

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
3401 MARIETTA AVENUE
LANCASTER, PA 17601
November 15, 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, November 15, 2016. 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: Tony Crocamo moved, seconded by Daryl Peck, to approve the minutes of the meeting held October 11, 2016 as amended. Carried 3-0.

Case 1234 – Jason Strange (continued)

Jason Strange's testimony remained open from the October 11, 2016 meeting and he is still under oath. Mr. Strange presented the Board with another revised plan drawing from Steven Black, the surveyor, which was marked as Applicant's Exhibit #2. Ms. Hohenadel asked Mr. Strange to tell the Board what the new measurements were on the exhibit presented. Mr. Strange stated that from the centerline of the road to the foundation of the house was 21.1', from the centerline of the road to the post of the deck is 20.82' and from the centerline of the road to the deck is 19.52'.

Mr. Lintner stated that the way the ordinance reads, Mr. Strange's house is in violation because it is in the setback. Historically if anyone wants to do anything with a nonconforming structure the Zoning Hearing Board has given permission for them to do amendments to a structure, but never closer than the existing non-conforming house. Mr. Lintner stated that the Board may be asking Mr. Strange to move the deck back so that it is not closer to the road than the house.

Motion: Daryl Peck moved, seconded by Tony Crocamo, for Case 1234, 660 Kinderhook Road, Columbia, to grant the variance from Section 305.4.A.3 to expand the deck, provided that no portion of the deck encroaches any further than the existing structure which is a variance of 33.9'. Carried 3-0.

Case 1244 – West Hempfield Township

Andrew Stern, Township Manager, West Hempfield Township, 3401 Marietta Avenue, Lancaster, was sworn in to provide testimony. Mr. Stern is also a certified land use planner with the American Institute of Certified Planners (AICP). Mr. Stern stated that the request for West Hempfield Township relates to the new Municipal Complex which will be located at 3476 Marietta Avenue, Lancaster, which will house the Police Station, Fire Station as well as Administration offices. The Fire Station will be located on the eastern part of the property, the

Administration part of the building is on the west side of the building and the Police Station is on the southwest part of the building.

The specific request is for a variance to Section 707.2.c of the Zoning Ordinance which only allows for a 28' maximum driveway width. West Hempfield Township is requesting a variance to allow a 90' driveway width at the driveway for emergency vehicles, specifically fire engines and possibly an ambulance. Mr. Stern presented multiple drawings of other township complexes showing their driveway widths ranging from 93' up to 146' wide. Mr. Stern stated that these photos do not represent every fire station around but show a typical design for the emergency apparatus apron. Maximum driveway width allows for the safety of the trucks responding to a call and getting out onto Marietta Avenue.

The property is as close to Marietta Avenue as the setback would allow. The property is sloped and therefore requires that the storm water management facility be at the south part of the property. Given the building's proximity to Marietta Avenue, they believe that 90' is the appropriate width.

Mr. Lintner questioned how vehicles would be re-accessing the building upon return. Mr. Stern stated that non-emergency vehicles, which would be everything except for fire apparatus, will use a driveway to the west of the apron that they are discussing. This would be a full access in and out, left and right entrance. The only vehicles using the larger drive would be the fire volunteers entering to go on a call, parking their personal vehicles and then getting on the fire truck and leaving for the call.

Motion: Tony Crocamo moved, seconded by Daryl Peck, for Case 1244 applicant West Hempfield Township, 3401 Marietta Avenue, Lancaster, for the property at 3476 Marietta Avenue, Lancaster, for the Municipal Complex that the Board grants a variance to Section 707.2.c to allow the driveway to be 90' with the variance being 62'. Carried 3-0.

Case 1245—Austin Henderson

Austin Henderson, 165 W. Broad Street, Salunga, was sworn in to provide testimony. Mr. Henderson would like to build a 6' privacy fence along the back of the property surrounding the entire backyard. There is an alley behind the home and it is a Township alley and so is considered a street. Mr. Henderson's property is considered to have two front yards even though no houses face the alley. The variance that Mr. Henderson is requesting is to allow a 6' high fence instead of the normal 3' high fence with a 50' setback. Ms. Heffner stated that his property is zoned C1 and that is why it has the 50' setback.

Mr. Lintner stated that there would need to be two sections referenced on the application, one for the fence in the front yard, Section 401.4.A.3, and one for the height of the fence, Section 701.4. Mr. Henderson amended his application. Mr. Crocamo questioned where Mr. Henderson would like to place the fence. Mr. Henderson stated that they would like to place it 3' from the alley which the alley is 9' wide so the fence would be 7.5' from the center line. Ms. Heffner questioned Mr. Henderson about in his narrative he states that they would build a 20' wide

rolling gate that will match the fence over the driveway. Mr. Henderson stated yes that it would have a sliding gate motor.

