

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD**  
**3401 MARIETTA AVENUE**  
**LANCASTER, PA 17601**  
**October 11, 2016**

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, October 13, 2015. Gary Lintner, Chairman, called the meeting to order at 7:30 P.M. Board members Daryl Peck and Tony Crocamo were also present, along with Bernadette M. Hohenadel, Solicitor; Rhonda Adams, Court Reporter; Jodi Heffner, Zoning Officer; and Marsha Beamenderfer, Recording Secretary.

**Approval of Minutes**

Motion: Daryl Peck moved, seconded by Tony Crocamo, to approve the minutes of the meeting held September 13, 2016 with revisions. Carried 3-0.

**Case 1234– Jason Strange (continued)**

Jason Strange's testimony remained open from the September 13, 2016 meeting, and he was still under oath. Mr. Strange presented the Board with another drawing from Steven Black, the surveyor, and Mr. Lintner was still questioning the measurements that were given. Mr. Strange explained that 18' in the air that the corner of the house is closer to the road than the post on the deck itself. Mr. Strange read from Mr. Black's report that stated that the corner of the deck is 5 inches into the front yard setback. Ms. Hohenadel stated that nothing can be closer to the road than the corner of the non-conforming structure either measured from the right-of-way or from the center line, whichever is greater.

Mr. Peck stated that Mr. Strange is 5 inches outside of the right-of-way but he is also closer to the road than the existing structure. Mr. Strange was told that measurements are needed from the center line of the road to the corner of the house, to the post and to the corner of the deck which would be three separate lines with measurements. Mr. Peck questioned if Mr. Strange wanted Mr. Black to put a new permissible building line on the plot plan.

Motion: Daryl Peck moved, seconded by Tony Crocamo, for Case 1234 to continue the case until the November 15, 2016 meeting with testimony remaining open. Carried 3-0.

**Case 1239 – Scott Weibel (continued)**

Scott Weibel's testimony remained open from the September 13, 2016 meeting and he was still under oath. Also present to represent Mr. Weibel was John Metzger, 49 N. Duke Street, Lancaster. Mr. Metzger stated that they had drawings prepared which represent Mr. Weibel's lot with many parcels which are all owned by Mr. Weibel. Mr. Lintner questioned if the properties were different tax parcels and Mr. Weibel stated yes. Mr. Metzger stated that Mr. Weibel's lot goes all along Sycamore Drive, has a non-conforming existing residence on the lot and his desire is to have a shed on the northern most aspect of the lot. Mr. Metzger handed out copies of the picture of the lot and entered one photo as Exhibit #1. Mr. Metzger stated that there is very little depth to Mr. Weibel's lot and the lot also has a very steep embankment the entire length of the lot. Mr. Peck questioned where the property line is and Mr. Metzger stated that it was up toward the top of the cliff because the bottom of the cliff comes down on to his property by 10-12'.

Mr. Weibel is requesting a variance from Section 303.4.A.3 either for a 30' right of way from the street or a 45'

setback from the street center line whichever is greater, because the street is only 16' wide. Mr. Weibel is asking for a 13' variance to have the structure where it is depicted on the drawing. Mr. Metzger stated that the lot is an unusually shaped lot, the typography is extremely difficult and he would be unable to move back any further from the bottom of the cliff because of the wetlands at the base.

Mr. Lintner stated that because the property is split into two different parcels, the shed would have to be used as a primary use on the parcel. Mr. Lintner questioned Ms. Hohenadel if the application needs to allow the primary structure to not be a residence on a residential lot. Ms. Hohenadel stated that no other primary use can be on the parcel. Mr. Metzger stated that there was a letter from Cat Phillips at 660 Sycamore Drive, Columbia, the only neighbor who would be impacted by where Mr. Weibel wants to put the shed. That letter was presented at Applicant's Exhibit #2.

Mr. Lintner questioned about the piece of property owned by Cat Phillips that breaks up the Applicant's lot, and does Mr. Weibel use that property. Mr. Weibel stated that he does not and that Ms. Phillips does not have parking so she uses that property for parking and she maintains it by mowing. Ms. Hohenadel questioned what would be the primary use of the shed. Mr. Weibel stated that he recently got married and was going to use the shed for storage. Ms. Hohenadel asked if the property had public water and sewer and Mr. Weibel stated no and there is on-lot septic for his house, and part of the drain field is under the neighbor's parking area.

Ms. Hohenadel stated that there needs to be both a use variance as well as a dimensional variance for this case. Mr. Peck questioned what the hardship would be for the use variance. Ms. Hohenadel stated that it would be due to the cliff, the typography of the land, the wetlands as well as the parcel being unable to have a home built on it, and the building area of the lot has been greatly reduced. Mr. Peck questioned what the differences are between the lot where the home is and the lot where the proposed shed will be. Mr. Metzger stated his observation is that the run off from above the property comes down behind the shed and makes the area just absolutely sopping wet. Ms. Hohenadel also stated that given the absence of public water and sewer, the lot area requirements in that zoning district would necessitate serious variances to build a home on the lot with the shed.

