

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
June 11, 2019

The West Hempfield Township Zoning Hearing Board met in the meeting room of the West Hempfield Township Municipal Building at 3476 Marietta Avenue, Lancaster, PA, on Tuesday, June 11, 2019. Board members Gary Lintner, Daryl Peck and Carl Manelius were present, along with Bernadette Hohenadel Board Solicitor; Dwayne Steager, Zoning Officer; Cheryl Hansberry, Court Reporter; and Judy Carrier, Recording Secretary.

Call to Order

The meeting was called to order by Gary Lintner at 7:30 p.m.

Approval of Minutes – May 14, 2019

- **Motion** was made by Daryl Peck and seconded by Carl Manelius, to *approve* the minutes as presented for the meeting held May 14, 2019. Motion carried (3-0).

Case 1283

Applicant: Christine M. Skrodinsky (60 day 7-15-19)
Owner: Christine Skrodinsky
Description: Request for a variance for front yard setback for a deck.
Location: 499 Druid Hill Road, Mountville Pa.
Zone: R-2

The applicant, Christine M. Skrodinsky, is seeking a variance to construct a deck in the front yard setback on a corner lot. Deck would be adjacent and connected to an existing deck that was granted a variance by the Zoning Hearing Board, Case 596 dated 11-9-93. The deck was enclosed sometime in the past in violation of the conditions contained in the decision for Case 596. Christine M. Skrodinsky was sworn in and presented the Request. A court stenographer was present to record the testimony and all exhibits submitted and discussed were entered into the record. Following discussion and in accordance with applicable legal procedure, the Board requested the applicant come back with accurate measurements from the corner of the existing 3-season room and from the corner of the proposed deck to the right-of-way/centerline. Motion was made by Carl Manelius and seconded by Daryl Peck to *continue* Case 1283 to the next Zoning Hearing Board meeting. The motion passed (3-0). Mr Steager will support the applicant in acquiring the requested information.

Case 1284


Applicant: Evercor Facility (Patrick Kane) Management (60 day 7-19-19)
Owner: Michael McKonly
Description: Request for Special Exception for a contractor's shop in C-2 zone.
Location: 509 South 16th Street, Columbia Pa.
Zone: C-2

The applicant, Evercor Facility Management, is requesting Special Exception for a contractor's

shop use of property located at 509 South 16th Street, Columbia, in a C-2 zone. A court stenographer was present to record the testimony and all exhibits submitted and discussed were entered into the record. Patrick Kane, President and Michael McKonly, Owner were present and sworn in. Also present on behalf of the applicant was Larry Prescott, Landscaping and Design. Entry of Appearance for comment purposes was made by David Kinser, 512-516 S. King St, Columbia. Attorney Thomas J. Nehilla, Barley Snyder, Harrisburg presented the request on behalf of the applicant. At close of testimony, motion was made by Daryl Peck and seconded by Carl Manelius to grant a Special Exception for a Contractor's Shop in the C-2 Zone for Evercore Facility Management on property located at 509 South 16th Street, Columbia, as described for the Board. The motion passed (3-0).

There being no further business to come before the Board, the meeting was unanimously adjourned at 8:55 p.m.

Respectfully submitted,



Carl J. Manelius, Secretary

BEFORE THE ZONING HEARING BOARD OF
WEST HEMPFIELD TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA

IN RE:	:	
	:	
EVERCOR FACILITY	:	Case No. 1284
MANAGEMENT	:	
	:	
	:	

DECISION

A. FINDINGS OF FACT

- 1. Applicant in this matter is Evercor Facility Management, 902 Wyoming Avenue, Wyoming, Pennsylvania 18644.
- 2. The property which is the subject of this Application is located at 509 South 16th Street, Columbia, West Hempfield Township, Pennsylvania (herein after the “Property”).
- 3. The Property is owned by Michael McKonly, 320 Cherry Lane, Columbia, Pennsylvania 17512, who has consented to the filing of this application.
- 4. The Property is located in the C-2 Highway Commercial Zoning District as shown on the Official Zoning Map for West Hempfield Township, Lancaster County, Pennsylvania.
- 5. Notice of the hearing on this Application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code (herein after “MPC”) and the Zoning Ordinance of West Hempfield Township (herein after “Zoning Ordinance”).
- 6. A hearing was held before the Zoning Hearing Board on Tuesday, June 11, 2019, at which time the record of testimony was closed.
- 7. Applicant was represented at the hearing by Thomas J. Nehilla of Barley Snyder, 213 Market Street, Harrisburg, Pennsylvania 17101.

8. Patrick Kane, President of Applicant, and Michael McKonly, property owner appeared at the hearing and presented testimony on behalf of Applicant in support of the Application.

9. Applicant presented three photographs depicting some of the equipment that will be located on the Property as exhibits at the hearing which were made part of the record.

10. Applicant is requesting approval of a special exception under Section 401.2.B.4 of the Zoning Ordinance for Contractor's officer Shop in the C-2 District, subject to the criteria of Section 702.12, to allow use of the Property as a location for operation of its business as a facility maintenance.

