

**WEST HEMPFIELD TOWNSHIP  
ZONING HEARING BOARD  
Meeting of April 11, 2017**

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, April 11, 2017. Gary Lintner called the meeting to order at 7:30 p.m. Board members Daryl Peck and Tony Crocamo were also present, along with Matthew Creme, Board Solicitor, Rhonda Adams, Court Reporter, and Jodi Heffner, Zoning Officer.

**Approval of Minutes**

**Motion:** Daryl Peck moved, seconded by Tony Crocamo, to approve the minutes as presented for the meeting held February 14, 2017. Motion carried, 3-0. **Note:** No meeting was held in March 2017 due to inclement weather.

**Case 1240 – (continued) Rodney Frey/Rhouse 516, LLC**

The Board received a letter dated April 6, 2017 from Mr. Frey requesting a continuance of this case to the May 9, 2017 ZHB meeting.

**Motion:** Daryl Peck moved, seconded by Tony Crocamo, to grant a continuance of Case 1240 to May 9, 2017 as the first item on the agenda. Motion carried, 3-0. **Note:** Because the Board continued the case to a specified date, no additional advertising or posting is necessary.

**Case 1251 – Stephen B. King**

Mr. John Coldiron, 860 Waterway Road, Oxford, PA was sworn in to provide testimony. He is helping Mr. King who is seeking a special exception to allow a 560 square foot ECHO housing unit on his property at 913 Silver Spring Road, Lancaster.

Zoning Officer Jodi Heffner was sworn in to provide testimony for the Township. There is a current enforcement against Mr. King for his pallet repair business at 913 Silver Spring Road. Township Exhibit 1 is a photograph (taken today) of the business. Because he is not in compliance he will not be able to pull a permit for the ECHO unit. Mr. King will also have to file an approved stormwater and sewage treatment plan.

**Motion:** Tony Crocamo moved, seconded by Daryl Peck, for Case 1251 to grant a special exception to Section 301.2.B.10 for ECHO housing at 913 Silver Spring Road, with the conditions that the applicant obtain all necessary permits and be bound by his testimony before this Board. Motion carried, 3-0.

**Case 1252 – Sherri A. Groh**

Sherri Groh, 216 Knollwood Road, Millersville, PA; Dave Wise, 1379 Malleable Road, Columbia, PA; Kelly and Robert Kline, 173 Deascenti Drive, Columbia, PA were sworn in to provide testimony. Sarah Doyle, attorney at Stock & Leader, 221 West Philadelphia Street, York, PA was present to represent Ms. Groh, who is seeking a special exception for substitution of nonconforming use (Section 705.2.C) to allow horses on the property at 164 Franklin Road, Columbia.

**Motion:** Daryl Peck moved, seconded by Gary Lintner, to approve a special exception of a nonconforming use to substitute the keeping of horses on the property instead of field crops at 164 Franklin Road, with the conditions that the applicant be limited to two horses unless additional land is obtained, but not to exceed four

horses, pursuant to the guidelines of Section 705.2.C, and that the applicant obtain all necessary permits and be bound by her testimony before this Board. Motion carried, 3-0.

**Case 1253 – Jason & April Ruhl**

Jason and April Ruhl, 1752 Kinderhook Road, Columbia, PA were sworn in to provide testimony. The Ruhls are requesting a variance for permitted use and requirements to allow additional dog boarding kennel spaces on their property. The current kennel has five runs which were on the property when they purchased it three years ago. The Ruhls want to add five boarding spaces for a maximum of ten dogs at Carly's Campground.

**Motion:** Daryl Peck moved, seconded by Gary Lintner, to continue Case 1253 to the May 9, 2017 ZHB meeting. The record of testimony will remain open until the next meeting. Motion carried, 3-0.

A copy of the decisions will be made a part of these minutes.

There being no further business to come before the Board, the meeting was adjourned at 9:33 p.m.

Respectfully submitted,



Tony Crocamo  
Secretary



6. Mr. King appeared at the hearing without counsel but with John Coldiron as his consultant and presented testimony in support of the Application.

7. Applicant is requesting special exception approval under Section 301.2.B.10 to allow the erection and use of a building on the Property to be used as an ECHO housing dwelling unit.

8. No one appeared to request party status in this application.

#### B. CONCLUSIONS OF LAW

The Zoning Hearing Board concludes that Applicant has met his burden and demonstrated entitlement to special exception approval under Section 301.2 .B .10 to allow the erection and use of a building on the Property to be used as an ECHO housing dwelling unit. The Zoning Hearing Board concludes that the request for relief should be granted subject to the imposition of conditions.


