

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

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
June 11, 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, June 11, 2013. Gary Lintner called the meeting to order at 7:30 P.M. Board members Daryl Peck and Amelia Swiernik were also present, along with Rhonda Adams, Court Reporter; Jodi Grove, Zoning Officer; Matt Creme, 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 May 14, 2013 as presented. Carried 3-0.

Case 1169 – Amber Haas

This application was submitted by Amber Haas, 1031 Prospect Road, Columbia, PA for a Special Exception to Section 702.9 to allow Echo Housing for her mother within an addition to their home, zoned Rural Agricultural.

Amber and Courtney Haas were both sworn to provide testimony.

Mrs. Haas stated that they had recently obtained a permit to add an addition to their home. She stated the addition was to the rear of the house which is a daylight basement. She stated that the new addition plus an existing bathroom would be used by her mother, and they would convert an existing laundry room into a kitchen for her use. She stated that her mother has health issues and this would eliminate the need for her to use the stairs to the upper level to use the existing kitchen.

A floor plan for the addition that was submitted with the construction permit application was reviewed.

Mrs. Haas stated that the property has a private well and on-lot septic with two septic tanks. Mr. Creme questioned whether the sewage enforcement officer had certified that the septic system could handle the additional use in the house. Mr. Haas stated that the system was inspected when they recently purchased the property and they were told the system would be sufficient for another person living there. Mr. Creme stated that they should bring a copy of that inspection report to the zoning officer for the file. Mrs. Haas added that the septic system is fairly new; that it was installed about six years ago.

It was determined that the new addition would also provide a new laundry room and powder room for the Haases on the upper level and that the area used by Mrs. Haas's mother would be less than 1000 square feet.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a Special Exception to Section 702.9 to allow an Echo Housing unit at 1031 Prospect Road with the following conditions: 1) septic test/inspection report must be submitted to the zoning officer; 2) owner must notify the zoning officer on an annual basis whether or not the unit is still occupied by the family member; 3) kitchen must be dismantled within 120 days after it is no longer needed for the Echo Housing; 4) unit can be occupied only by permitted persons; and 5) all things be carried out as described before the Board. Carried 3-0.

Case 1170 – Douglas W. Martin

This application was submitted by Douglas W. Martin, 1095 Prospect Road, Columbia, PA for a Special

Exception to Section 301.2.B.6 pursuant to Section 701.9 to allow a roadside produce stand on his property zoned Rural Agricultural.

Mr. Martin and his wife, Jolene Martin, were both sworn to provide testimony.

Mr. Martin stated the proposed produce stand would be placed in his front yard and would consist of an old hay wagon converted into a display stand. He stated the wagon could be wheeled out as needed and removed on weekends when the stand is closed. He stated the stand would be approximately 150 feet from the roadway.

A discussion followed regarding the type and size of sign the Martins planned to erect. Mr. Martin stated he would use either an A-frame foldable sign or a pole with hanging slats on it to list what items they had for sale. It was determined that the Ordinance only allows a sign of two square feet which would not be adequate for their needs. Mr. Martin stated the type of sign he is considering would be approximately 2 feet by 3 feet or 6 square feet total.

Mr. Martin stated the stand would be open Monday through Saturday 8 AM to dusk with no Sunday sales. He stated the wagon would be moved out of the front yard on Sundays when not being used.

Mr. Martin stated there is currently sufficient off-street parking available, but he plans to widen his driveway to allow easy access and turn around for exiting.

Dan Forry, 1015 Prospect Road, Columbia was present and expressed concern about the safety of vehicles parking and exiting at this site. He stated that he frequently travels on Indian Head Road and the intersection of that road with Prospect Road is just south of the Martin property. He stated that existing trees and bushes on the Martin's property and neighboring properties makes it very difficult to see north on Prospect Road when pulling out from Indian Head Road. He expressed concern that the additional traffic and signage would make the situation even worse.

Mr. Martin stated he can remove the bush if he has to and will trim limbs from the large trees on his property, but some of the trees are on a neighboring property. He stated he will view his property from Indian Head Road and make whatever adjustments he is able to make.

