

# WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD

Meeting Minutes – October 14, 2025

7:00 PM

The West Hempfield Township Zoning Hearing Board met in the meeting room of the West Hempfield Township Municipal Building at 3476 Marietta Avenue, Lancaster, PA. Board members Gary Lintner, Ciro Gambone, Robert Skuya, David Lounsbury, and Daryl Peck were present. Also present were Township Zoning Officer Dwayne Steager, Solicitor Bernadette Hohenadel and Rhonda Adams, Court Reporter.

**Call to Order** – Chairman Gary Lintner called the meeting to order at 7:00 p.m.

## Approval of minutes for June 10, 2025

**Motion** was made by Daryl Peck and seconded by Robert Skuya to *approve* the minutes for the meeting held April 8, 2025 as presented. The motion carried (5-0).

## PROCEDURAL MATTERS

Board Counsel provided procedural explanation to attendees regarding order of testimony and evidence presentation, party status requirements and rights, Board decision options and timelines, appeal procedures to Lancaster County Court of Common Pleas and written decision timeline and acknowledged applicant's Counsel was knowledgeable and experienced.

### CASE 1376 ZHB (60 Day 7-6-25)

Applicant: Karl Kassees  
Owners: Karl Kassees and Vicki Kassees  
Description: Request appealing the decision of the zoning officer, or in the alternative, a special exception under the provisions of 705(2). Or in an abundance of caution, a variance of the provisions of Section 303.4.2  
Location: 540 Stony Battery Road, Landisville, Pa  
Legal Representation: Jill Nagy, Summers Nagy Law Offices, 35 South Duke Street, York, PA

## POSTING AND NOTICE REQUIREMENTS

**Dwayne Steager, Township Zoning Officer**, testified under oath regarding proper posting and notification procedures for Case No. 1376, including property posting, newspaper publication, and municipal building notice posting.

*Township Exhibit 1: Complete posting and notification package including property posting photos, publication proof, online ad copy, building agenda posting, and applicant notification letters*

## APPLICANT TESTIMONY

**Karl and Vicki Kassees (owners)** testified under oath as follows:

- **Residence:** Residents at 540 Stony Battery Road for 37 years
- **Request:** Appeal of zoning officer's determination and denial
  - Special exception for extension/enlargement of existing non-conforming structure
  - Variance from setback requirements

## Previous Application (Three Years Ago):

- Originally requested 10-foot porch extending from house, 26 feet wide (260 square feet)
- Board found request excessive

- Application denied

#### **Current Proposal:**

- Covered stoop: 6 feet from face of house, 12 feet wide (72 square feet)
- 75% reduction in square footage from previous request
- 8% reduction in encroachment from previous request
- Total encroachment: 18% (including existing 3-foot non-conformity)

#### **Measurements and Documentation:**

- Center line of road to face of house: 72.04 feet
- Right of way: 25 feet from center line
- Setback requirement: 50 feet from right of way (75 feet total from center line)
- Exhibit 3: Architectural rendering of current proposal
- Exhibit 4: Measurements from center line of road
- Exhibit 5: Sight line analysis showing red (current proposal) vs. blue (previous proposal)
- Exhibit 7: Comparative analysis of neighboring properties' conformity

#### **Corrections to Previous Survey:**

- Smucker & Associates performed new accurate measurements
- Previous plot plan showed incorrect measurements for north side of house
- Professional surveyors' stakes from neighbor's fence installation (550 Stony Battery) confirmed accurate property lines
- Property width: 79.5 feet
- Side yards confirmed as conforming to 10-foot setback requirements

#### **Justification for Request:**

- No existing covered entryway at property
- Need for shelter for:
  - Deliveries (4+ per week) including groceries, medicine, non-perishables
  - Resident access (Mrs. Kassees teaches 140 dance students, travels 2-3 times daily with equipment)
  - Guest protection from weather
  - Protection of new front door from sun damage
- Design will architecturally complement existing home
- Most homes in neighborhood (approximately 60%) have covered entrances or porches
- No homes directly across street (Tyco facility opposite)
- Comparative analysis shows applicant's property is least non-conforming on Stony Battery Road; with addition, would align with neighborhood standard
- No impact on sight lines, traffic, or health/safety/welfare of neighborhood

#### **Historical Context:**

- Believes home was built conforming to original setback requirements
- Suspects zoning ordinance changes (possibly 2008) created non-conformity

- Referenced Case #501 Stony Battery Road (May 10, 2016) where setbacks were stated as 65 feet from center line

### **EXHIBITS SUBMITTED**

- Exhibit A-1 Two photos with measurements confirming dimensions of north and south sides of the dwelling. Exhibit A-2 Photo depiction of proposed addition of porch to the dwelling from the previous zoning application.
- Exhibit A-3 Photo depiction of the proposal subject to the current application.
- Exhibit A-4 Photo with dimensions showing width of roadway and the distance from centerline to front face of dwelling.
- Exhibit A-5 Aerial view of Property showing area of previous proposal and area of current proposal.
- Exhibit A-6 Photo with dimensions showing distance from centerline for other properties along Stony Battery Road.
- Exhibit A-7 Three photos of buggies traveling on Stony Battery Road

### **EXECUTIVE SESSION**

The Board recessed for executive session to confer with legal counsel on procedural and legal matters related to the application.

### **BOARD DELIBERATION AND DECISIONS**

#### **Motion 1: Accept Exhibits**

- **Motion:** To accept all applicant exhibits (Exhibits 1-7) into the record
- **Moved by:** Ciro Gambone
- **Seconded by:** David Lounsbury
- **Vote:** Unanimous approval 5-0

#### **Motion 2: Deny Appeal of Zoning Officer's Decision**

- **Motion:** To deny the appeal of the zoning officer's decision
- **Moved By:** Ciro Gambone
- **Seconded by:** Robert Skuya
- **Vote:** Unanimous approval 5-0
- **Result:** Appeal denied

#### **Motion 3: Grant Special Exception**

- **Motion:** To approve the request of the special exception for expansion of a non-conforming structure for the property at 540 Stony Battery Road, based upon:
  - Information and testimony presented
  - Exhibits submitted
  - Plans as proposed
  - In accordance with township permit requirements
- **Moved by:** David Lounsbury

- **Second by:** Robert Skuya
- **Vote:** Unanimous approval 5-0
- **Result:** SPECIAL EXCEPTION GRANTED

**Motion 4: Variance Request**

- **Action:** Variance request withdrawn by applicant's Counsel
- **Result:** No action taken

**Conditions and Notes:**

- Construction must proceed in accordance with submitted plans and testimony
- Zoning officer will verify compliance with approved plans
- Any future modifications will require return to Zoning Hearing Board

**Adjournment:**

There being no further business to come before the Board, **motion** was made by David Lounsbury and seconded by Ciro Gambone to *adjourn* the meeting at 8:05 p.m. The motion carried (5-0).

Respectfully submitted,



Ciro Gambone, Secretary