

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
Meeting June 9, 2020

The West Hempfield Township Zoning Hearing Board met on Tuesday June 9, 2020 in the meeting room of the West Hempfield Township Municipal Building at 3476 Marietta Avenue, Lancaster, PA, and remotely via Zoom videoconference. Board members Ciro Gambone and Daryl Peck attended in person. Board members David Lounsbury, Carl Manelius and Solicitor Bernadette Hohenadel participated remotely. Board member Gary Lintner participated remotely from 7:30–7:45 p.m. and in person beginning at 8:00 p.m. Also participating were Zoning Officer Dwayne Steager, Recording Secretary Judy Carrier, Court Stenographer Rhonda Adams, and Township Manager Andrew Stern. Members of the public were invited to attend and participate in person or via videoconference.

Call to Order

The meeting was called to order by Daryl Peck at 7:30 p.m.

Approval of Minutes – May 12, 2020

Motion was made by Ciro Gambone and seconded by Carl Manelius, to *approve* the minutes as presented for the meeting held May 12, 2020. The motion carried (5-0).

Case 1298

Applicant: Your Handlebar Handyman (60 day 6/19/20)
Owner: Funk Investment Properties LP
Description: Request for variances for Special Exception for Contractor Shop in C-1
Sections 401.2/702.12
Location: 315 Primrose Lane, Mountville
Zone: C-1 5.6 acres/243,936 sq. ft.

The applicant is requesting permission to continue previously a approved special exception for a new tenant to operate a contractor shop on property at 315 Primrose Lane, Mountville in Zone C-1. Township Solicitor Bernadette Hohenadel opened the Hearing, and explained the purpose and procedures. Dwayne Steager, Zoning Officer, affirmed that the property was posted prior to the Hearing and the Hearing was advertised in the Lancaster newspaper. A court stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing. Jason Jenkins (Tenant), 1831 Wheatland Ave., Lancaster, was sworn in to testify. Eric Morgan, representing Funk Investment Properties LP, (Owner of the property, appeared in support of the application at 315 Primrose Lane, Mountville) and Charles Davis, 366 Caraway Drive, Mountville (Neighbor next to the shop area in back of the parking and fenced area), requested party status. The Board unanimously approved their request and all were sworn in. Messrs. Jenkins and Morgan explained the plans and operations of the shop and architectural drawings prepared by David Miller/Associates and answered questions by the Board and Solicitor Hohenadel. Mr. Davis remarked about problems with previous tenants and screening issues. Mr. Steager confirmed exhibits were marked and entered into the record and testimony was closed.

Motion was made by Daryl Peck and seconded by Ciro Gambone to *approve* the Request for Special Exception to allow for a Contractor Shop on property located at 315 Primrose Lane, Mountville in C-1, Sections 401.2/702.12 with the conditions hours to be Monday through Friday

7:00 a.m. to 6:00 p.m., (no weekends); two employees working there; parking limited to a total of two (2) vehicles; vegetation/landscape screening be restored and the air exhaust from the facility to be in accordance with Pennsylvania DEP Standards. The motion passed (4-0-1), with Gary Lintner abstaining due to videoconference issues during a portion of the testimony for this application. Solicitor Hohenadel informed that a written copy of the decision will be issued at the appropriate time.

Case 1299

Applicant: Tatjana Akimov (60 day 6/22/20)
Owner: Same as Applicant
Description: Request for Special Exception for Temporary Roadside Stand
Sections 301.2.B.6/701.9
Location: 1725 Kinderhook Road, Columbia
Zone: RA 9 acres/392,040 sq. ft.

The applicant, Tatjana Akimov, is requesting permission to sell blueberries and produce grown her garden and trees at a temporary roadside stand at her home located at 1725 Kinderhook Road, Columbia, Zoned RA. Township Solicitor Bernadette Hohenadel opened the Hearing, and explained the purpose and procedures. Dwayne Steager, Zoning Officer, affirmed that the property was posted and the Hearing was advertised in the Lancaster newspaper. A court stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing. The applicant’s daughter, Natalie Akimov, 113A S. Lemon Street, Akron, asked for permission to speak on behalf of her mother who does not speak English. There were no objections and Natalie Akimov was sworn in as a witness. She described the location of the residence, produce stand, garden, parking area and distance from the roadway, answered questions from the Board and Solicitor Hohenadel and assured that only what is grown on the property would be sold. A hand-drawn sketch was submitted with the application. A resident commented about a significant curve in the roadway at this location and expressed concern regarding sight distance. As this was not a matter to be brought before this Board and Solicitor Hohenadel’s review of relevant criteria, Gary Lintner stated the applicant has met all the criteria pursuant to 701.9. Mr. Steager confirmed exhibits were marked and entered into the record and testimony was closed.