#### C. DECISION

Based on the foregoing, the West Hempfield Township Zoning Hearing Board approves Applicant's request for special exception approval under Section 301.2 .B .10 to allow the erection and use of a building on the Property to be used as an ECHO housing dwelling unit. This approval is conditioned on the following:

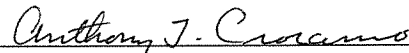
A. Applicant is bound by the testimony and evidence presented in the hearing.

B. Applicant shall obtain all necessary permits and approvals as required by applicable ordinances and regulations.

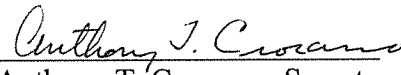
FOR THE ZONING HEARING BOARD OF WEST HEMPFIELD TOWNSHIP

By:   
Gary R. Lintner, Chair

  
Daryl S. Peck

  
Anthony T. Crocamo

Dated and filed \_\_\_\_\_, 2017 after hearing on April 11, 2017.  
Notice of this Decision was mailed to all parties on \_\_\_\_\_, 2017.

  
Anthony T. Crocamo, Secretary

BEFORE THE ZONING HEARING BOARD OF  
WEST HEMPFIELD TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA

IN RE: :  
 :  
APPLICATION OF : Case No. 1252  
SHERRI A. GROH :  
 :  
 :  
 :

**DECISION**

**A. FINDINGS OF FACT**

1. Applicant in this application is Sherri A. Groh with a mailing address of 216 Knollwood Road, Millersville PA 17551.

2. The property which is the subject of this Application is located at 164 Franklin Road, West Hempfield Township, Lancaster County, Pennsylvania (herein after the “Property”).

3. The Property which is the subject of the Application is located in the C-2 - Commercial Zoning District as shown on the Official Zoning Map of the West Hempfield Township, Lancaster County, Pennsylvania. The Property is presently used as a residential dwelling and the growing of field crops, both lawful pre-existing, non-conforming uses.

4. Notice of the hearing on this Application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code (herein after “MPC”) and the Zoning Ordinance of West Hempfield Township (herein after “Zoning Ordinance”).

5. A public hearing was held before the Zoning Hearing Board on April 11, 2017, at which time the record of testimony was closed.

6. Ms. Groh appeared at the hearing with her attorney Sarah L. Doyle, Esquire as well as with the owners of the Property, Mr. and Mrs. Robert M. Kline and presented testimony in support of the Application.

7. Applicant is requesting approval under Sections 705.2.C and 1005.4 to allow for the keeping of four horses on the Property as an accessory use to the existing non-conforming use of the Property as a residential dwelling. The Board has determined that this request for approval is best treated as a special exception request to substitute non-conforming uses – the keeping of livestock for growing of field crops.

8. No one appeared in opposition to this Application to request party status.

#### B. CONCLUSIONS OF LAW

The Zoning Hearing Board concludes that Applicant has met her burden and demonstrated entitlement to approval under Sections 705.2.C to allow for the keeping of four horses on the Property as an accessory use to the existing non-conforming use of the Property for a residential dwelling as the substitution of non-conforming uses. The Zoning Hearing Board concludes that the request for relief should be granted subject to the imposition of conditions.

#### C. DECISION

Based on the foregoing, the West Hempfield Township Zoning Hearing Board approves Applicant's request for approval under Sections 705.2.C to allow for the keeping of four horses on the Property as an accessory use to the existing non-

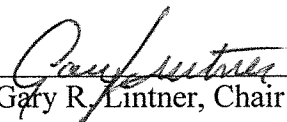
conforming use of the Property for a residential dwelling as the substitution of non-conforming uses. This approval is conditioned on the following:

A. Applicant shall be limited to the keeping of two horses on the Property unless and until she has demonstrated to the Township Zoning Officer that she has acquired the right to use and occupy additional land, by lease or otherwise, which together with the Property equals six acres or more overall size.

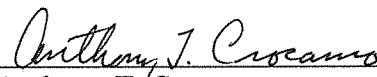
B. Applicant is bound by the testimony and evidence presented in the hearing.

C. Applicant shall obtain all necessary permits and approvals as required by applicable ordinances and regulations.

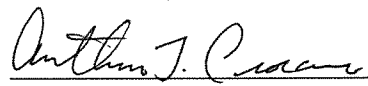
FOR THE ZONING HEARING BOARD OF WEST HEMPFIELD TOWNSHIP

By:   
Gary R. Lintner, Chair

  
Daryl S. Peck

  
Anthony T. Crocamo

Dated and filed May 9, 2017 after hearing on April 11, 2017.  
Notice of this Decision was mailed to all parties on May 10, 2017.

  
Anthony T. Crocamo, Secretary