

WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD
Meeting Minutes – March 12, 2024
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, David Lounsbury, and Daryl Peck were present. Also present were Township Zoning Officer Dwayne Steager; Planning Director Lindsay McElhenny; 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 February 13, 2024

Motion was made by Daryl Peck and seconded by Ciro Gambone to *approve* the minutes for the meeting held February 13, 2024 as presented. The motion carried (4-0).

Case 1356 ZHB Continued (60 Day 3/15/2024)

Applicant: Professional Design and Consulting

Owners: Tim Mitchel Associates

Description: Request for a Variance to allow expansion of non-conforming use to exceed 25%.

Request for a Variance to allow expansion of non-conforming use to exceed 25%
Variance to allow Stone Parking lot surface to extend up to REAR Property in lieu of required 10 ft setback.

Request for a Variance to allow less than 3% of the total parking lot be devoted to interior landscaping when 20+ parking spaces are required.

Request for a Variance to allow required Parking Spaces (1-per 400 square feet of gross floor area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and 1 per employee on major shift) to include being located on rear STONE parking lot and not be individually striped.

Request for a Variance to allow a Fence 6’-8’ high be placed on the edge of the FRONT YARD “20’ wide landscape screen/visual barrier” in lieu of a 10 ft setback and allow Fence 6’-8’ high be placed on REAR Property Line in lieu of a 10 ft setback.

Review previous variances.

Location: 4030 Old Harrisburg Pike, Mount Joy

Zone: I2 – 6.60 acre/ 287,496.0 ft²

Chairman Lintner opened the Hearing for Case 1356, Tim Mitchel Associates, continuation from last month with testimony being left open. Solicitor Bernadette Hohenadel began with an explanation of a quirk of the zoning law that pertains to the variance that originally was granted for use of the property as a public garage. Under the law in Pennsylvania, once the use is granted by variance it is considered to be like a permitted use. However, because it was a use originally granted by variance, any modification to that use requires a variance. . Therefore, the section pertaining to non-conformance does not apply and the Board will be treating this part of Case 1356 as a Request for Dimensional Variance on the Expansion of the Existing Building.

Larry Prescott, Professional Design and Consulting and Owner Tim Mitchell were present to provide additional testimony and address questions or concerns from the Board. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing. Following testimony and discussion, the Hearing was closed and the following action was taken:

- **Motion** was made by Ciro Gambone and seconded by Dave Lounsbury pursuant to 705.2.A to **grant approval** of the 82.6% expansion of a use previously permitted by variance as requested and discussed. The motion carried (4-0).
- **Motion** was made by Ciro Gambone and seconded by Daryl Peck pursuant to 707.3.G to **allow** the parking spots to be non-delineated according to testimony provided and discussed. The motion carried (4-0).
- **Motion** was made by Daryl Peck and seconded by Ciro Gambone pursuant to 707.3.L.1.b to **grant approval** of a variance of 10' for parking at the rear property line at 4030 Old Harrisburg Pike, Mt. Joy as requested and discussed. The motion carried (4-0).
- **Motion** was made by Daryl Peck and seconded by Dave Lounsbury pursuant to 707.3.L.2.a to **grant approval** of a variance of 1.4% of the interior landscaping in the parking area as presented and discussed. The motion carried (4-0).
- **Motion** was made by Ciro Gambone and seconded by Daryl Peck pursuant to 701.4 to **grant approval** of a variance to allow a 6' fence in the front yard to the south of the 20' berm parallel to the Harrisburg Pike as presented and discussed. The motion carried (4-0).

Case 1357 ZHB (60 Day 4/13/2024)

Applicant: John Baker

Owners: Kinderhook E Church

Description: Request for Variances for minimum lot size and minimum lot width at the Street line.

Location: 560/558 Kinderhook Rd, Columbia PA.

Zone: RR-4.7560 acres/207,171.4ft² and 1.10 acre/48,351.6ft²

Chairman Lintner opened the Hearing for Case 1357, John Baker, Kinderhook Evangelical Congregational Church (KECC). Dwayne Steager, Zoning Officer, was sworn in and attested that notice of the Hearing was duly advertised and posted in accordance with the PA Municipalities Planning Code and the West Hempfield Township Zoning Ordinance. Proof of publication and photos of the property posting, and all exhibits were marked and entered into the record. Solicitor Bernadette Hohenadel explained the procedures for the Hearing and the regulations that will be followed.

