

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
3401 MARIETTA AVENUE
LANCASTER, PA 17601
November 10, 2015

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, November 10, 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 Matthew J. Creme, Solicitor; Raymond M. Danyo, 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 October 13, 2015. Carried 3-0.

Case 1218– S 3 Building Solutions, LLC

Mr. Lintner stated that this case needed to be continued until the December 8, 2015 meeting for purposes of correcting the public notice advertising. Mr. Creme confirmed that the December meeting would be within 60 days of the filing of the application and in the Municipalities Planning Code allows the Township to hold a hearing in 60 days of the filing so no waivers or consents are needed.

Motion: Daryl Peck moved, seconded by Tony Crocamo, for Case 1218 to be continued to the December 8, 2015 meeting. Carried 3-0

Case 1216– John and Rose Spangler-(continued)

Mr. Spangler was present and was questioned by Mr. Lintner as to whether anything had changed with the case. Mr. Spangler questioned whether the Board had spoken with Dave Whites, the realtor who did the transaction with the property. Mr. Creme stated that for the record the Board had spoken with no one and that the Board cannot consider anything that is not presented in this hearing and is on the record.

Mr. Spangler was asking for a variance to Section 301.3.A.1 to allow the construction of a single family dwelling on a lot less than one acre. Mr. Spangler presented pictures of the three mobile homes and driveways that were on the lot which have been razed and a picture of what the lot looks like now. He stated that it was not suitable for any other purpose because of it having a pathway down the center of the lot and it breaks off into sections where the mobile homes were. Mr. Spangler also stated that water and sewer are still on that lot and he is paying for it.

Mr. Creme questioned whether Mr. Spangler had any building or construction plans that he can present to the board showing exactly what he wants to propose on the lot. Mr. Spangler stated

that when he purchased the land he had planned on building and had plans to do that but now he purchased a home in Landisville where they are living currently. Mr. Spangler now wants to be able to sell the land and he cannot sell land that isn't buildable.

Mr. Creme stated that the Board cannot approve a zoning request separate from a specific proposal for construction. Mr. Creme stated that the reason for that there are five criteria for the granting of a variance. The one is that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor is detrimental to the public welfare. Without the Board knowing what is being constructed, the Board cannot make a finding on that criteria. Also the Board can't grant a variance separate from a specific proposal for construction.

Mr. Spangler questioned the Board on what he was able to do with the land at this point of time. Mr. Creme stated that he cannot construct on it without a variance and in order to get the variance you have to come in with a specific proposal. If the Board were to grant a variance from the one acre minimum he could build a communication tower, a school, a church, or he could build a house on that site. If the Board were to grant the variance separate and apart from a specific plan for construction and Mr. Spangler sold the land to someone who said that they were going to build a house they could then come in with an application for a communication tower and the Board would have no say about whether that proceeds. It was stated that a communications tower may have a decidedly different impact on that neighborhood than a single family house.

Mr. Creme stated in order for the Board to grant a variance to construct a single family home on the property the Board has to have someone standing in front of them with a plan to construct a single family house so that by condition the Board can bind that person to only that. Mr. Creme stated that an applicant must come in with an agreement to purchase the lot and that is contingent on this Board approving a variance and that is how he can sell this type of lot.

Mr. Peck questioned whether they could continue this case for a limited amount of time. Mr. Creme stated that Mr. Spangler would have to give the Board a letter stating that he wanted to continue this hearing generally but for a period not to exceed six months and on 20 days' notice. The Board also needs a two dimensional layout plan that shows what is being proposed for construction.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to continue Case 1216 generally in a time span not to exceed the May 10, 2016 meeting with the stipulation that Mr. Spangler would notify the Township at least 20 days before that meeting or a prior meeting. Carried 3-0.

Case 1217--St. Mary Coptic Orthodox Church

Magdi M. Kaldas, 3022 Marietta Ave., Lancaster and Daniel Kaldas were sworn in to provide testimony. Both men were representing St. Mary Coptic Orthodox Church at 750 Summit Dr., Lancaster and were requesting an extension for the plans for the 15,000 square foot church,

showing the parking lot, the storm water management and where the church will be located on the lot. They are still working on making a few changes to the footprint of the church and the plans and once the plans are complete they will submit that for a conditional use.

Mr. Lintner stated that the original Case 1197 was submitted November 11, 2014 which means that they are at the one year mark and questioned Mr. Kaldas if a one-year extension is going to be what they need. Mr. Kaldas stated that they hoped it would be presented way before that. Mr. Peck questioned that they are only requesting a variance to allow a one year extension and that the square footage hasn't changed from the original case. Mr. Kaldas stated that the square footage hadn't changed, only the footprint of the church.

Mr. Peck questioned why they were not able to obtain a zoning permit. Ms. Heffner stated that they would need the plan, where it would be located on the lot and storm water management. Mr. Peck questioned again if there was anything new beside the footprint of the building from his testimony of the original case. Mr. Kaldas said no.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to take administrative notice of Case 1197 that was approved on November 11, 2014 as part of this case. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance to section 403.3.B.3.d for the property at 750 Summit Drive the variance being 5,000 square feet to allow the construction of a church for the maximum footprint of 15,000 square feet and that all aspects of this case be based on the hearing of November 11, 2014. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant the variance to Section 1005.4.G for Case 1217 to allow for a one-year extension over and above the two deadlines given in that variance, the first being to pull the permit and the second being to complete construction. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 8:30 P.M.

Respectfully submitted,



Tony Crocamo, Secretary