

**WEST HEMPFIELD TOWNSHIP
3401 MARIETTA AVENUE
LANCASTER, PA 17601**

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
Special Meeting - June 24, 2014**

The West Hempfield Township Zoning Hearing Board met in the meeting room of the West Hempfield Township Building at 3401 Marietta Avenue, Lancaster, PA, on Tuesday, June 24, 2014. Gary Lintner called the meeting to order at 7:30 P.M. Board members Daryl Peck and Tony Crocamo were also present, along with Rhonda Adams, Court Reporter; Jodi Heffner, Zoning Officer; Julie Miller, Solicitor; and Darlene Diffenderfer, Recording Secretary.

Approval of Minutes

Motion: Daryl Peck moved, seconded by Tony Crocamo to approve the minutes of the meeting held June 10, 2014 as presented. Carried 3-0.

Case 1189 – St. Anne’s Retirement Community (continued)

This application was continued from the meeting of June 10, 2014 with testimony remaining open.

Jill Nagy, Attorney representing St. Anne’s Retirement Community, was present and submitted Applicant Exhibit #8 which is a revised plan that replaced Applicant Exhibit #4. She also submitted a letter from St. Anne’s as Applicant Exhibit #9 which stated the financial impact on the proposed project if the requested variance from the required 75 foot setback for the two (2) duplex units comprised of units 21, 22, 23, and 24 was not approved. Ms. Nagy stated that the revised plan would show that the Phase 2 apartment building would no longer require a variance for the 100 foot setback. She added that the duplexes for units 21, 22, 23 and 24 would still require a variance for the 75 foot setback and that the actual dimensions for those variances were indicated on the new exhibit.

Cheryl Love of ELA Group was also present. She referred to Applicant Exhibit #3 and stated that they were able to fit the Phase 1/Phase 2 apartment building outside the 100 foot required setback by eliminating one travel lane for the paved drop-off area in front of the apartment building. She stated the paved drive for this area will now be only eight feet wide and will be a one lane, one way travel lane for vehicles. She stated that this configuration is comparable to the existing facility and is functional at the proposed new dimension. She added that the change would have no affect on the proposed parking areas.

Ms. Love stated that the revised plan Exhibit #8 also indicates the required 30 foot rear yard setback for residential use and shows that all buildings are compliant with this setback.

Ms. Nagy requested that Michelle Bard explain why losing the duplexes for units 21, 22, 23, and 24 would be important to the proposed project. Ms. Bard stated that the income from the duplexes would greatly enhance the cash flow and would essentially be the financial source for completing the proposed apartment buildings. She stated that without the additional income from these four units they would not be able to complete the entire project within the short term or even a five year time frame.

Mr. Crocamo questioned whether the owner of the nine acres to the south of St. Anne’s property was aware of the proposed expansion project. Mary Turnball stated that the Sisters of the Adorers of the Blood of Christ own the land, and they are on the Board of St. Anne’s Retirement Community and in full support of the proposed expansion of the Community.

Mr. Lintner questioned whether St. Anne’s had attempted to purchase the nine acres, which would eliminate the need for the setback variances. Ms. Turnball stated the Sisters want to maintain their control of this land to be certain their mission of green space is retained.

Mr. Linter stated that he was not prepared to make a decision on this case at this time; that he would like more time to consider the testimony and confer with the Board's legal counsel. Mr. Crocamo suggested going into Executive Session to discuss the case with counsel. With all Board members agreeing, they recessed to Executive Session at 7:55 PM. The hearing resumed at 8:25 PM.

Mr. Lintner stated the Board was prepared to close testimony, but would not render a decision at this time.

Ms. Miller stated that, before the next meeting on July 8, 2014, the Board members would confer with her individually regarding their position on each of the variance requests and render a decision at the next meeting. She stated that she would prepare a written decision, based on the individual conferences, which the Board will adopt if it is in compliance with their decision.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to accept Applicant Exhibits #8 and #9. Carried 3-0.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to close testimony for Case 1189. Carried 3-0.

At this time, Julie Miller left the meeting and Bernadette Hohenadel joined the proceeding as counsel for the Board to hear the remaining cases on the agenda.