Motion was made by Daryl Peck and seconded by Carl Manelius to *approve* the Request for Special Exception for Temporary Roadside Stand Sections 302.2.B.6/701.9 at property located at 1725 Kinderhook Road, Columbia with the understanding that the applicant has met all criteria under 701.9 and under the condition that everything be carried out as testified before this Board. The motion passed (5-0).

Case 1300

Applicant: Corbin Beittel (60 day 7/12/20)
Owner: Same as Applicant
Description: Request for a Variance for a Height of Fence in a Front Yard
Sections 701.4/701.6
Location: 3924 Greystone Drive, Columbia
Zone: R-2 .18 acres/7,841 sq. ft.

The applicant, Corbin Beittel, owner of property located at 3924 Greystone Drive, Columbia, is pursuing a variance to the zoning ordinance in order to install a 54” fence on a portion of his

property. Township Solicitor Bernadette Hohenadel opened the Hearing, and explained the purpose and procedures. Dwayne Steager, Zoning Officer, affirmed that the property was posted and the Hearing was advertised in the Lancaster newspaper. A court stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing. Mr. Beittel was sworn in to provide testimony and referenced the narrative in his letter to the Zoning Hearing Board and overlay of a plot prepared by Garman Builders that included a photograph of the proposed fencing. There was discussion regarding the property's plot layout, location and height of the fence, right-of-way and clear-sight triangle, the challenge of a corner lot, HOA approval and Mr. Beittel's future desire to install an in-ground swimming pool that would require 6-foot fencing to comply with insurance and township regulations. Township Manager Andrew Stern commented that the Township would not be in agreement with the request. Dwayne Steager read the Township Zoning Ordinance limiting fencing in front yards to 36 inches and Gary Lintner stated the Township has never approved anything over three feet in the front yard. Following discussion, Mr. Steager confirmed exhibits were marked and entered into the record and testimony was closed.

Motion was made by David Lounsbury and seconded by Daryl Peck to *deny* application for a fence in excess of 36 inches in the front yard at 3924 Greystone Drive, Columbia. The motion passed (3-2) with Ciro Gambone and Carl Manelius voting nay.

Case 1301

Applicant: Tracy Snyder (60 day 7/17/20)
Owner: Doug Kohler
Description: Request for Special Exception for Single Chair Beauty Salon Home Based Business
Sections 301.2B./702.6.L
Location: 4318 Marietta Ave., Columbia
Zone: RA 7.9 acres/344,124 sq. ft.

The applicant, Tracy A. Snyder, a licensed beautician, would like to open an in-home beauty salon in 180 sq. ft. in the rear of her 4,000 sq. ft. residence at 4318 Marietta Avenue, Columbia. Solicitor Bernadette Hohenadel opened the Hearing, and explained the purpose and procedures. Dwayne Steager, Zoning Officer, affirmed that the property was posted and the Hearing was advertised in the Lancaster Newspaper. In addition to Mrs. Snyder, Tom Snyder, 4318 Marietta Avenue, Columbia (husband of Tracy), and Douglas Kohler, 4304 Marietta Avenue, Columbia (owner of 4318 Marietta Avenue, Columbia), were present to provide testimony. The Board had no objections and all three were sworn in. A court stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing.

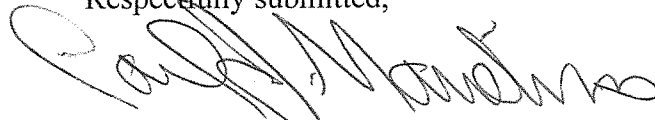
Tracy A. Snyder described the salon that will be called THE ROOM Hair & Design. It will be a single person, boutique-style operation. She has a customer following and will only be conducting services that pertain to hair and make-up. The property is serviced by public sewer and water and has adequate parking for three guests in addition to two residential parking spaces. Mrs. Snyder answered questions from the Board and Solicitor Hohenadel pertaining to hours of operation, compliant signage, ventilation and number of windows and doors. Two hand-drawn sketches depicting the residence, salon, and parking area were submitted with the application. Solicitor Hohenadel clarified and Mrs. Snyder affirmed parking spaces need to be in accordance with the ordinance and the square footage of the salon must be less than 25% of the total square footage of

the property, no retail sales may be conducted, no external business is permitted and no other person will be working in the salon. Mr. Steager confirmed exhibits were marked and entered into the record and testimony was closed.

Motion was made by Daryl Peck and seconded by Ciro Gambone to *grant* Special Exception for the property at 4318 Marietta Avenue, Columbia, pursuant to 702.6 to allow a single chair owner operated beauty shop in the house with the condition that there are no retail sales in the property, hours of operation 9:00 AM to 7:00 PM Tues-Sat, and 9:00 AM to 3 PM on Sunday with everything to be carried out as testified before this Board. The motion passed (5-0).

There being no further business to come before the Board, the meeting was unanimously *adjourned* at 9:05 p.m. by **motion** of Daryl Peck and second by Ciro Gambone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl J. Manelius', written over a horizontal line.

Carl J. Manelius, Secretary