

**WEST HEMPFIELD TOWNSHIP
ZONING HEARING BOARD
July 8, 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, July 8, 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 24, 2014 as presented. Carried 3-0.

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

Mr. Lintner stated that testimony had been closed for this case at the special meeting held June 24, 2014 with a decision to be rendered at this meeting. He stated that each Board member had communicated with the Board’s solicitor individually since the June 24th meeting and he requested that Ms. Miller review the results of those conferences.

Ms. Miller stated that, after conferring with each Board member individually, she had prepared a Finding of Fact, a Conclusion of Law and a written Decision and the Board could either adopt the decision as written or amend it following discussion. Mr. Peck requested that Ms. Miller read the Decision into the record.

Ms. Miller read the Decision into the record which denied the applicant’s request in part and approved their request in part with conditions. The Decision denied the applicant’s request for a variance to Section 703.8.B.4 for the setback for Units 23 and 24. It also denied the request for variances to Sections 703.1.H and 1005.4.G for a five year time extension to complete the project. The other variance requests were approved with conditions. A copy of the Decision and conditions is attached to these minutes and the entire document is attached to the application.

Following the reading, Mr. Crocamo stated that he concurred with the Decision regarding the variances that were approved, but objected to the denial of the variance for the setback for units 23 and 24. He stated that he thought this property had unusual circumstances in that the owner of the bordering property sits on the Board of St. Anne’s and has no objection to the proposed expansion of the retirement community. He also stated that testimony showed that the bordering property will never be developed due to the terrain, the flood plain and existing right-of-ways.

Mr. Lintner stated that the way the Decision was written would indicate that the remaining two Board members must be in agreement with the denials and approvals as written.

Mr. Peck stated that he thought the Board was taking the circumstances into consideration in granting the variance for units 21 and 22. He stated it was his opinion that the variance requested for those two units was reasonable, not excessive as was the case for units 23 and 24.

Mr. Peck requested that Ms. Miller clarify the changes that were made from the draft Decision to the Decision as it was read. Ms. Miller stated that she had changed, on page 12, to read “Applicant’s request for a variance of Section 703.8.B.4 to permit the construction of cottage unit 21 and cottage unit 22 within 62 feet of the Southern property line.” Mr. Lintner suggested this be amended to read “no closer than 62 feet to the Southern property line” to agree with wording in Condition #1. Ms. Miller further stated that she had added Condition #7 to the draft Decision stating the height of the apartment buildings shall not exceed 55 feet. She added that the numbers of the conditions adjusted to reflect the addition of #7.

Motion: Daryl Peck moved, seconded by Gary Lintner, to adopt the Decision and Order as read into the record and amended by the Solicitor for Case 1189. Motion carried 2-1 with Mr. Crocamo opposed.

Ms. Miller stated that she will amend the Decision to reflect the changes discussed and will have new documents prepared within two weeks for the Board's signature. She stated that each member will have to stop at the Township office to sign the documents which will then be distributed to the applicant and all parties concerned within the appropriate time line. Mr. Lintner stated that the Board members may contact her with further changes to the Finding of Facts after they have a chance to review that part of the document more closely.

Case 1187 – St. Mary Coptic Orthodox Church(continued)

Mr. Lintner stated that a letter was received from the applicant dated July 3, 2014 which stated they were withdrawing their request before the Board, but would continue with a request for Conditional Use before the Board of Supervisors.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to accept the applicant's letter dated July 3, 2014. Carried 3-0.

Case 1192 and Case 1193 – Evelyn F. Good Estate

Case 1192 was submitted by the Evelyn F. Good Estate for a variance of 8221 square feet to Section 303.3.A.2 for lot size for the vacant lot at 502 Goldfinch Drive, zoned R-2. Case 1193 was submitted by the Estate for a variance of 6843 square feet to Section 303.3.A.2 for lot size for the vacant lot at 4620 Oriole Avenue, also zoned R-2.

Daniel Good, Co-Executor of the Estate, 301 Spring Hill Lane, Mountville, PA and Jeff Seibert of Associates Real Estate Co., 361 Locust Street, Columbia, PA were both sworn to provide testimony.

Mr. Seibert stated both of the lots were created before zoning as part of the Breezyview Subdivision. He stated that public sewer and public water are both now available to these lots with a lateral already stubbed in for the sewer connection. He stated that the lots will be sold as unimproved lots to complete the settlement of Mrs. Good's estate.

Mr. Seibert pointed out that most other lots in the subdivision are also undersized; that these lots are not exceptions to the neighborhood.

Mr. Good stated that prior to public utilities being available, the lot on Goldfinch Drive was unbuildable and efforts to sell it to neighboring property owners were not successful.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance of 8221 square feet for lot size to Section 303.3.A.2 for Case 1192 at 502 Goldfinch Drive. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance of 6843 square feet for lot size to Section 303.3.A.2 for Case 1193 at 4620 Oriole Avenue. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Daryl S. Peck, Secretary