Motion: Tony Crocamo moved, seconded by Gary Lintner, for Case 1239 to grant a use variance to Section 303.2.A for the property at 657 Sycamore Drive, Columbia, to allow a non-residential structure to be the primary use on the northern-most document number 5536472 (Parcel ID #30079002400000). Carried 2-1. Mr. Peck-no.

Motion: Tony Crocamo moved, seconded by Gary Lintner, for Case 1239 to grant a 21.25' dimensional variance to Section 304.4.A.3 for the property at 657 Sycamore Drive, Columbia, to allow for the setback for the structure on the northern-most segment of the lot. Carried 2-1. Mr. Peck-no.

### **Case 1241 – Magdi Kaldas**

Magdi Kaldas, St. Mary Coptic Orthodox Church, 770 Summit Drive, Lancaster, was sworn in to provide testimony. Ms. Hohenadel stated for the record that she would not be participating in any discussion, deliberation or conversation on this application because of conflict of interest. The church was told by the architect to update the previous application that requested a variance of Section 403.3.B.3.d to allow for the construction of a church with the maximum footprint of 15,000 square feet as well as a variance to section 1005.4.G to allow a one year extension. Mr. Peck questioned if anything has changed with the project and Mr. Kaldas stated no.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to grant St. Mary Coptic Orthodox Church a one year extension to Section 1005.4.G with the end date of that extension being November 14, 2017. Carried 3-0.

**Case 1242 – Stephen B King**

Steven B. King, 913 Silver Spring Road, Lancaster, was sworn in to provide testimony. Mr. King is requesting a special exception from Section 702.6 to allow a home occupation of a pallet repair business and a variance from Section 702.6.H to allow storage of materials in open areas.

Mr. Lintner questioned about why Mr. King is asking for the special exception for a home occupation which per the zoning ordinance, the occupation is done in the home and his pallet repair business is not done in the home. Mr. King stated that he would be doing it in the oversized horse barn on the property. Mr. King questioned the Board about what he had to do to make it legal. Ms. Hohenadel stated that it would have to be something that fits in with the defined uses in the zoning district.

Mr. King questioned if his application could be changed to a use variance instead of a special exception for a home occupation. Ms. Hohenadel stated yes but that it would require re-advertising because this is a completely different type of relief that he is requesting and it does not fit within what has been published thus far.

Motion: Daryl Peck moved, second by Tony Crocamo, to continue Case 1242 to the November 15, 2016 meeting and with testimony remaining open. The applicant will notify the Township before October 25, 2016 of his intent to amend the application to be a use variance. Carried 3-0.

**Case 1243 – Elway Properties Lancaster, LP**

James Welch, attorney with McNeese, Wallace & Nurick, 570 Lausch Lane, Lancaster, Eric Scott, Oak Tree Development Group, 2450 Marietta Avenue, Lancaster, and Bill Swiernik, David Miller Associates, 1076 Centerville Road, Lancaster, were all sworn in to provide testimony. Elway Properties Lancaster, LP is the owner of a tract of undeveloped land located at the southern corner of the intersection of North Donnerville Road and Hempland Road in West Hempfield Township. The property is a portion of the approximately 13.36 acre tract commonly known as 3706 Electronics Way and is in the I-2 General Industrial District. The applicant is proposing to subdivide the property from the parent tract and to construct an approximately 35,000 square foot building along with accessory off-street parking, loading and stormwater management facilities for office and warehouse use.

Mr. Welch stated that Elway Properties is requesting three dimensional variances in connection with the building that is proposed: a variance from Section 502.4.A.2 to permit a reduction in the required front yard setback along Donnerville Road, a variance from Section 707.2.C to permit a non-residential driveway with a maximum width of 40', and a variance from Section 707.3.L to permit a reduced landscape strip along the property's boundaries with Hempland Road and Donnerville Road.

Mr. Welch presented a land development plan photograph entitled Applicant's Exhibit #1 because of the changes and more detail than the one presented with the application. The first variance discussed concerns the front yard along Donnerville Road. This property is better known as the front of Clipper Magazine, the southwest corner of the intersection of Hempland Road and Donnerville Road. The property is bounded by three streets, Hempland Road to the north, Electronics Way to the west and Donnerville Road to the east which

means there are three front yards. The Zoning Ordinance requires a 70' setback for all three front yards. The proposed building would be compliant for the front yards on Hempland Road and Electronics Way but the proposed layout places the northern and southern-most bays of the building within the required setback from Donnerville Road. The building has approximately 310' of facade along Donnerville Road and 150' of that facade will be a reduced setback. The middle two bays will be compliant but because of some physical constraints on the property to the west, the northern and southern-most portions of the building had to be pushed forward. The encroachment is approximately 8', and they are proposing a 62' setback for those portions of the building.

