

**WEST HEMPFIELD TOWNSHIP
ZONING HEARING BOARD
July 9, 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, July 9, 2013. Gary Lintner called the meeting to order at 7:30 P.M. Board members Daryl Peck and Amy Swiernik were also present, along with Rhonda Adams, Court Reporter; Jodi Grove, Zoning Officer; Bernadette Hohenadel, Solicitor; and Darlene Diffenderfer, Recording Secretary.

Approval of Minutes

Motion: Amy Swiernik moved, seconded by Daryl Peck, to approve the minutes of the meeting held June 11, 2013 as presented. Carried 3-0.

Case 1173 – Weis Markets

This application was submitted by Weis Markets, 1000 South Second Street, Sunbury, Pa for a Special Exception to allow 24 hour operation of the store and gas service located at 1400 Stony Battery Road, zoned C-2.

Mr. David Gill of Weis Markets was sworn to provide testimony.

Mr. Gill stated that in 2010 they had requested to have hours extended to 11 PM for the store on Stony Battery Road and are now requesting to allow a 24 hour operation, 7 days per week at this store. He stated that all previous conditions would remain in effect and the only change to the store would be that the parking lot lights would remain lit into the late night hours.

Mr. Gill stated that the gas service kiosk would be manned for the 24 hour period each day.

Mr. Gill stated that 24 hour service is not chain wide with Weis Markets, but surveys of their customers, competition with other stores, and logistics were the factors in deciding to move this store to 24 hours. It was noted that the Turkey Hill store next door and the Giant store on Centerville Road are both open 24 hours per day, 7 days per week.

It was noted that no residents of the Township have expressed any complaints about current conditions at this store or for the proposed change.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to grant a Special Exception to modify the conditions of Case 1115 to allow 24 hour operation for the Weis Market and gas kiosk at 1400 Stony Battery Road with the following conditions: 1) delivery service be the same as Case 1115; 2) gas service kiosk be manned 24 hours per day; and 3) all things be as described before the Board. Carried 3-0.

Case 1174 – Ruth Bushong

This application was submitted by Ruth Bushong, 50 Meadow Road, Columbia, Pa for a Special Exception to Section 705.2.A to allow expansion of a non-conforming use to allow construction of a heifer barn on property she and her husband Glen own, zoned C-2.

Ruth Bushong, Glen Bushong, and Neil Bushong were all sworn to provide testimony. Neil presented a map of the property which showed the section that is zoned C-2 and the location of the proposed new barn within the C-2 area. He stated that this section was changed to C-2 zoning by the Township's comprehensive plan, but has always been maintained as an agricultural use. He added that the remainder of their property is zoned agricultural.

Neil stated that the proposed new heifer barn will be located 250 feet from the stream. Glen Bushong stated that manure storage will be underneath the entire building.

Ruth Bushong stated that currently some of their young calves are housed at another location for several months and then moved back to the home farm. She stated that the new barn will allow them to keep the animals at the home farm and avoid the expense and problems of moving them from place to place. She added that the total herd will not be increased.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to grant a Special Exception to Section 705.2.A for a 21% expansion of a non-conforming use to allow construction of a new heifer barn at 50 Meadow Road with the condition that all things be carried out as described before the Board. Carried 3-0.

Case 1175 – Jason & April Ruhl

This application was submitted by Jason and April Ruhl, 1752 Kinderhook Road, Columbia, PA for a Special Exception to Section 705.2.A for expansion of a non-conforming use to replace a mobile home with a house, a variance to Section 705.2.A to allow more than 25% expansion and a variance to Section 1005.4.G for a one year time extension to allow construction of a new house on their property which is zoned Rural Agricultural.

Mr. and Mrs. Ruhl were both sworn to provide testimony. Mr. Ruhl stated they had purchased the property in February 2013 from Mrs. Ruhl's parents. He stated the mobile home on the property is 980 square feet and they propose constructing a new house to not exceed 3000 square feet. He stated new construction would meet all required setbacks. Mr. Ruhl also stated that the lot is .4 acres.

Mrs. Ruhl stated that a new house would be an improvement to the neighborhood since all of the other properties have houses on them rather than mobile homes.

Mrs. Ruhl stated they had a letter from Marvin Stoner, the Township's Sewage Enforcement Officer, stating that the current septic system would be sufficient if they did not exceed three bedrooms in the new house. She stated the property is served by a private well for water.

It was noted that the non-conformity was the size of the lot.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to grant a Special Exception to Section 705.2.A to allow expansion of a non-conforming use at 1752 Kinderhook Road. Carried 3-0.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to grant a variance of 181% to Section 705.2.A to allow construction of a new house with a maximum of 3000 square feet at 1752 Kinderhook Road with the condition it be built as described before the Board. Carried 3-0.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to grant a variance to Section 1005.4.G for a one year time extension to expire in January 2015. Carried 3-0.

There being no further business to come before the Board, the meeting was adjourned at 8:15 pm.

Respectfully submitted,

Daryl S. Peck, Secretary

