

**WEST HEMPFIELD TOWNSHIP ZONING HEARING BOARD**  
**Meeting Minutes – August 8, 2023**  
**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, David Lounsbury and Daryl Peck were present. Also present were Township Manager Andrew Stern; Township Solicitor Josele Cleary; Township Zoning Officer Dwayne Steager; ZHB Solicitor Bernadette Hohenadel and Rhonda Adams, Court Reporter. Recording Secretary Judy Carrier and Township Planning Director Lindsay Gerner attended remotely. Board Members Ciro Gambone and Amanda Hood were absent.

**Approval of Minutes – July 11, 2023**

- **Motion** was made by David Lounsbury and seconded by Daryl Peck to *approve* the minutes for the meeting held July 11, 2023 as presented. The motion carried (3-0).

**Case 1346**     ZHB (60 Day 8-20-23)

Applicant:     Matthew Landis, Graham Packaging

Owners:         Indian Springs Drive LLC

Description:    Request for an appeal from decision of the Zoning Officer/Interpretation of the Zoning Ordinance or in the alternative a Variance for a sign, Section 708.

Location:       70 Indian Spring Drive Ste 100, Lancaster Pa.

Zone:            I1 15.88 acres/ 691,732,8 ft<sup>2</sup>

Chairman Lintner opened the Hearing for Case 1346, Matthew Landis, Graham Packaging at 7:05 p.m. Matthew Landis, Corporate Counsel for Graham Packaging was present. Township Solicitor Josele Cleary stated it is the position of the Township that the application is untimely and cannot be considered by this Board and requested the appeal portion of the application be dismissed. Following discussion, a **motion** was made by David Lounsbury and seconded by Daryl Peck to deny the appeal portion of the application as untimely and due to a procedural issue and move forward with the alternative request for a Variance for a sign. The motion carried (3-0).

The Board moved forward with the request for a Variance for a sign. 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. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing.

Attorney Landis provided background information and Solicitor Cleary reviewed past requests and decisions and informed that initially in November 2007, a variance was granted to permit a building sign of 257 ft<sup>2</sup> in excess of the permitted 200 ft<sup>2</sup>. a subsequent request for a variance to permit a larger sign of 505 ft<sup>2</sup> was denied. Following discussion, the Board determined the issue of the number of and size of business signs on a building housing more than one business would be better served at the Supervisors level. The Hearing was closed, and the following action was taken: **Motion** was made by Daryl Peck and seconded by David Lounsbury to *deny* the application

in its entirety for any variance for a sign, separately or inclusively, for the building. The motion carried (3-0).

**Case 1347**     ZHB (60 Day 9-4-23)  
Applicant:     Awakened Properties LLC  
Owners:        Awakened Properties LLC  
Description:   Appeal from issuance of Notice of Violation by the Zoning Officer/Interpretation of the Zoning Ordinance and a Request for Special Exception for a use not provided for, Section 101.7  
Location:      323 Indian Head Road, Columbia Pa.  
Zone:          RA- 3.30 acres/ 143,748.0 ft<sup>2</sup>

Chairman Lintner opened the Hearing for Case 1347, Awakened Properties LLC. Solicitor Bernadette Hohenadel explained the procedure for the Hearing. Dwayne Steager, Zoning Officer still under oath, testified 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. A court reporter was present and the stenographic transcript will be the official record of the Hearing.

Sheila O'Rourke, Esq, represented the Applicant. Township Solicitor Josele Cleary declared the Township ready to proceed and Zoning Officer Dwayne Steager provided testimony on behalf of the Township. Mr. Steager was previously sworn in. Daniel Zecher, member/manager at Awakened Properties, LLC, Applicant, a home renovation contractor, and property management company, was sworn in to provide testimony. Jonathan D. Breitegan, 318 Indian Head Road; Joe Rumberger, 721 Hansen Drive, Officer, Fox Harbor Archers Association, adjoining property owner, requested party status and were sworn in. The two issues for the case were heard separately.

- Appeal from issuance of Notice of Violation    On June 7, 2023, the West Hempfield Township Zoning Officer issued a Notice of Violation on the basis that the property is being used as a type of Traveler Accommodation - hotel use. Awakened Properties LLC is appealing the Notice of Violation and requesting it be dismissed on the basis that the Applicant's proposed use is permitted by right as a single family dwelling use. The following action was taken after all testimony was heard:
  - **Moved** by Daryl Peck and seconded by David Lounsbury to **accept** Township Exhibits 1 through 5, 7 & 8 as part of the official record of the Hearing. Motion carried (3-0).
  - **Moved** by Daryl Peck and second by David Lounsbury to deny the appeal from the Notice of Violation and to uphold enforcement notice. Motion carried (3-0).

