

**WEST HEMPFIELD TOWNSHIP
ZONING HEARING BOARD
July 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, July 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 Rhonda Adams, Court Reporter; Jodi Heffner, Zoning Officer; Bernadette M. Hohenadel, Solicitor; and Marsha Beamenderfer, Recording Secretary.

Approval of Minutes

Motion: Tony Crocamo moved, seconded by Daryl Peck, to approve the minutes of the meeting held June 09, 2015 as presented. Carried 3-0.

Case 1212 – Jana Filling

Case 1212 was submitted by Jana Filling for a special exception to allow a contractors office on property at 3855 Columbia Avenue, Mountville, PA 17554. Jana Filling was sworn in to provide testimony.

Ms. Filling stated that they were starting a tree service and wants to store the vehicles in the driveway and storing saws in the shed. The property is zoned commercial and the property is .6 acre. The dimensions on the driveway are 47ft X 37ft which are 5 spaces for a dump truck, pick-up truck and 2 cars.

Mr. Lintner questioned Ms. Filling in regards to the property to the east side would be the neighbor and do they share the same drive. Ms. Filling stated yes and that she has spoken to them about it. Mr. Lintner questioned whether there was a formal agreement about the driveway usage. Ms. Filling said no.

Mr. Peck questioned whether there was going to be additional buildings put onto the property and Ms. Filling said no. Mr. Lintner stated that a comment was made about not selling firewood and he asked if any of the firewood or branches from the trees being taken down would be brought back to the property. Ms. Filling said that most times it would be taken to a mulching facility but on occasion it would be brought back to the property in the dump truck temporary if facilities wouldn't be open and then be taken to the facilities the next day.

Mr. Peck questioned about allowing a contractor's office on the property. Ms. Filling stated that the property already had an existing office from a previous business that was recently disbanded so they are not building the office. The size of that office is 13ft x 13ft. Mr. Peck questioned what they were asking for was to park the vehicles on the property and Ms. Filling stated yes. Ms. Hohenadel questioned what the previous business was and Ms. Filling said that it was a dance studio and that is what the office was used for and that it wasn't a construction business. Mr. Peck questioned why we are approving for a contractors office and Ms. Hohenadel stated that even though it was a previously existing office it was a previously existing office for another use. Ms. Filling stated that she wouldn't be receiving clients there and that there wouldn't be any traffic as they go to their site for the work.

Mr. Crocamo questioned about having a chipper at the property and Ms. Filling said that if one is rented and they have it for a two day job that would also come back to the property and that it wouldn't be operated on the property only at the sites. Mr. Peck questioned if there was any other property that the equipment was stored at and Ms. Filling stated no. Ms. Hohenadel questioned how many employees are employed at the business and Ms. Filling stated at the present time there were 2 but eventually there may be more. Ms. Hohenadel then brought up about the parking for more employees. Ms. Filling stated that the employees would meet at the job and not be parking at the property.

Mr. Lintner questioned the zoning district that the property was in and Ms. Heffner stated that it was zoned C-2 where an office is permitted. Mr. Peck still questioned the contractor's office and Ms. Hohenadel stated that the definition of a contractor's office is offices and shops for tradesmen, such as building, cement, electrical, plumbing, masonry, painting, roofing, landscapers, excavator and any similar professional or licensed contractor. Mr. Lintner viewed a contractor's office as where the employees gather prior to being distributed out to their daily duties. He also stated that a tree trimmer/landscaper business are very similar.

Ms. Hohenadel stated that it may not be a contractor's office and then would it be a non-conforming use of the home office. The definition of office states that it is a place where the primary use is conducting the activities of a business, profession, service or government, including administration, record keeping, clerical work and similar business functions.

Ms. Hohenadel questioned what is needed for the parking at the property to park the business equipment. Ms. Heffner stated that they may need screening and that this is a commercial use on a property being used as residential. As a whole township staff was seeing it as a contractor's office.

The Board is trying to decide on what relief Ms. Filling was asking for because it appears that the office is permitted in the C-2 district. They want to make sure that what the Board is approving for you is what you are going to be doing and what you need and that in a year someone doesn't walk in and say you can't do what you are doing on the property.

The Board questioned Ms. Heffner whether the township reviewed the interpretation of the application. The staff felt that the permitted use in the C-2 district which is in Section 402.2A which refers to any use permitted as of right in the C-1 district should include the Special Exception uses in district C-1 to include the contractor's offices in Section 401.2 B.4. Ms. Hohenadel then stated that it can't because of it not being permitted as a special exception in the C-2 District if it is interpreted that way.

Mr Peck stated that based on their interpretation of office and contractor's office the Zoning Hearing Board asked to have the Township staff again review the application. Mr. Crocarno stated that the Township has already reviewed the application, knew that there was an office there before but knew what the activity was going to be and thought that a contractor's office would be better suited. The Board discussed that you cannot ignore the application before them. Ms. Hohenadel stated that the applicant can withdraw that part of the application of a special exception of a contractor's office and amend the application.

Ms. Hohenadel states that if you stick with the contractors office then you get to the issue of it not being a special exception in the C-2 then it is a use variance.

Mr. Lintner reviewed that it is primarily a residence which is a nonconforming use in a C-2 District, a residence requires two parking spaces but it has been established that there is a business in the residence and that there is an office for that business, there is no manufacturing. If you look at the parking requirements for commercial use or a commercial building there is one parking space for every 400 square feet of floor area. Ms. Filling was then questioned what the square feet of her house is and it was determined that the office is only a small space of the house. Mr. Lintner concluded that if the Board says that it is a permitted use because it is an office of a commercial enterprise and that the entire building is commercial and do you base the parking on the entire building. There are seven rooms in the building which is just less than 1200 square feet which you need one space per 400 square feet then you only need three spaces and she shows having room for seven spaces.

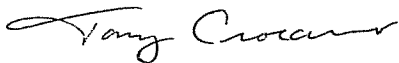
Mr. Crocarno questioned whether the dump truck, the chipper or any equipment described in testimony being permitted on the property in the C-2 District. It was stated that it has to be licensed. Ms. Heffner stated that the property is being changed from residential to a commercial use.

Mr. Lintner states that the Board is viewing the application differently than what the Township is viewing the application while listening to what the applicant is trying to do.

Motion: Daryl Peck moved, seconded by Tony Crocamo, to continue Case 1212 for further review by the Township and the Township's attorney based on the Boards position and provide recommendations for any relief required to the August 11, 2015 meeting. Carried 3-0.

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

Respectfully submitted,



Tony Crocamo, Secretary