It was recommended that Mr. Martin include "no parking" or "pull in" as part of any sign he places for the stand to encourage people to pull in the driveway rather than stopping along the road which would place the vehicle within the lane of traffic.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to grant a Special Exception to Section 301.2.B.6 pursuant to Section 701.9 to allow a portable, roadside produce stand at 1095 Prospect Road with the following conditions: 1) site distance be opened up to the satisfaction of the zoning officer; 2) sign cannot exceed six square feet; 3) hours of operation shall be Monday through Saturday from 8 AM to dusk May through September; and 4) all activity be as described before the Board. Carried 3-0.

At this time, Chairman Lintner stated the Board would hear Case 1172 ahead of Case 1171 so that the applicant for Case 1172 would not have to wait through the Turkey Hill case which could be lengthy.

Case 1172 – PK Novelties LLC d/b/a Wicked Fireworks

This application was submitted by PK Novelties LLC, d/b/a Wicked Fireworks, 506 Woodhall Drive, Willow Street, PA for a Special Exception to Section 101.7 (Uses not Provided For) to allow a temporary tent for the sale of fireworks on property owned by Galileo Shops at Prospect located at 3985 Columbia Avenue, zoned C-2.

Ken Kirchoff, CEO of PK Novelties was sworn to provide testimony. Mr. Kirchoff stated that his company was not the same company that applied for the same activity at the same location in 2012.

Mr. Kirchoff stated that the proposed tent would be approximately 800 square feet and would cover four parking spaces with one entrance to the tent located on the west side of the tent. He stated the tent would be attended 24 hours per day with hours of operation 9 AM through 10 PM, June 26, 2013 through July 6, 2013. He added that hours would extend to 11 PM on July 3 and July 4, 2013.

The parking lot diagram submitted with the application was reviewed. The drawing indicated two proposed locations for the tent. Ms. Swiernik stated she would prefer that the tent be located in the same area as last year because the second proposed location could result in customers walking within a heavily travelled lane within the parking lot.

Mr. Kirchoff stated that his company has 60 locations within three states.

The conditions of approval that were part of the approval for Southern Comfort Fireworks in 2012 were discussed. Ms. Swiernik read those conditions into the record and Mr. Kirchoff stated that he did not have any problem in complying with the same conditions with the exception of the dates and hours.

Mr. Kirchoff stated that signs would be limited to directional signs at the road and several banners on the tent. He stated the total size of the banners would be less than 200 square feet.

Motion: Daryl Peck moved, seconded by Amy Swiernik, to approve a use not provided for as a Special Exception to Section 101.7 to allow a temporary tent for the sale of fireworks on property located at 3985 Columbia Avenue with the following conditions:

- 1) Tent must be erected as depicted in application
- 2) Tent use no more than 8 parking spaces
- 3) entrance/exit to tent be located on west side of tent
- 4) Sale dates be limited to June 26, 2013 through July 6, 2013
- 5) Selling hours be as described within the application
- 6) Signs be placed as described before the Board
- 7) Security be as described with tent attended 24 hours per day
- 8) Applicant must notify the Police Department that attendant will be on site 24 hours per day
- 9) Fire protection be as described before the Board
- 10) All other aspects be as described before the Board

Motion carried 3-0.

Case 1171 – Turkey Hill LP

This application was submitted by Turkey Hill LP, 257 Centerville Road, Lancaster, PA for variances to expand and renovate an existing store located at 1199 Prospect Road, zoned C-2. The variances requested are as follows:

- Section 402.4.A.2 – variance of 18 feet for front yard setback on Prospect Road to rebuild fuel canopy
- Section 402.3.A.5 – variance of 2% to reduce required minimum landscape area
- Section 402.4.A.2 – variance of 9 feet for front yard setback on Prospect Road to expand southeast corner of building
- Section 402.4.B. – variance of 7 feet for side yard setback to expand northeast corner of building

Section 707.3.L.1.a – variance of 12 feet to reduce required front yard parking setback and screening along Prospect Road
Section 707.3.L.2.a – variance of 3% to reduce the required interior parking lot landscaping for a lot with more than 20 spaces
Section 707.4 – variance of 36 spaces to reduce the required number of parking spaces (included the 12 spaces at the fuel pumps)

George H. Eager, Attorney, 1347 Fruitville Pike, Lancaster, PA was present to represent Turkey Hill. William Weissner, Jr. of Turkey Hill was sworn to provide testimony.