Case 1190 – 845 Plaza Partnership

This application was submitted by 845 Plaza Partnership(Dr. George David and Alisa Kolsun), 845 Silver Spring Plaza, Lancaster, PA for a Special Exception to Section 403.2.B.2 to allow two residential conversion uses and a variance to Section 702.1 to allow conversion of two existing commercial units to residential units in an existing building. The property is zoned Traditional Village.

Dr. Kolsun was present and was sworn to provide testimony.

Ms. Hohenadel stated that this property was zoned C-2 and was in compliance when the structure was built with the existing mixed commercial and residential uses. She stated the property is now located within the newer Traditional Village zoning district where this use is not a permitted use by the Zoning Ordinance. She stated the building currently has 6 commercial units and 7 residential units and Dr. Kolsun is proposing 4 commercial units and 9 residential units.

Dr. Kolsun stated that the building was built prior to ADA requirements, and the commercial units on the second floor at the front of the building are not ADA compliant. He stated this noncompliance has made it difficult to rent the commercial space with one unit being vacant for 1 1/2 years and a second unit vacant for one year. Dr. Kolsun testified that there is no room within the building to make the second floor ADA compliant.

Dr. Kolsun testified the proposed apartment units would each have two access points and there would be more than adequate parking for the units. He stated that each unit would be 704 square feet and would be served by public water and public sewer. He added that the seven existing residential units at the rear of the building are each approximately 900 square feet, not including the garage area.

Mr. Lintner pointed out that the Zoning Ordinance requires that each dwelling unit in a conversion be at least 800 square feet. Ms. Hohenadel stated that an additional dimensional variance would be required.

It was noted that this case is a unique situation since the Ordinance addresses conversion of a single family dwelling, but not conversion of a commercial space to residential use. The Board members agreed that the proposed change would not adversely affect the concept of the Traditional Village zoning.

June 24, 2014

Page 3

Dr. Kolsun stated that there would be no change to the exterior of the building. He stated interior changes would be limited to erecting interior partitions to divide each space into individual rooms.

Ms. Hohenadel questioned whether there was a hardship to warrant the granting of a variance. Mr. Lintner stated he thought the change in zoning for this property was not self created and would be the hardship.

Dr. Kolsun amended his application to add a request for a variance of 96 feet to Section 702.1.E for the size of each proposed residential unit.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance to Section 702.1 for Case 1190 to allow conversion of two existing commercial units to residential units with the condition that all codes are adhered to, all permits be obtained and the project be carried out as described before the Board. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a Special Exception to Section 403.2.B.2 to allow two residential conversion uses at 845 Silver Spring Plaza in the Traditional Village zone with the condition that all codes are adhered to, all permits be obtained and the project be carried out as described before the Board. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance of 96 square feet to Section 702.1.E for the property at 845 Silver Spring Plaza to allow two residential conversion units of 704 square feet each with construction as per testimony. Carried 3-0.

Case 1191 – PK Novelties LLC-d/b/a Wicked Fireworks

This application was submitted by PK Novelties LLC, 506 Woodhall Drive, Willow Street, PA for a variance to Section 101.7 (uses not provided for) to allow a temporary tent for selling fireworks in the parking lot of property currently owned by Brixmor Property Group (Shoppes at Prospect) located at 3985 Columbia Avenue, zoned C-2.

Ken Kirchoff of PK Novelties was present and was sworn to provide testimony.

Mr. Kirchoff testified that the proposed operation would be the same as had been approved for his company in 2013. He stated the tent would be in place from June 26, 2014 through July 6, 2014. He further stated the hours of operation would be 9 AM to 10 PM most days, but July 3rd and July 4th, the hours would be 9 AM to 11 PM. He added that they would begin closing by 8 PM on July 6th.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to approve a Special Exception to Section 101.7 to allow a temporary tent at 3985 Columbia Avenue for the sale of fireworks with the same ten conditions as agreed to in Case 1172 on June 11, 2013. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 9:20 PM.

Respectfully submitted,

Daryl S. Peck
Secretary