The second request before the Board concerns driveway width. Mr. Welch stated that this property is required to have two access points under the subdivision and land development ordinance. Section 707.2.C imposes a maximum width for nonresidential driveways of 28'. The applicants feel that the 28' access point would present a potentially dangerous condition with regards to commercial truck access. They are requesting the minimum relief possible and they have proposed the northern driveway to be compliant with 28' in width and the southern driveway they are seeking a variance to allow for the width of 40'.

The third request before the Board is a variance from Section 707.3.L.1.a which requires any parking lot containing less than 100 parking spaces be separated from any abutting streets by a landscape strip at least 15' in width. There are two areas for which they are seeking a variance. The first is Hempland Road which is irregularly curved along the property's northern boundary and there is only a small portion of this strip that dips below that 15'. The second area of noncompliance is along Donnerville Road. In order to avoid impacting the stormwater flow area, the applicant has located the proposed building as far to the east on the property as possible. The applicant is requesting a variance from this section to permit a 10' wide landscape strip along the portion of the parking area abutting Donnerville Road.

Mr. Swiernik was asked to state the improvements as well as the issues with regard to storm water flow on the property. Mr. Swiernik stated that this is a subdivision of a larger tract. The portion of the land where the development is occurring is bounded on the west side by a channel that conveys flow from north of Route 30 along lands that are considered in the flood plain. They are seeking as part of the land development approval to fill in a portion of that channel and providing overbank storage. There is a limit to what can be done without impacting Electronics Way. Mr. Lintner questioned whether there was any normal flow of water there or is it just rainwater runoff. Mr. Swiernik stated that there is a perennial base flow in that channel. Elway Properties will have to obtain a permit to be able to do all this work.

Mr. Swiernik stated that this creates a restriction on the width of the available land for development. The typical dimension for an industrial structure is 115'. The three garage bays will be used by one tenant, an aerial truck service facility which refurbishes and rebuilds those vehicles. The vehicles enter from the back and park in the oversize parking area for those vehicles. Applicant's Exhibit #3 is a Google Earth image of the frontage of Donnerville Road which shows some of the uses further south of Elway's property. The measurements for those two properties are 75' and 62' to the centerline and Elway is proposing a 92' setback for their buildings. Mr. Swiernik also showed the turning movement of the two types of tractor trailers that will visit the site. In order to make it safer to enter the site and not to cross over the center line of Donnerville Road, they will need to increase the width in the driveway.

Mr. Lintner questioned if it was going to be a one story or two story building and Mr. Swiernik stated that it will be a one story building that is 28' clear on the back portion of the building. Mr. Peck asked Mr. Swiernik to show the line on the back side and why they cannot move the entire project back the 8'. Mr. Swiernik stated

that there is a one hundred year flood plain flow area that extends up into the parking area and which they are already in that with the improvements. Mr. Swiernik stated that in order for this to be filled in they have to make up in the cross section of that channel and they have to create a storage area for that water. What they lose in storage they have to make up in the reduced footprint area. Two more exhibits were presented. Applicant's Exhibit #4 is the grading plan and Applicant's Exhibit #5 is the existing conditions plan. Mr. Lintner questioned whether this repair facility is for a particular fleet, and will the tenant at the facility be purchasing vehicles or servicing vehicles there. It will be a maintenance facility where the vehicles are brought to, repaired and then picked up.

Motion: Tony Crocamo moved, seconded by Daryl Peck, in Case 1243 for Elway Properties LP at 3706 Electronics Way that a variance be granted from Section 502.4.A.2 of 8' to permit the reduction in the front yard setback along Donnerville Road. Carried 3-0.

Motion: Tony Crocamo moved, seconded by Daryl Peck, in Case 1243 for Elway Properties LP at 3706 Electronics Way that a variance be granted from Section 707.2.C to permit at the southern-most access on to Donnerville Road for a nonresidential driveway with a maximum width of 40' which would be a variance of 12'. Carried 3-0.

Motion: Tony Crocamo moved, seconded by Gary Lintner, in Case 1243 for Elway Properties LP at 3706 Electronics Way that a variance be granted from Section 707.3.L.1.a to permit a reduced landscape strip along the property on Hempland Road at the point showed on Applicant's Exhibit #1 which would be a variance of 3'. Carried 3-0.

Motion: Tony Crocamo moved, seconded by Daryl Peck, in Case 1243 for Elway Properties LP at 3706 Electronics Way that a variance be granted from Section 707.3.L.1.a to permit a reduced landscape strip along the property on Donnerville Road at the point showed on Applicant's Exhibit #1 which would be a variance of 5'. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 10:30 P.M.

Respectfully submitted,



Tony Crocamo, Secretary