

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
March 8, 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, March 8, 2016. Gary Lintner called the meeting to order at 7:30 P.M. Board member Tony Crocamo was present, along with Matt Creme, Solicitor, Rhonda Adams, Court Reporter; Jodi Heffner, Zoning Officer; and Marsha Beamenderfer, Recording Secretary.

Approval of Minutes

Motion: Tony Crocamo moved, seconded by Gary Lintner, to approve the minutes of the meeting of February 8, 2016 as written. Carried 2-0.

Mr. Lintner left everyone know that Mr. Peck wasn't present and that a shortened board meant that if they agree to be heard and there is a split decision that it would then be a denial. All applicants were aware and agreed to be heard.

Case 1223 – Lester F. & Mary J. Good/Evelyn F. Good Estate:

Daniel F. Good, 301 Spring Hill Lane, Mountville and Lester F. Good, 4686 Oriole Ave., Columbia were both sworn in to provide testimony. Daniel F. Good stated that they were in prior to this in July 2014 for a variance for lot size for another lot. That lot was sold but the variance has expired and they now need it to be reissued because there is interest in the lot for sale.

Mr. Creme stated that he thought the record should show that on July 17, 2014 Case 1193 the Board made a decision to grant a variance from the minimum lot size requirements of Section 303.3.A.2 and, as Mr. Good testified, that variance has expired. Mr. Good stated that this was the last of his mother's lots to be sold and they hired a real estate agent after she passed away to aggressively market the property for sale. Mr. Creme questioned whether anything has changed about the lot, if it was subdivided and whether it was the same size as it was in 2014. Mr. Good stated that it is 18,157 square feet and that 25,000 square feet is the minimum lot size. Mr. Creme also questioned if there was public water and sewer on the property and Mr. Good stated yes.

Motion: Tony Crocamo moved, seconded by Gary Lintner, for Case 1223 for the Evelyn F. Good Estate for the property at 4620 Oriole Ave. to grant a variance of 6,843 square feet to Section 303.3.A.2. Motion carried 2-0.

Case 1224 – Sanidad Divina/Caleb Acosta:

Eva Lezama, 310 Curby Dr., Mountville, and Caleb Acosta, 511 E. Ross St., Lancaster were both sworn in to provide testimony. Ms. Lezama stated that they are a small church in Columbia, PA and have been renting for the past ten years and have decided to rent the property at 793 Leffler Court to hold church there. It is closer to the community that they want to reach because there are more Spanish residents living in that area. The property is zoned C-2 and a church is not a permitted use.

Mr. Creme asked about the letter that was provided with the application stating there are existing businesses in some of the spaces on this property, such as a beauty shop, an auto parts store, a beer

distributor, and an office. Mr. Acosta stated yes to all the businesses already on the property. Mr. Creme asked if they would be renting 793 Leffler Court and the dimensions of that portion are 38 square feet x 58 square feet in size and Ms. Lezama stated yes. Mr. Creme questioned how the space would be set up to be used as a church, whether it would all be used for worship, or would they be dividing some of that space between the worship area and other areas. Mr. Acosta stated that they want to make two rooms for classes for young people and the remainder of the space would be worship space to be set up with chairs.

Mr. Creme asked on any given day of worship what would be the maximum number of people they would expect. Ms. Lezama stated that there may be forty people unless it is a special day. Mr. Creme asked what the maximum number of people that they could accommodate at worship. A code-administrator went through the property and the report from Code Administrators, Inc. states that a fire alarm would be required if the space accommodated more than 300 occupants. Mr. Acosta stated that there would not be that many people. Mr. Creme questioned if the church has ever been larger than what it is now, or is this as large as it will ever be. Mr. Acosta stated that the prior church was in Columbia where there were not as many Spanish people in that area. This is why they are looking to move to another building in another community to be able to be of service there.

Mr. Creme stated that since the time the application was filed some e-mails have been exchanged to determine exactly how many parking spaces are on the property. It was suggested that there are some overflow spaces but these spaces are not paved and striped. The e-mail from the church stated that there are officially 52 spaces. Mr. Acosta stated that was correct. Mr. Creme proceeded to say that according to the Zoning Ordinance in addition to establishing what uses are permitted in the building, it also establishes how many parking places are required for the uses in the building. Taking into account the different businesses on the property, the Zoning Officer has calculated that 56 spaces would be required but only 52 were existing. Mr. Creme stated that they may have to request an additional variance and amend the application for the Board to consider allowing the church to occupy the property with a total of 52 spaces available for the five uses where 56 are required. Mr. Acosta stated that on Sunday all the parking spaces are empty and Mr. Creme stated that this may be a reason for the Board to grant the variance, taking into consideration that they are shifting the use because the times that the church would need the parking would typically be the times when the other businesses do not need parking.

Mr. Creme stated that because an additional variance is needed and if the Board grants the amendment to the application, the Board is required to provide notice to the public of exactly what they are requesting and that variance has not been advertised. In order for the Board to consider the variance, they would need to continue this case until the April 12, 2016 meeting of the Board.

Michael P. Murphy 1257 Ridge Ave., Columbia was sworn in to provide testimony. Mr. Murphy questioned if the church was considering using the street parking on Leffler Court because that is legal street parking. Mr. Creme stated that the requirements for parking are for off street parking and does not take into account street parking. The existence of street parking may be another consideration that the Board could take into granting the variance.

Mr. Lintner questioned Mr. Murphy what the hours were for the other businesses. If the church has activities during the week they would be held at 7:00 P.M. The beauty shop and the office close at 5:00

Zoning Hearing Board Minutes

March 8, 2016


Page 3

P.M., the parts store closes at 5:30 P.M. and the beer distributor closes at 8:00 P.M. However, on Sunday all these businesses are closed except for the beer distributor which is at the front of the property along the highway.

Motion: Tony Crocamo moved, seconded by Gary Lintner, for Case 1224 that the Board permit the amendment to the application to address the parking situation on the site and to continue the hearing until the April 12, 2016 meeting. Motion carried 2-0.

There being no further business to come before the Board, the meeting was adjourned at 8:00 P.M.

Respectfully submitted,


Tony Crocamo
Secretary