants.

From Attorney MacNeal's questioning of Mr. Huhra, there are apartment buildings in the area already, there are some manufactured housing and some single-family homes and townhomes. Mr. Huhra outlined the physical conditions of the property that make it difficult to carry out this project in the manner in which the applicant proposes. Attorney MacNeal went through the requirements for a Variance.

From the audience, Kathy Noose, 3720 Fox Chase Court, has lived there 44 years and is concerned about the increased traffic. It was noted that this is just the first step in a long process with many aspects. Attorney Craley noted that this parcel is in the high-density area, so the Zoning Hearing Board has no control over that aspect of this case. Plus, only the height Variance is at stake today. Other concerns will be addressed at the land development stage of the game.

Bernie Blades, 1892 Deerfield, asked how long the whole process takes. From Attorney MacNeal, anywhere from six months to 18 months.

Joe Christic, 1861 Fox Run Road, is concerned about the stormwater runoff. Mr. Johnston said that the applicant will fully comply with the Township's ordinance. There's a large area designated as the stormwater area in the back.

Edward Callaman, 1415 Steeple Chase Drive, is also concerned about the increased traffic. He would rather see a reduction in the number of apartments and people and cars.

Attorney Craley informed the audience members that no one will receive any notice of the Planning Commission meetings. Pay attention to what's going on to attend the Planning Commission and Supervisors meetings. The audience members appreciated that information.

Randy Moose noted that the tree line only blocks the view when the leaves are on the trees.

Kayla Eshelman, 1300 Steeple Chase Drive, asked about the wetlands mitigation. Mr. Johnston assured her that the applicant will avoid all wetlands. How about stormwater runoff? She's concerned that the area floods. How will the native wildlife be preserved? An environmental impact assessment will be done as required and the applicant will comply.

The Planning Commission recommended approval by a vote of four ayes, one opposed. Hearing closed.

Chairman Ginter noted that Jonathan Reynolds will be a voting member tonight in Mr. Barkdoll's absence.

Ruling:

Motion by Pope, second by Brown, to approve both Variances requested by KNG Equity, LLC, as presented. All members voted aye; motion carried.

III. Other Business

Mr. Brown will not be renewing his appointment to the Zoning Hearing Board. He has served on this Board for 17 years (!), and he feels that Mr. Reynolds needs a chance to serve as a regular member.

Confirm ZHB member attendance and contact information. Make sure all the attendance information is correct so your payments for the year are correct.

Motion by Wright, second by Reynolds, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:37 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary