

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
3476 MARIETTA AVENUE
LANCASTER, PA 17601
August 14, 2018

The West Hempfield Township Zoning Hearing Board met in the meeting room of the new West Hempfield Township Municipal Building at 3417 Marietta Avenue, Lancaster, PA, on Tuesday, August 14, 2018. Board members Anthony Crocamo and Daryl Peck were present, along with Bernadette Hohenadel, ZHB Solicitor; Dwayne Steager, Zoning Officer; Rhonda Adams, 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 – July 10, 2018

- ❖ **Motion**: Gary Lintner moved, seconded by Anthony Crocamo, to *approve* the minutes for the meeting held July 10, 2018 as presented. Motion carried (2-0-1), with Daryl Peck abstaining due to being absent from the meeting.

<u>Case 1274</u>	(Continued)
Applicant:	Kevin Rohrer
Owner:	Same
Description:	Request for a Special Exception for a Bed and Breakfast, Section 301.2.b.5.
Location:	678 S. Chiques Road, Mt. Joy, PA
Zoned:	RA

The Board stated that they cannot classify the request for a special exception for a bed and breakfast as it does not fit any category in the Zoning Ordinance . . . there is no path to grant approval as the Zoning Ordinance does not cover this application. Two options were presented: (1) The Case could proceed tonight and the Board could come to a decision so that it would be on record – or – (2) a withdrawal would avoid that possibility. Until the Board of Supervisors chooses to amend the Zoning Ordinance, the Zoning Hearing Board’s hands are tied - until the Ordinance Changes, the Zoning Hearing Board cannot grant permission for something that isn’t there. The Board advised that citizens can petition the Supervisors to change the Ordinance or perhaps an attorney could reword things; however, under Option #1, a negative decision would be on record.

At the close of discussion, Mr. Rohrer formally withdrew his application. The Board advised there will be a confirmation in writing by the Solicitor that the application was withdrawn.

Case 1275 **60 Day 9-21-18**
Applicant: **Jason Skiles**
Owner: **Same**
Description: **Request for a Variance, Section 303.4.A.3**
Location: **375 Hollyhock Circle, Mountville, PA**
Zone: **R2**

Jason Skiles was sworn in and provided testimony and submitted exhibits pertaining to his request for relief from the front yard setback requirement of 30 feet from the street right-of-way line. Relief of an additional three (3) feet is requested.

- ❖ **Motion:** Moved by Anthony Crocamo and seconded by Daryl Peck to **grant** relief of an additional three (3) feet from the front yard setback requirement as requested. The motion passed 2-1 with Peck opposed.

Case 1276 **60 Day 9-21-18**
Applicant: **Way Companies, LLC**
Owner: **Sean Way**
Description: **Request for a Special Exception 702.12 and/or a Variance 702.12.E and 802.2.A.**
Location: **3885 Columbia Ave., Mountville, PA**
Zone: **C2**

Keith Heigel, Light-Heigel & Associates, Sean Way, Way Companies and Mary K. Rowe, Property Owner, MKM Real Estate were sworn in. Mr. Heigel provided testimony and submitted exhibits pertaining to Request for Special Exception for a contractor's office/shop in the C-2 Commercial District as submitted by Way Companies, LLC.

- ❖ **Motion:** Moved by Daryl Peck and seconded by Anthony Crocamo to grant Special Exception 702.12 for Case #1276, Way Companies, LLC to have a contractors shop in the C-2 Commercial District with the condition that all screening is in compliance with the Township Ordinance, as verbally agreed to as per discussions, but not shown on map, and that all conditions are carried out as discussed by the Board. The motion passed (3-0).