A short recess was taken from 8:33 p.m. until 8:38 p.m. after which the Hearing resumed to hear the second portion of the application.

- Special Exception for a Use Not Provided for, Section 101.7. Attorney Sheila O'Rourke presented the request and testimony was heard from Daniel Zecher, Awakened Properties. Mr. Zecher was previously sworn in to provide testimony. Township Solicitor Josele Cleary stated the applicant has clearly changed the use of the property and objected to the credibility of the testimony given. The Board adjourned for a brief Executive Session at 9:24 p.m. to discuss legal issues relating to the application with Counsel and returned at 9:35 p.m. Jonathan Breitegan, 318 Indian Head Road, Columbia, was previously sworn in and expressed concerns regarding the impact to his property, amount of trash, loud noise, and late parties. He questioned how the number of guests would be monitored and how house rules and guidelines would be enforced. He stated he would be happy with lower occupancy and institution of controls.

The Board expressed a desire to continue the Hearing to the next Zoning Hearing Board meeting to permit time to digest information and confer with Counsel. **Motion** was made by Daryl Peck, seconded by David Lounsbury to **accept Township** Exhibits 1-5 and 7 & 8 and Applicant Exhibits 1-6, , **close** the record with no additional testimony, to allow the submission of memoranda of law by August 25, 2023, and **continue** Case #1347 to the next Zoning Hearing Board meeting scheduled for September 12, 2023. The motion carried (3-0).

**Case 1348**      ZHB (60 Day 9-9-23)  
 Applicant:      Dereck Garner  
 Owners:          Dereck and Virginia Garner  
 Description:    Request for Variance from Section 302.4.C.1 rear yard setback  
 Location:        790 Chestnut Hill Drive, Columbia Pa.  
 Zone:            R1 – 4.0 acres/ 17,424.0 ft<sup>2</sup>

Chairman Lintner opened the Hearing for Case 1348, Dereck Garner. Solicitor Bernadette Hohenadel explained the procedure for the Hearing. Dwayne Steager, Zoning Officer still under oath, testified 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. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing.

Dereck and Virginia Garner, property owners, were sworn in. They are requesting a Variance to construct a screened porch over an existing cement patio. Mr. Garner explained the Request. After discussion, the following action was taken: **Motion** was made by David Lounsbury and seconded by Daryl Peck to **approve** the variance of five feet (5') for property at 790 Chestnut Hill Drive, Columbia, PA for a screened-in porch at the rear of the property extending into the set-back with the condition that all things be carried out according to the testimony given at tonight's meeting. The motion carried (3-0).

**Case 1349**      ZHB (60 Day 9-9-23)  
Applicant:      Dylan M. Kautz and Shae L. Kautz  
Owners:         Dylan M. Kautz and Shae L. Kautz  
Description:    Request for Variances from Section 301.3.B.1  
                      Minimum lot width at street line as Modified by Section 604.F.5 of the  
                      Subdivision and Land Development ordinance and Section 301.4.A  
                      Subdivision and Land Development Limitations  
Location:        2413 Sangrey Lane, Columbia Pa.  
Zone:             RA – 24.11 acres/ 1,050,231.6 ft<sup>2</sup>

Chairman Lintner opened the Hearing for Case 1349, Dylan M. Kautz and Shae L. Kautz. Solicitor Bernadette Hohenadel explained the procedure for the Hearing. Dwayne Steager, Zoning Officer still under oath, testified 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. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing.

The Applicant is requesting relief from a required lot width at the roadway relating to property at 2413 Sangrey Lane, Columbia. Attorney Seth Hiller presented the request. Dylan Kautz (owner) and Gordon Kautz (father) were sworn in to provide testimony. In addition, they are requesting the time limit to pull permits be extended to twelve months. After discussion, the following actions were taken:

- **Moved** by David Lounsbury and seconded by Daryl Peck to **grant** 33.9' variance to either lot being the maximum that could be allowed depending upon an engineering split. Motion carried (3-0).
- **Moved** by David Lounsbury and seconded by Daryl Peck to **grant** relief for time limit to pull permits to include an additional six (6) months pursuant to Section 1005.4.G. Motion carried (3-0).

**Adjournment**

There being no further business to come before the Board, **motion** was made by David Lounsbury and seconded by Daryl Peck to **adjourn** the meeting at 10:58 p.m. The motion passed (3-0).

Respectfully submitted,



Ciro Gambone, Secretary