11. Applicant will be leasing the Property which is approximately 1.7 acres and contains 3600 square foot building with the balance of the Property being open space.

12. Applicant's business entails providing facility maintenance to large commercial, industrial distribution and education facilities, including landscaping and janitorial services, minor facility construction and maintenance, such as painting, and similar services.

13. Applicant proposes to utilize the Property for storage of some materials used, such as mulch and rock salt; parking of small trucks and enclosed trailers when not in use; parking for employee vehicles; storage of materials within the building and use of the building for office personnel and managers. No construction materials, pesticides or chemicals will be stored on the premises; no manufacturing will be done on the Property; and only minimal truck maintenance will be performed.

14. Applicant currently employs approximately 40 employees, however, more than half report directly to the work site, so less than half of the employees will come to the facility each day and park on the premises.

15. Applicant testified that the employees who are dispatched from the Property, work 10 to 12-hour shifts, leave the Property at the start of shift and returns end of shift; rarely travel back to the Property during a shift, thereby limiting the amount of traffic to the Property.

16. For those employees who are dispatched from the Property and for company vehicles (approximately 8 to 9 vehicles and up to 6 trailers) all parking will be on the Property on an area of the Property where gravel will be installed.

17. There will be no retail sales on the Property, outdoor storage of materials will be limited to an area less than 750 square feet; any outdoor storage will be shielded by fencing; and there is not a loading dock and one is not planned.

18. The Property is partially fenced and Applicant proposes to install additional fencing, generally chain link fencing six feet in height, with barbed wire on top.

19. The Property will have overnight lighting for security and employee safety but the Applicant will utilize lighting that does not shine on to or cause glaze on surrounding properties.

20. David Kinser, 1112 Ironville Pike, Columbia, Pennsylvania 17512, appeared, asked questions of the Applicant, and made a statement on the record.

21. Mr. Kinser, is the owner of 512 South 16th Street, which is a garage, and 516 South 16th Street, a rental property, both of which are located across the street from the Property.

22. Mr. Kinser is not opposed to the Application and proposed use of the Property, but expressed concerns as to the amount of stone to be placed on the Property and the impact of the stone on surface water drainage; the height of the fence; concerns over parking on the street blocking his property; and general concerns about stormwater issues in the area.

23. No one else appeared either in favor or against the Application.

24. The surrounding area is generally commercial and industrial, is zoned C-2, and there is one residence at least 50 feet or more, also in C-2 district.

25. The Township has not expressed any opposition or concerns with respect to this application.

B. DISCUSSION AND CONCLUSIONS OF LAW

Applicant has requested a special exception pursuant to Section 401.2.B.4 of the Zoning Ordinance for a contractor's office or shop in the C-2 District to operate a facility maintenance business in the C-2 Highway Commercial Zoning District. Applicant must comply with the criteria stated in Section 702.12. Uses will be permitted as special exceptions under this section if the Board concludes that the proposed use is in accordance with the purpose of the Zoning Ordinance, and complies with the performance standards, stated in Section 702.12 applicable to permitted uses within the District.

The Zoning Hearing Board concludes that Applicant has met its burden and demonstrated entitlement to approval of a special exception under Section 401.2.B.4. to allow the location of a contractor's office or shop in the C-2 Highway Commercial Zoning District. The Zoning Hearing Board concludes that the Application is in compliance with the requirements of the Zoning Ordinance with respect to the proposed use. Applicant has established that the proposed use is of the same general character as a contractor's office or shop, is in accordance with the intended purpose of the District, and complies with performance standards applicable to the proposed use in Section 702.12. In addition, Applicant has established by credible evidence that the proposed use meets the standards and criteria for grant of a special exception as delineated in

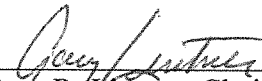
Section 1005.3. The Zoning Hearing Board concludes that the request for special exception should be granted.

C. DECISION

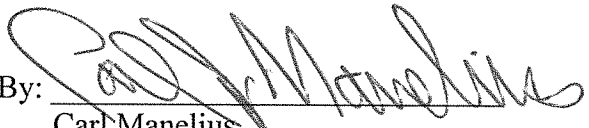
Based on the foregoing, the West Hempfield Township Zoning Hearing Board approves Applicant's request for special exception approval under Section 1005.3 to allow the location and operation of a contractor's office or shop on the Property. This approval is conditioned on the following:

A. Applicant is bound by the testimony and evidence presented at the hearing and shall locate and operate the business on the Property as described at the hearing.

FOR THE ZONING HEARING BOARD OF WEST HEMPFIELD TOWNSHIP

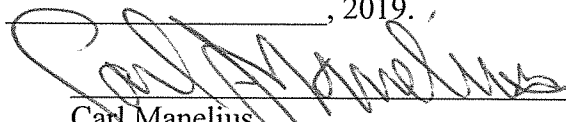
By: 
Gary R. Lintner, Chair

By: 
Daryl S. Peck

By: 
Carl Manelius

Dated and filed _____, 2019, after hearing on June 11, 2019.

Notice of this Decision was mailed to all parties on _____, 2019.


Carl Manelius