

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
May 10, 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, May 10, 2016. Gary Lintner called the meeting to order at 7:30 P.M. Board members Daryl Peck and Tony Crocamo were present, along with Edward Brown, 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 of April 12, 2016 as amended. Carried 3-0.

Case 1230– Lindsay Kline

Lindsay Kline and Dustin Kline of 3957 Birchwood Lane, Columbia, PA 17512 were both sworn in to provide testimony. Mr. Brown presented and marked as an Exhibit Board 1 a copy of the proof of publication of the newspaper advertisement for the hearing that was published April 26 and May 3, 2016. Mr. Brown stated to the applicants that the Board had some questions regarding whether or not today's hearing was properly advertised. Mr. Brown questioned the Klines about what they were seeking from the Board, and the Board will then make the decision on whether the meeting needs to be re-advertised based on the testimony that they would be providing.

Mrs. Kline stated that she was looking to open a hair salon in her residence at 3957 Birchwood Lane, Columbia. Mrs. Kline stated that she wanted to have one chair with the possibility of the second chair for a part-time employee in the future. Mrs. Kline stated that the salon would be separate from the home but attached in the addition they want to build. The clients would enter through that addition and not any part of the home as it would have a separate entrance.

Mr. Crocamo questioned on the drawing provided where the addition would be and whether it would be occupying any other part of the garage or household. Mr. Crocamo also questioned what the square footage would be of the hair salon. Mrs. Kline stated that it would be the 252 square foot addition to the rear of the garage beside the existing deck and the bathroom would be a 35 square foot space in the corner of the garage. Mr. Brown questioned what the square footage of the addition that they are proposing to add on, as well as the square footage of the lot coverage in total as to what was on the property currently and how much they are seeking to add. The Klines stated that with the house and the addition there would be a total of 1,452 square feet.

Mr. Brown questioned Mrs. Kline what her intentions with the business were as far as parking, what she was going to do with the business, and her hours of operation so they would be able to render a decision. Mrs. Kline stated that they would be using the driveway for parking coming in at a diagonal because the left part of the garage is unoperational. Mr. Lintner questioned how many cars the Klines had. Mrs. Kline stated that they have two and that if the salon is approved her car would not be leaving the home and would be parked in the garage during hours of operation. Mr. Kline's car would be leaving at 6:00 A.M. and would be returning in the evening. There is also on-street parking available on both sides of the street. There would also be a ramp from the driveway back to the main entrance for the salon.

Mrs. Kline stated that the hours of operation would be Monday through Friday from 9:00 A.M. and no later than 8:00 P.M. or by appointment, Saturday from 9:00 A.M. until 2:00 P.M., and no Sunday hours of operation. The space is intended to service Mrs. Kline's current customers or anyone in the neighborhood who would need her services, but she is not intending on growing the business too much more.

Mrs. Kline in her request asked to sell hair care products which would be purchased by customers after Mrs. Kline styled their hair so they could use the products at home. Mrs. Kline stated that selling these products would be a large part of her business and it would be a great help to her business. Mr. Lintner questioned how she would be getting her hair care supplies into the shop. Mrs. Kline stated that she would place an order with the sales representative and when the order was ready it would be delivered via UPS truck and not a tractor trailer because the order wouldn't be that large.

Mrs. Kline stated that the part-time employee is a questionable point at the current time. It would only be for down the road in the event she would become ill and not be able to work as much and service her customers. She would like to have someone to start early on in order to acquire a reputation and get to know in the event they would be needed. With the salon being attached to her home she would want someone trustworthy. Mr. Crocamo questioned if there would be two chairs with the part-time employee and Mrs. Kline stated that there would because it would be so much easier if she had two because of juggling her schedule with the part-time person only working a couple hours a day. Also if someone called in for a last minute appointment the customer wouldn't feel uncomfortable with the space being too small.

Mr. Lintner questioned how her house was served with water and sewer. Mrs. Kline stated that there was both public water and sewer and that she checked with LASA as to whether she needed anything on their behalf and they stated no.

Mr. Lintner questioned how people would be finding her business. Mrs. Kline stated that she would be using social media, ads in the newspaper, and there would be a sign posted at the front of the home. Mr. Brown stated that the sign would be an issue and questioned what type of sign they are envisioning. Mrs. Kline stated that it is going to be a small metal sign on stakes in the yard. They stated that it would be nothing with lights and they have a light pole out front that they may place a small sign with the business name on it. Mr. Brown stated that there would need to be a separate request for signage for the business per the Zoning Ordinance. Mrs. Kline stated that in Section J no goods are publically displayed on the premises other than signs as provided herein. Mrs. Kline stated that with this reading she is able to have a sign on the property of two square feet with a permit and it will be a removable sign.

Mr. Lintner stated that given the concern for the notice not spelling out exactly what the home occupation was going to be, and given the concern that there is no request for a sign, he felt that there should be a continuance of the case, to advertise what the business is in the event there would be a concern with the neighbors.