Mr. Eager distributed site plans to the Board which showed the property as it currently exists and the proposed changes to the site as well as Google aerial photographs of the site.

Mr. Eager stated there were several amendments to the information in the application. He stated the size of the building after renovations will be 4650 square feet. He stated the size of the existing building is 3045 square feet, not 3400 as described previously. He added that, due to the reduction in the size of the building, the required number of parking spaces is reduced from 74 to 62. He stated they are adding 632 square feet of impervious area which would change the variance required for minimum landscape area to 4% instead of 2%.

Mr. Weissner stated that the store building would be expanded by 12 feet on the north side to install new cooler and freezer boxes. He stated the building would be expanded by 14 feet on the east side which will eliminate five existing parking spaces. He stated this will increase the size of the back room storage and allow improved ADA compliant restrooms. He added the store will also have wider aisles for ADA accommodations.

Mr. Weissner stated they will be adding two required handicapped parking spaces in front of the building and propose three new parking spaces along Prospect Road where there is currently only five spaces. He stated the existing spaces are for parking parallel to Prospect Road, but will be reoriented to be pull-in spaces.

Mr. Weissner stated the new gas canopy will have six double fuel stations which they think provides an additional twelve parking spaces because the gas customers usually do not move their car to enter the store after fuelling. Currently, there are only four double fuel stations in a single row. The six new stations will be two rows of three stations each. It was noted by the Board that they do not consider the spaces at the fuel stations to be parking spaces and would have to look at that way when granting any variances.

Mr. Weissner stated they did gain some green space by removing the pad for the old compressors. He stated the new compressors will be located on the roof of the addition to the building. He later added that they may be able to add more green space along the east side of the building to eliminate the possibility of cars trying to park there.

Ms. Swiernik recommended that they remove the Blue Rhino propane cage from the impervious area to make exiting the end parking space less dangerous. Mr. Weissner stated they could possibly move it to the concrete area on the west side of the building.

A discussion followed regarding the need for numerous variances and the other possible options for expansion of the site. Mr. Weissner stated they had considered adding to the west side, but the location of existing electrical and plumbing facilities would have required extensive renovations. Mr. Lintner pointed out that since the expansion of the building on the east side does not exceed the area currently used by parking, there is no further encroachment into the setback area.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance of 18 feet to Section 402.4.A.2 for the front yard setback on Prospect Road to rebuild the fueling canopy on the property at 1199 Prospect Road. Carried 3-0.

Motion: Amy Swiernik moved, seconded by Gary Lintner, to grant a variance of 4% to Section 402.3.A.5 to reduce the required minimum landscape area at 1199 Prospect Road with the condition that landscape area be added, if possible, on the east side of the building from the southeast corner of the building to the northeast corner. Carried 3-0.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance of 9 feet to Section 402.4.A.2 for the front yard setback on Prospect Road to expand the southeast corner of the building with the condition the building be constructed as described before the Board. Carried 3-0.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance of 7 feet to Section 402.4.B for the sideyard setback to expand the northeast corner of the building with the condition the building be constructed as described before the Board. Carried 3-0.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance of 12 feet to Section 707.3.L.1.a to reduce the front yard parking setback and screening to create 8 parking spaces along Prospect Road. Carried 2-1 with Gary Lintner opposed.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance of 3% to Section 707.3.L.2.a to reduce the required interior parking lot landscaping for a lot with more than 20 spaces. Carried 3-0.

Motion: Amy Swiernik moved, seconded by Daryl Peck, to grant a variance to Section 707.4 of 36 spaces to reduce the required number of parking spaces with the condition the propane tanks be relocated to the west side of the building. Carried 2-1 with Daryl Peck opposed.

There being no further business to come before the Board, the meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Daryl S. Peck
Secretary