



Zoning Hearing Board Meeting Minutes
August 21^h, 2024

Chairperson Jane Ginter called the meeting to order at 7:00 PM. Members present: Jonathan Reynolds, Gina Myers and James Turnure. Also, present Zoning Officer John McLucas, Solicitor Mike Craley, Attorney Samatha Craley, Stenographer Tammy Rinehart, Recording Secretary, and about 6 citizens.

Chairperson Ginter took a moment to recognize two retired board members, Robert Wright and Richard Pope. She thanked them both for their years of service to Dover Township as Zoning Hearing Board members. She also welcomed new Zoning Hearing Board member James Turnure.

I. Reorganization

Motion by Myers, second by Reynolds, to nominate Jane Ginter as Chair of the Zoning Hearing Board for 2024. All members voted aye; motion carried.

Motion by Ginter, second by Myers, to nominate Johnathan Reynolds as Vice Chair of the Zoning Hearing Board for 2024. All members voted aye; motion carried.

Motion by Ginter, second by Reynolds, to nominate Gina Myers as Chair Pro Tem of the Zoning Hearing Board for 2024. All members voted aye; motion carried.

II. Approval of Minutes from September 20, 2023, Meeting

Motion by Reynolds, second by Myers, to approve the minutes of the meeting of September 20, 2023. All members voted aye; motion carried. G. Myers noted for the record that she was not present for the September 20, 2023, meeting.

III. Zoning Hearing Cases

- a. ZHB 24-1 – 3500 Bull Road – Commercial District
 - i. ZHB Case No. 24-1: Application by Application by Quick Holdings, LLC – 3500 Bull Road – Commercial District requesting a Variance of §27-903 to replace a nonconforming use (single family dwelling) with another nonconforming use (single family dwelling)

Rick Schmelyum, 224 N George Street, owner of Elite Buys Homes, also known as Quick Holdings, LLC was present on behalf of this application. They purchased this property intending to renovate and resell it. They were not aware that the property was zoned commercial when they purchased it considering



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properties on both sides are residential lots. It was listed on the MLS as a residential lot. It was noted that those records are not always accurate. They would like to demo the existing structure on the property due to its current condition and build a single-family home in its place. They would like to keep the existing garage in place. They feel that by demoing the current structure and building a new single-family home in its place it would improve the property significantly. They are seeking a variance of §27-903, to replace a nonconforming use (single-family dwelling) with another nonconforming use (single-family dwelling).

It was questioned what makes this lot unique that it could not be used as a commercial lot. They feel that this property is not a marketable commercial lot. The lot is too narrow for the required screening for commercial property, it would not leave enough buildable space to make this a marketable lot for commercial use. This lot has been taken off the market and is no longer listed for sale.

Pruett Toomey testified that the property has not been maintained for a long time and it is a hazard pulling out of his driveway due to sight distance restrictions because of the upkeep of the property. Mr. Schmelyum stated that they took possession of the property in the second quarter of this year and have had the hedges cut back for safety and better access to the property. Neighboring property owners expressed concerns about the condition of the property as it sits today.

It was stated that in a previous zoning hearing back in 1979, there was some sort of Zoning Hearing approval for Keith Fry, no record of what the approval was for was able to be located.

Planning Commission's recommendation:

Motion by Stefanowicz, second by Bigham, to the Zoning Hearing Board to look favorably upon the request for a variance of §27-903 to replace a nonconforming use (single-family dwelling) with another nonconforming use (single-family dwelling) for ZHB 24-1, Quick Holdings, LLC, located at 3500 Bull Road in the Commercial District. All members voted aye; motion carried.

At 7:38 PM., the Board went into Executive Session to deliberate.

At 7:58 PM, the Board reconvened.

Ruling:

Motion by Reynolds, second by Turnure, to deny the Variance request by Quick Holdings, LLC to replace a nonconforming use (single family dwelling) with



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another nonconforming use (single family dwelling). Three members voted aye; Myers opposed; motion carried.

The application for the Variance request has been denied. The applicant has a legal right to appeal against the decision if they choose within the thirty-day timeframe from the date of the written decision.

- b. ZHB 24-2 –6621 Bluebird Lane – Agriculture District
 - i. ZHB Case No. 24-2: Application by David & Lora Hartzell – 6621 Bluebird Lane – Agricultural District requesting a Variance of §27-902.3 to extend an existing dimensional nonconformity along the front setback to accommodate a home addition.

David Hartzell, 6621 Bluebird Lane, Homeowner was present on behalf of this application. They are here tonight requesting a variance to extend an existing dimensional nonconformity along the front setback to accommodate a new home addition. They would like to demo the existing kitchen which was built in the 1970's and replace it with a new kitchen and laundry room addition in the same location. The new addition would not exceed the current setback of the original house which was built over 150 years ago. It is an existing nonconforming structure, de minimis in nature, it would not have a significant impact on the community and the proximity to the road makes this unique.

It was stated that there was some sort of approval granted by the zoning hearing board back in 1978, but no records could be located on what the approval was for.

Planning Commission recommendation:

Motion by Love, second by Stefanowicz to recommend to the Zoning Hearing Board to look favorably upon the request for a variance of §27-902.3 to extend an existing dimensional nonconformity along the front setback to accommodate a new home addition for ZHB 24-2, David & Lora Hartzell, 6621 Bluebird Lane located in the Agriculture District. All members voted aye; motion carried.

Ruling:

Motion by Reynolds, second by Myers, to approve the Variance request of §27-902.3 by David & Lora Hartzell to extend an existing dimensional nonconformity along the front setback to accommodate a home addition. All members voted aye; motion carried.



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IV. Other Business
None

V. Adjournment
Chairperson Ginter adjourned the meeting at 8:32 PM. Motion by Myers, seconded by Reynolds. All members voted aye; motion carried.

Respectfully Submitted by,

Tina Wagner
Recording Secretary