There being no further business to come before the Board, the meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,



Anthony Crocamo, Secretary

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

IN RE:	:	
	:	
APPLICATION OF	:	Case No. 1276
WAY COMPANIES, LLC	:	
	:	
	:	

DECISION

A. FINDINGS OF FACT

1. Applicant in this application is Way Companies, LLC, P.O. Box, 33 Froehlich Avenue, Mountville, Pennsylvania 17554.
2. The property which is the subject of this Application is located at 3883 Columbia Avenue, West Hempfield Township, Pennsylvania (herein after the “Property”).
3. The Property is owned by MKM Real Estate LP, 210 White Chapel Road, Lancaster, Pennsylvania 17603, which has consented to the filing of this application.
4. The Property which is the subject of the Application is located in the C-2 Commercial Zoning District as shown on the Official Zoning Map of the 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, August 14, 2018, at which time the record of testimony was closed.

7. Sean Way, owner of Applicant, appeared at the hearing and presented testimony in support of the Application. In addition, Mary Rowe appeared on behalf of the owner of the Property and testified and provided information pertaining to the Property.

8. Keith Heigel, of Light Heigel & Associates, Inc., 430 E. Main Street, Palmyra, Pennsylvania also appeared on behalf of the Applicant and presented testimony on the details of the proposed use of the Property.

9. Applicant is requesting approval of a special exception under Section 702.12 of the Zoning Ordinance to allow location of a contractor's office, contractor's storage, and shop in the C-2 District for Applicant's plumbing, heating and HVAC business. Applicant also requested a variance from Section 702.12.E and Section 802.21 pertaining to the requirement to provide a landscape buffer between the property and the adjoining residential use.

10. Applicant presented a plan prepared by Light Heigel & Associates showing the proposed layout for the contractor's office to be located on the Property.

11. The proposed contractor's office will occupy part of one of the buildings already existing on the Property, with the balance to be demolished. Some of the existing impervious cover already on the Property will be removed, resulting in an increase in pervious cover of approximately 3,000 SF.

12. Applicant will use the existing driveway on the Property and traffic will be one-way, moving in a clockwise direction. Parking will be more than what is required by the Zoning Ordinance, with handicapped parking spaces also being provided.

13. Applicant presented as Applicant Exhibit A-1, three photographs taken from three locations on the western side of the existing building showing the view from the building of the

adjoining residential use, a mobile home park, and the existing hedgerow consisting of bushes and shrubs already on the Property partially buffering the residential use.

14. Applicant requested a variance to use the existing hedgerow as part of the required landscape buffer and to plant additional hedges to fill in any gaps in the existing hedges and to create a visual screen. This request was withdrawn at the hearing

15. Applicant agreed to install a landscape buffer in compliance with the requirements of the Zoning Ordinance consisting of additional hedges and bushes together with the existing hedges and bushes, which will be filled in where needed, along the entire western boundary line to provide a visual screen for adjoining residential uses.

16. No one appeared to request party status or to express opposition to this application.

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

B. CONCLUSIONS OF LAW

The Zoning Hearing Board concludes that Applicant have met its burden and demonstrated entitlement to approval of a special exception under Section 702.12 to allow the location of a contractor's office, storage and shop in the C-2 Zoning District. The Zoning Hearing Board concludes that the Application is in compliance with the requirements of the Zoning Ordinance with respect to the contractor's office, storage and shop. The Zoning Hearing Board did not make any decision on the requested variance from Section 802.21 due to Applicant having withdrawn that request during the course of the hearing. The Zoning Hearing Board concludes that the request for relief should be granted subject to the imposition of conditions.

C. DECISION

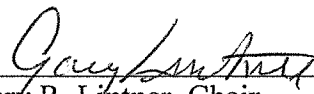
and operation of a contractor's office, storage and shop for a plumbing/heating/HVAC business on the Property. This approval is conditioned on the following:

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.

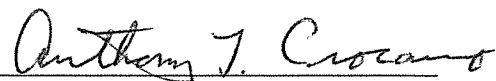
B. Applicant shall install landscape screening between the Property and the adjoining residential use for the entire length of the western boundary line to include both existing hedges and bushes as well as the addition of new hedges and bushes to provide a visual barrier in compliance with the Zoning Ordinance as agreed to at the hearing.

C. Applicant shall obtain all necessary permits and approvals and shall construct and operate the contractor's office, storage and shop as required by applicable ordinances and regulations.

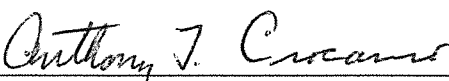
FOR THE ZONING HEARING BOARD OF WEST HEMPFIELD TOWNSHIP

By: 
Gary R. Lintner, Chair

By: 
Daryl S. Peck

By: 
Anthony T. Crocarno

Dated and filed September 11, 2018, after hearing on August 14, 2018.
Notice of this Decision was mailed to all parties on September 12, 2018.


Anthony T. Crocarno, Secretary

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

IN RE: :
: :
APPLICATION OF : Case No. 1275
JASON R. SKILES :
:
:
:

DECISION

A. FINDINGS OF FACT

1. Applicant in this application is Jason R. Skiles with a mailing address of 375 Hollyhock Circle, Mountville, Pennsylvania 17554.
2. The property which is the subject of this Application is located at 375 Hollyhock Circle, West Hempfield Township, Lancaster County, Pennsylvania (herein after the "Property").
3. The Property which is the subject of the Application is located in the R-2 Residential Zoning District as shown on the Official Zoning Map of the West Hempfield Township, Lancaster County, Pennsylvania.
4. 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").
5. A hearing was held before the Zoning Hearing Board on Tuesday, August 14, 2018, at which time the record of testimony was closed.
6. Applicant appeared at the hearing without counsel and presented testimony in support of the Application.

7. Applicant is requesting approval of a variance from the front yard setback requirement of Section 303.4.A.3 of the Zoning Ordinance to allow the construction of a two-car garage, front porch and cement front walk on the dwelling located on the Property.

8. Applicant presented a floorplan and simulated photograph showing the proposed additions and dimensions of the same, together with an aerial photo of the Property showing its location on the street.

9. Applicant also presented Applicant Exhibit A-1 which is an aerial photo showing the approximate location and layout of the proposed garage and the entire Property to illustrate the limitations on locating the garage elsewhere on the Property due to a drainage easement located across the rear yard and a swimming pool also in the rear yard.

10. The Property is located on the curve of a cul-de-sac which limits the available on-street parking and also results in the front yard setback varying in depth across the front of the Property.

11. Applicant is requesting a 3-foot variance from the front yard setback requirement, which pursuant to Section 303.4. A.3 of the Zoning Ordinance is 30 feet from the street right-of-way line or 45 feet from the street centerline, whichever is greater.

12. There is no centerline in a street that is a cul-de-sac and setback is measured from the closest point of the arc of the curve to the front of the dwelling located on the Property, which in this case is 33 feet.

13. No one appeared to request party status or to express opposition to this application.

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

B. CONCLUSION OF LAW

The Zoning Hearing Board concludes that Applicant has met his burden and demonstrated entitlement to approval of a variance from the requirements of Section 303.4.A.3 of the Zoning Ordinance to allow the construction of a two-car garage, front porch and cement front walk within the required front yard setback in the R-2 Residential Zoning District. The variance requested is three (3) feet from the required setback of 30 feet. The Zoning Hearing Board concludes that the request for relief should be granted without the imposition of conditions.

C. DECISION

Based on the foregoing, the West Hempfield Township Zoning Hearing Board approves Applicant's request for approval of a variance from Section 303.4.A.3 of the Zoning Ordinance to allow the construction a two-car garage, front porch and cement front walk on the dwelling unit located on the Property within the required 30-foot front yard setback, the variance being three (3) feet. No conditions were placed on this approval.

FOR THE ZONING HEARING BOARD OF WEST HEMPFIELD TOWNSHIP

By: Gary R. Lintner
Gary R. Lintner, Chair

By: _____
Daryl S. Peck

By: Anthony T. Crocamo
Anthony T. Crocamo

Dated and filed September 11, 2018, after hearing on August 14, 2018.
Notice of this Decision was mailed to all parties on September 12, 2018.

Anthony T. Crocarno
Anthony T. Crocarno, Secretary