

**WEST HEMPFIELD TOWNSHIP
3401 MARIETTA AVENUE
LANCASTER, PA 17601**

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
January 8, 2013**

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, January 8, 2013. Gary Lintner called the meeting to order at 7:30 P.M. Board members Amelia Swiernik and Daryl Peck were also present, along with Rhonda Adams, Court Reporter; Mathew Creme, Solicitor; Jodi Grove, Zoning Officer; and Darlene Diffenderfer, Recording Secretary.

REORGANIZATION: The first order of business was to organize the Board for the year 2013.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to retain the current makeup of the Board: Gary Lintner, chairman; Amelia Swiernik, vice chairman; and Daryl Peck, secretary; and to keep the same meeting schedule of the second Tuesday of the month at 7:30 PM with meetings held at the Township building for the year 2013. Motion carried 3-0.

Case 1161 – Thomas G. Ziegler

This application was submitted by Thomas G. Ziegler, 164 Manor Church Road, Columbia, PA for a Special Exception to Section 705.2 to allow expansion of a non-conforming use; a variance of 231% to Section 705.2.A to exceed 25% expansion permitted; a variance of 22 feet to Section 502.4.B for south side yard setback; and a variance of 40 feet to Section 502.4.B for north side yard setback to build an accessory pole building on property he owns located at 220 North Donnerville Road, zoned I-2.

Mr. Ziegler was sworn to provide testimony.

Mr. Ziegler stated that he recently purchased this property and wants to add a pole building to be used only for storage. He stated the lot is long and narrow (70' x 480') and the proposed building would be 32' x 104' maximum size. He stated it is possible he will place a smaller building on the lot, but is requesting the variances for the maximum to avoid having to return to the Board.

An aerial photograph of the property and surrounding properties was reviewed.

Mr. Ziegler stated the property is currently used as a residence with no business located there even though it is zoned I-2. He stated he would use the pole building for personal hobby storage, and the residence would be leased to Paul Lefever who would also use the pole building. Mr. Lefever currently resides at 127 East Main Street, Mount Joy, PA.

Mr. Peck questioned the request for expansion of a non-conforming use. Mr. Creme replied that the pole building is permitted as an accessory use to the existing residence, and that the residence is the non-conforming use in the I-2 zone.

Mr. Lintner questioned the current impervious surface on the property. Mr. Ziegler replied that it is mostly turf beyond the garage type building. He stated he plans to improve the driveway and extend it to the new building. He added that a grass buffer will be in place between the driveway and the neighboring property to the south.

Mr. Creme stated that this property is a non-conforming lot which is significant to the variances for the setbacks and in addition to that, it is occupied by a non-conforming use. He stated this would be considered the hardship. Mr. Lintner noted that the narrowness of the lot would prohibit placing a useable building of any size on the lot and still be able to meet the required industrial zoning setbacks.

Mr. Peck noted that there really is no buildable space on the lot since the required side yard setback is 50 feet and the entire property is only 70 feet wide.

Discussion followed to determine the percentage of expansion of the non-conforming use. It was determined the house is approximately 1300 square feet and the proposed building would be approximately 3300 square feet. The exact size of two existing outbuildings were unknown.

Mr. Creme stated that, if the Board approves the request, they would approve it for a building not to exceed a certain size irrespective of what degree of variance is granted.

Mr. Ziegler stated that the size of the proposed building has not been finalized and may be a smaller size of 32 x 80.

It was noted that the building on the adjacent property on the south side was 20 feet from the property line and Mr. Ziegler's building would be 28 feet from the common property line and 10 feet from the property line on the north side. Mr. Ziegler stated that he spoke to the neighboring property owners and they did not have any problem with his plans.

Mr. Creme stated that the Board can also consider that the Industrial zone coverage requirements apply to this case. He stated a minimum of 27% landscaping is required so 73% of the lot can be covered with impervious. Mr. Peck stated that the lot is 33,000 square feet and the pole building would cover only 10% of the lot.

Mr. Creme further stated that there is no precedence for any Industrial zoned property; that each property has its own uniqueness.

Mr. Ziegler stated that there would be lighting in the building and enough outside for security, but no large spotlights.

Mr. Ziegler stated that the building would be used for storage only; that no work or maintenance would be performed on any vehicles.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a Special Exception to Section 705.2 for expansion of a non-conforming use to allow an accessory structure not to exceed 32 feet x 104 feet at 220 North Donnerville Road to be used for personal storage associated with the residential use on the property. Carried 3-0.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance of 231% to Section 705.2.A to allow expansion of a non-conforming use in excess of the 25% permitted for the property at 220 North Donnerville Road with the following conditions: 1) proposed building cannot exceed 32 feet x 104 feet; 2) building be limited to one story; and 3) building be constructed as described before the Board. Carried 3-0.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance of 22 feet from the required 50 feet to Section 502.4.B for the south side yard setback and a variance of 40 feet to the required 50 feet to Section 502.4.B for the north side yard setback to allow construction of an accessory pole building at 220 North Donnerville Road with the following conditions: 1) proposed building cannot exceed 32 feet x 104 feet; 2) building be limited to one story; and 3) building be constructed as described before the Board. Carried 3-0.

Case 1162 - Columbia Animal Hospital

This application was submitted by Dr. Robert A. Bartlett of Columbia Animal Hospital, 4081 Columbia Avenue, Columbia, PA for a variance to Section 708.8 to replace and expand an existing, non-conforming free-standing sign on his property, zoned Rural Residential.

Dr. Bartlett was sworn to provide testimony. He stated that the existing sign is in bad repair and needs to be replaced. He stated that, as a marketing effort, he will redesign the logo and add an LED panel below the sign which would have a changing message displayed.

Dr. Bartlett stated the current sign is lighted and the new sign would be lighted in the same manner. He stated the new sign would be placed in the same location as the existing sign with the same orientation, but he would eliminate the existing brick base of the sign.

Dr. Bartlett stated the LED message panel would show the time and temperature, but also change to display information about the hospital or of community interest. He stated there will be no scrolling or flashing of the message panel, but would be a slow fade in and fade out from message to message with each message held for several minutes before changing.

Mr. Creme referenced Section 708.4.X of the general sign regulations in the Zoning Ordinance. This section states no animated, sequential, intermittent, flashing, rotating, or oscillating signs are permitted except for time and temperature signs.

It was determined the current sign is non-conforming because the Ordinance allows a sign of only two square feet in this zoning district. Mr. Creme stated that since the sign is already non-conforming, the new sign cannot be any larger than the existing sign. It was determined that a variance of 18 square feet would be necessary to allow the new sign.

Dr. Bartlett stated that he contacted PennDot and was told that he would not need any type of special permit for the new sign and that it was outside the right-of-way.

Discussion followed regarding the changing message LED panel. The Board stated that Dr. Bartlett could erect the sign with the LED panel for time and temperature only and then approach the Board of Supervisors to request a text amendment to the Ordinance to allow this type of sign. If that Board would amend the Ordinance, Dr. Bartlett could then incorporate the changing message into the sign.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to grant a variance of 18 square feet to Section 708.8 to replace and expand existing sign at 4081 Columbia Avenue with the condition that

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the new sign be no larger than 6 feet by 7 feet and that the new sign be erected as described before the Board. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Daryl S. Peck, Secretary
Secretary