The applicant is Pastor John Baker, 560 Kinderhook Road, Columbia. Kinderhook Evangelical Congregational Church is the owner of the subject property and has authorized John Baker to serve as their agent. Pastor Baker, through his engineer Nolt Engineering, LLC has filed this Zoning

Hearing Board Application seeking relief in the form of a dimensional variance regarding lot size and minimum lot width on the property. John Baker was sworn in to testify as to the ownership of the property and the mission programs of the KECC. Tim Nolt, P.E., Nolt Engineering LLC is the retained engineer for KECC and was sworn in to testify about the Proposed Project and any technical aspects of the Sketch Plan. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing. A short recess was taken at 8:20 p.m. to confer with Counsel.

The Board returned at 8:40 p.m. and there was no further discussion or questions (Board or Public). The Hearing was closed and the following action was taken:

- **Motion** was made by Ciro Gambone and seconded by Gary Lintner pursuant to 305.3.A,.1, minimum lot area for residential use, to **grant** the request for variance for minimum lot size as proposed and discussed. The motion **tied** (2-2).

As there was no majority vote, the request was declared denied and the following action was then taken:

- **Motion** was made by Daryl Peck and seconded by Gary Lintner to **deny** the variance request for street frontage. The motion carried (3-1)

Case 1358 ZHB (60 Day 4/13/2024)
Applicant: DDP Enterprises Inc.
Owners: DDP Enterprises Inc.
Description: Request for a Variance for Lot width
Location: 4578 Klinesville Rd, Columbia
Zone: RR – 39.50 acres/ 1,720,620.0 ft²

Chairman Lintner opened the Hearing for Case 1358, DDP Enterprises Inc. Dwayne Steager, Zoning Officer, was sworn in and attested that notice of the Hearing was duly advertised and posted in accordance with the PA Municipalities Planning Code and the West Hempfield Township Zoning Ordinance Proof of publication and photos of the property posting, and all exhibits were marked and entered into the record. Solicitor Bernadette Hohenadel advised the procedures and regulations as set forth for the previous Hearing will apply.

Michael Davis Esq., Barley Snyder and Todd Vaughn, DM/A were sworn in and provided testimony. DDP is proposing to develop the property at 4578 Klinesville Rd., Columbia into five lots for single-family detached dwellings and additional zoning relief is needed for the project as proposed relating to the minimum lot width for two of the proposed lots that share driveways. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing.

Mr. Davis proceeded by asking questions of Mr. Vaughn regarding the proposed development, the need for relief, support of the township staff and that granting relief would have little to no effect on surrounding properties.

Following testimony and discussion, the Hearing was closed and the following action was taken:

- **Motion** was made by Daryl Peck and seconded by Ciro Gambone pursuant to 305.3.B to **approve** the Request for a Variance of 50 feet for Lot Width for property at 4578 Klinsville Road, Columbia, Lots 2 and 4 as presented and discussed. The motion carried (4-0).

Case 1359 ZHB (60 Day 4/13/2024)

Applicant: Vater Construction

Owners: Bruce Murray

Description: Request for a Variance for an accessory structure in the front yard

Location: 4418 Fairview Rd, Columbia, PA.

Zone: RR – 8.90 acre/ 387,684.0 ft²

Chairman Lintner opened the Hearing for Case 1359 Vater Construction. Dwayne Steager, Zoning Officer, was sworn in and attested that notice of the Hearing was duly advertised and posted in accordance with the PA Municipalities Planning Code and the West Hempfield Township Zoning Ordinance., Proof of publication and photos of the property posting, and all exhibits were marked and entered into the record. Solicitor Bernadette Hohenadel stated the procedures for the Hearing and the regulations as stated in the previous case Hearings will apply. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing.

Mr. Bruce Murray, Owner, was sworn in to provide testimony. Mr. Murry provided testimony regarding the parcel and the configuration regarding a natural gas pipeline. After all testimony was heard and discussed, a short recess was taken to confer with Counsel. Upon return, Chairman Lintner remarked about the significant change to the original application and there was discussion regarding the scale of the proposed accessory structure and the addition of an accessory structure in the front yard. The Hearing was then closed and the following action was taken:

- **Motion** was made by Daryl Peck and seconded by Dave Lounsbury pursuant to 704.1 to **deny** the request for a variance for an accessory structure in the front yard. The motion carried (3-1).

Adjournment

There being no further business to come before the Board, **motion** was made by Daryl Peck and seconded by Ciro Gambone to **adjourn** the meeting at 9:52 p.m. The motion carried (4-0).

Respectfully submitted,



Ciro Gambone, Secretary