

**WEST HEMPFIELD TOWNSHIP
ZONING HEARING BOARD
April 14, 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, April 14, 2015. Gary Lintner 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: Gary Lintner moved, seconded by Tony Crocamo, to approve the minutes of the meeting of March 10, 2015, as presented. Carried 2-0. and Daryl Peck abstained.

Case 1204 – Robert A & Heidi R Keller

This application was submitted by Robert A. & Heidi R. Keller for a variance from section 303.3.A.2 to allow for the construction of a single family dwelling on a lot less than 25,000 square feet at 1840 Stony Battery Rd, Mountville PA 17554. Variance is for 9,040 square feet or 36%.

Mr. Keller of 1836 Stony Battery Rd., Mountville, PA 17554 was sworn in to provide testimony. He gave the history of the property of 1836 and 1840 Stony Battery Rd. Mr. Keller was told by Kathy Morgan, a real estate friend, that the property at 1840 could not be considered a building lot. The original plans from 1979 were presented that show three lots. Lot three is the neighbor next door, lot two is the current house at 1836 and 1840 Stony Battery Rd is lot one which is the largest of the three parcels of land. Lot two which is the Keller's current property has 12,241 square feet with the dimensions of the house being 60 feet wide by 46 feet deep and includes a two car garage and an 18x18 rear porch. The neighbor's house at 1832 Stony Battery Rd. has 13,706 square feet with the dimensions of 45 feet wide and 25 feet deep. Lot three in question at 1840 Stony Battery Rd. has 15,960 square feet and is the largest of the three lots. Applicants' Exhibit 1 is a blowup of the plan from 1979 showing lots one, two and three with a house similar to the existing house on the property in question, and is well within the boundaries of the lot with the required setbacks.

Mr. Keller said the reasons they purchased lot three was to keep space between them and the Battery Ridge Condominium driveway, and as an investment for their future needs. The Kellers are planning on moving into Brethren Village soon and will need to sell both properties to do so. Lot three is not considered a building lot because zoning requires 25,000 square feet and Mr. Keller feels that this will lower the value of the property.

Mr. Keller summed up that the lot was created in 1979 with the intention of building a home on it because it is the largest of the three lots on the plan. The other homes in the area have lots that are 16,000 square feet or smaller and Lot 1 is next to Battery Ridge Condominiums which is higher density housing.

Gary Lintner questioned Mr. Keller as to what utility services are on the properties. Mr. Keller stated that PP&L has a pole with wires that have been buried. There is a one car garage on the property but there is no water or sewer currently on that property. Mr. Keller stated that there is public water and sewer at his house and would be available for that lot also. Mr. Lintner also questioned where this one car garage was located and Mr. Keller said that it was on the property at 1840 Stony Battery Rd. as well as a vegetable garden and two driveways - one for the lot and one for the house.

Daryl Peck questioned Mr. Keller whether he was going to build on that lot and Mr. Keller stated that he was not. He is going to sell both properties and move into Brethren Village.

Ms. Hohenadel stated that the Kellers want to make it a buildable lot and that it is two separately deeded parcels and two separate tax parcels. It was also stated that when there is a common owner of two side-by-side lots, it is the burden of the Township to decide then if it is one lot.

Mr. Lintner was looking at the numbers and said that one lot being 15,000 square feet and one being 12,000 square feet would make a legal lot if they were combined. Mr. Peck stated that the lot is larger but and a portion of it is unbuildable because of the drainage easement which is almost against the Battery Ridge driveway but is within the setbacks. The comment was made that if the garage wasn't being used by the Kellers it could be used as two lots. For the Kellers to sell the property at 1840 as an individual lot, it needs to have a variance in order for it to be made into a buildable lot as opposed to being a single lot.

The question arose as to when the Kellers purchased the lot in question and Mr. Keller said in early 1983, six months after purchasing the house and so it was two separate purchases. The Kellers built the garage on the property in the late 1980s. The Board is questioning whether there is a hardship to create the variance.

Ms. Hohenadel questioned the Board about keeping testimony on the case open in the event there are any further questions, and asked them to render a decision next month.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to continue Case 1204 to the May 12, 2015 meeting with the stipulation that the testimony remain open. Carried 3-0.

Case 1205 – Ben & Amanda Wachstein

This application was submitted by Benjamin and Amanda Wachstein for a variance to the minimum lot width requirement at the street line. They need 21.78' of relief from the 50' requirement.

Mr. Wachstein, 3232 Grande Oak Place, Lancaster, PA 17601 was sworn in to provide testimony. The Wachsteins are planning to build a 3,300 square foot home at 3230 Grande Oak Place on the lot they recently purchased. The variance that was granted originally when the lot was created has expired, and so they are seeking a new variance. The variance allowed the building of the house that has less than 30 ft. of road frontage. This variance was granted for both lots for setback width on September 9, 1988, Case 413.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a variance to 303.3.B for the minimum lot width at the street line be less than the required 50' by a 21.78 feet variance with the condition that whatever is done there is as described before the Board at this hearing. Carried 3-0.