Mr. Peck questioned how Mr. Henderson arrived at 6'. Mr. Henderson stated that it is the standard maximum height for a privacy fence. The reason they would like to go to the maximum height is because the Hendersons have some neighbors that walk through the property, they have small children, and possibly will get a dog and want to keep the yard totally contained. Mr. Lintner questioned what the fence would be constructed of and Mr. Henderson stated cedar barn siding.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to grant a variance to Section 701.4 for the property at 165 W. Broad Street for the maximum fence height being 6', granting a variance of 3'. Carried 3-0.

Motion: Tony Crocamo moved, seconded by Daryl Peck, for the property at 165 W. Broad Street, to grant the variance to Section 401.4.A.3, to allow the construction of a privacy fence to be in the front yard setback, with the variance being 62.5' from the required 70' center line off the South Alley front yard. Carried 3-0.

Case 1246–Stephen King

Stephen B. King, 913 Silver Spring Road, Lancaster, was sworn in to provide testimony. Mr. King gave the Board members a letter explaining what he wanted to do and why he was at the hearing. Ms. Hohenadel asked Mr. King to explain to the Board what is involved with a pallet repair business, what he does, the tools, the noise and what is involved in repairing pallets and everything involved in the daily operation of the business. Mr. King stated that the pallets are brought in on a truck with a small pull behind trailer. They are unloaded with a forklift and placed inside the shop until he is ready to repair them. They are repaired with an air nailer and afterwards taken outside and stacked nicely until someone comes to pick up, usually two times a week.

Mr. Peck questioned if it would be the same person dropping off and picking up the pallets. Mr. King stated that he purchases the broken pallets from multiple businesses in the area and they are dropped off by those businesses. Mr. King stated that he has one business that he sells the repaired pallets to a wholesaler. Mr. King stated that he has an air pump for some of the tools and he has a solar panel system that he uses for electric power and none of these are loud systems to operate.

Mr. Peck stated that he feels that this is an industrial use being done in a Rural Agricultural zone. Mr. Peck looked through the intended purposes of the Rural Ag district and it says to identify where agricultural activities should be encouraged and expansion of low density residential development. Mr. Peck stated that a use variance is the hardest variance to grant. Mr. Lintner asked where is the hardship that the property cannot be used for what it was zoned for. The Board knows that it is zoned RA and that it is not a farm but could it be used as a residence. Mr. King stated yes it could. Mr. Lintner stated that the Board would have a hard time to rectify in

their minds that the property cannot be used as a residence. Having a different use on the property is tough for the Board to say it cannot be used for what it was intended for, to be a residence.

Mr. King questioned what a variance is. Ms. Hohenadel stated that a Zoning Variance is varying the terms of the ordinance, but in order to qualify to get that variance there are certain criteria that are set out in the ordinance. The criteria for a use variance or a variance of any type is that there are unique physical circumstances of the property that do not allow it to be used for the purposes that are specified in the ordinance for a property located in a particular zoning district. The hardship is not created by the applicant. If granted the variance will not alter the essential character of the neighborhood.

The Board checked with the remainder of the room to see if anyone wanted to be party to the proceedings. Frank Burkhart, who is a neighbor, spoke and stated that Mr. Fisher, who is a registered surveyor, and he went over to Mr. King's property and found both of the corner property pegs to the north side of the property away from Silver Spring Road. Also Mr. Burkhart stated that the allowance of a barn for the horse did not constitute a shop provision to do other things. Mr. Burkhart stated that multiple people questioned him about why the pallet business was operating in the barn. Previously Mr. King's pallets were being stored more obvious on the preserved farm but have since been cleaned up.


Mr. Lintner questioned Mr. Burkhart about who owns the property to the north side of Mr. King's property. Mr. Burkhart stated that the property is in the name of Herchelroth and Tom Colton is the organic farmer who operates that ground and that land is in the Ag Preserve. The property to the east of Mr. King's is a designated lot in the Rural Agricultural Zone.

Mr. King decided to withdraw his first case, Case 1242 which was the original filing for the home business, which the Board determined it did not qualify for a home occupation. Case 1246 was amended to have both the request for a Variance for Section 301.2 as well as the Special Exception for Section 702.6.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to continue Case 1246 as amended to the December 13, 2016 meeting. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 9:30 P.M.

Respectfully submitted,


Tony Crocamo, Secretary