Mr. Brown stated that the Board also has serious considerations about whether the Klines needed to request a variance from Subsection L of the home occupation section of the Zoning Ordinance. Mrs. Kline stated after reading over this section numerous times it meant to her that if she had a well or

septic system then she would need a certificate from the Sewage Enforcement Officer. However, she is on public water and sewer and so nothing was needed. Mr. Brown stated that the first two sentences in that section state that "Except as set forth in this paragraph, barber shops, beauty shops, photography studios, and other professional offices, such as dentist, doctor, insurance agent, and attorney offices, shall not be permitted as home occupations." Within the Rural Agricultural District, beauty and barber shops of one chair may be permitted as a home occupation and the Board stated that her property is zoned R-3. Mr. Brown stated that in her zoning district a beauty shop is not permitted except with a variance of this Subsection L along with the other variances that they are requesting.

Mr. Lintner stated that if the Board determines that they should continue the case and re-advertise, that would give the Klines time to further prepare their testimony and could continue to seek that variance to be able to put a beauty salon in her home. Mrs. Kline stated that she had a concern because of her current employer seeing the advertisement prior to her being able to tell them on her own. Mrs. Kline was waiting until everything was approved to notify her employer of her steps. Mr. Lintner stated that the Board's dilemma is that if it isn't on the application and it wasn't advertised to have it on the application, the Board can't act on it. Mrs. Kline decided to continue the case until the June 14, 2016 meeting because of the issues with the advertising. Mrs. Kline's case wasn't advertised that she was going to have a hair salon in her home; it was just advertised as an in-home business. Mr. Brown also asked Mrs. Kline if she was going to amend her application to seek a variance of section 702.6.L to allow a beauty shop to be operated in the district other than the Rural Agricultural District. Mrs. Kline stated that she would come into the office and meet with Ms. Heffner to amend her application. Mr. Peck also stated that each variance or special exception on her application would be acted on separately.

Motion: Daryl Peck moved, seconded by Tony Crocarno, for Case 1230 for Lindsay Kline for the property at 3957 Birchwood Lane. for a continuance to the June 14, 2016 meeting and testimony would remain open and Mrs. Kline's case would be first on the agenda. Motion carried 3-0.

Case 1232: Donald & Angela Varner

Donald Varner of 501 Stony Battery Road, Landisville, PA 17538 was sworn in to provide testimony. Mr. Varner stated that he was interested in putting a swimming pool in his yard. With the setbacks and the unusual property layout of having three streets surround the entire property, he is requesting a variance for setbacks. Mr. Varner stated that they want to put the pool in the yard as close to the house as possible to get as much setback as they can. Mr. Lintner questioned if anyone going north on Stony Battery Road has ever come into the yard, and Mr. Varner stated that yes three times there have been cars into the trees that he planted there but never close to the house.

Mr. Peck questioned what variances the Zoning Board feels that the Varners need. Ms. Heffner stated that the Varners need relief from having the pool not be in the front or the side yard and that the pool needs to be in the rear of the dwelling, but there is not a back yard because of having three front yards. Mr. Varner stated that his front porch faces Old Stony Battery Road and if you go 180 degrees the rear of the home faces Stony Battery Road. He wants to place the pool to the south side of the house and wants to put a 4 foot fence around the apron of the pool.

Mr. Peck stated that the setbacks listed on the plot plan are 29 feet to the concrete apron of the pool from the center of Old Stony Battery Road which means that the Varners are requesting a variance of 17.5 feet from the required setback of 46.5 feet. Mr. Peck questioned the setback that is required and Ms. Heffner stated that it is 30 feet from the street right-of-way line or 45 feet from the street center line, whichever is greater. Mr. Peck questioned what the setbacks would be on the Stony Battery Road side of the property. Mr. Lintner stated that it needs to be 65 feet from the road center. On Stony Battery Road they need a variance of 30 feet and on Old Stony Battery Road they need a variance of 10 feet.

Motion: Tony Crocamo moved, seconded by Daryl Peck, for Case 1232 for the property at 501 Stony Battery Road that they grant a variance for Section 704.C.1 to allow the placement of a swimming pool and fence in other than the rear yard, due to the property having three front yards and as illustrated on the picture provided. Motion carried 3-0.

Motion: Tony Crocamo moved, seconded by Daryl Peck, for Case 1232 for the property at 501 Stony Battery Road that they grant a setback variance for Section 303.4.A.2 with relief of 30 feet on the Stony Battery Road side of the property. Motion carried 2-1. Daryl Peck-no.

Motion: Tony Crocamo moved, seconded by Daryl Peck, for Case 1232 for the property at 501 Stony Battery Road that they grant a setback variance for Section 303.4.A.3 with relief of 10 feet on the Old Stony Battery Road side of the property. Motion carried 2-1. Daryl Peck-no.

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

Respectfully submitted,



Tony Crocamo
Secretary