Case 1206 – Dale R. Schober

This application was submitted by Dale R. Schober, from section 701.4 to replace a 4' chain link fence with a 6' privacy fence in the front yard.

Mr. Schober of 494 Norwood Rd., Columbia, PA 17512 was sworn in to provide testimony. The home was purchased 8 years ago. A variance was granted in 1987 to install a pool in the front yard with trees and shrubbery maintained. The hemlock trees that were planted are now overgrown. There is also a 4' chain link fence which is overgrown with ivy that was planted on that same hill. The Schobers would like to replace the trees, have the area re-landscaped and replace 80' of the chain-link fence. The fence is 4' and they would need the variance to replace it with a 6' privacy fence, installed in the same area to provide security and privacy for the swimming pool until the trees they will plant have matured.

Mr. Lintner questioned the need for a 6' fence. Mr. Schober stated that across Norwood Road there is an apartment building and without a 6' fence the people in the apartments can see the pool area. Also a 6' fence would provide privacy from the traffic coming down Norwood Road.

Exhibit A1 was presented containing 5 photos of the current conditions and Exhibit A2 with 3 photos of the proposed fence.

Motion: Tony Crocamo moved, seconded by Daryl Peck, to grant a variance from Section 701.4 at the property on 494 Norwood Rd. to allow a 6' wooden fence to replace the existing 4' chain link fence with the condition that the project be carried out per discussion in front of this Board, particularly that the landscaping be reinstalled and maintained. Carried 3-0.

Case 1207 – James and Julianne Hottenstein

The application was submitted by James and Julianne Hottenstein.

Mr. Hottenstein of 3749 Concordia Rd., Columbia PA 17512 was sworn in to provide testimony. Mr. and Mrs. Hottenstein purchased their home in September 2000. Since then they have had two more children and are running out of space. They would like to put an addition on their home. The home sits on the corner of Concordia Rd. and Kennel Ave. and the front porch is 19'4" off the center line of Concordia Rd. and also from Kennel Ave. They are asking for a variance for setback regulations in the front yard, a special exception for expansion of a non-conforming use/building and a variance of the 25% expansion limitations.

Mr. Peck questioned whether the expansion would be closer to the road. Mr. Hottenstein stated that the expansion would be further away from the road. The corner of the proposed addition would be 26'8" off the center line of Concordia Rd. and would be 43'9" off the center line of Kennel Ave.

The Board also questioned whether there were any stop signs where Concordia Rd. and Kennel Ave. intersect. Mr. Hottenstein stated that there is one where Concordia Rd. turns left but where Concordia and Kennel intersect there are no stop signs. It was also stated that there is no sight issue. Mr. Lintner asked Mr. Hottenstein what is the size of his total lot and Ms. Heffner stated that it was 0.5 acres.

Mr. Peck stated that the Hottensteins will need two separate variances for setbacks because of the home having two front yards, one on Concordia Road and one on Kennel Avenue. Mr. Hottenstein is amending his application to also request a variance on the setback on Kennel Avenue.

Mr. Hottenstein is also requesting a variance from the 25% limitation for the size of the addition. They are proposing a 24x21.6 foot addition and extending the kitchen by 8x9 feet which makes it greater than 25% of the existing house. Ms. Hohenadel stated that it can be determined that the Hottensteins have established sufficient hardship to justify that variance with the conditions of the property and that granting the variance enables reasonable use of the property. Mr. Peck then stated that a "footprint expansion" is 66% which would make it a 41% variance on the expansion. He also asked if the proposed expansion would be higher than the existing home and Mr. Hottenstein said no.

Mr. Lintner stated that the Hottensteins are asking for a 1 year extension on the special exception and a 1 year extension to complete the project.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to approve a variance to 303.4.A.3 for the setback regulation in the front yard facing Concordia Rd. and a variance of 19 feet 8 inches from the required 46 feet 6 inches. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to approve a variance to 303.4.A.3 for the setback regulation in the front yard facing Kennel Ave. and that variance is 2 feet 7 inches. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to approve a special exception for the expansion of a non-conforming building to 705.2.A. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant the variance to the 25% expansion of a non-conforming building limitation 705.2.A with the condition that the footprint not exceed the referenced 588 square feet proposed, that the expansion is situated on the plot as proposed, and that the new structure be no higher than the existing structure. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a 1 year extension for the special exception beyond what is permitted in the Zoning Ordinance 1005.3.H with the end date being April 13, 2017. Carried 3-0.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to grant a 1 year extension to the given 6 months authorized within 1005.4.G for the pulling of the permit based on the variance given with an end date of October 13, 2016.

The meeting was then adjourned at 9:30pm.

Respectfully submitted,



Tony Crocamo
Secretary