

The regular meeting of the East Hempfield Township Zoning Hearing Board was held on Monday, January 16, 2017, at 7:00 p.m. in the Township Municipal Building. Members present were Elam M. Herr, Mark E. Hansen, Kenneth L. Beard, Andrew H. Loose, and Brett D. Jackson. Also present were Attorney William Crosswell, Development Services Director Jon E. Beck, and a court reporter.

The meeting was called to order at 7:06 p.m. by Chairman, Elam Herr, who led the Pledge of Allegiance.

Mr. Herr open the floor for a motion to reorganize the Zoning Hearing Board. Mr. Beard made the motion to retain Elam Herr as Chairman, Mark Hansen as Vice Chairman, and Kenneth Beard as Secretary. Mr. Loose seconded the motion. The motion passed with a 5-0 vote in favor.

The Zoning Hearing Board retained William Crosswell, from Morgan Hallgren Crosswell & Kane, P.C. as the Zoning Hearing Board Solicitor.

Mr. Herr noted a change to the December ZHB minutes. Mr. Jackson made a motion to approve the December 19, 2016 minutes, as amended. Mr. Hansen seconded the motion which carried 5-0.

Old Business:

There was no old business on the agenda.

New Business:

Case #2365 - Lime Spring Square.: 206 Rohrerstown Road, LP filed an application seeking a Variance to allow walls to exceed the maximum permitted height on the property located between Rohrerstown Rd. and 2200 Noll Dr., located within the Reginal Commerce Center (RCC) Zone and the Enterprise (E) Zone.

Present for the applicants were: James Welch, McNees Wallace & Nurick, LLC; Chris Venarchick, RGS Associates; and Eric Scott, Oak Tree Development Group.

The Applicant's clarified changes to the reference numbers for the subject walls as follows:

- Old wall 3 corresponded to new wall 2
- Old wall 5 corresponded to new wall 4
- Old wall 6 corresponded to new wall 5
- Old wall 7 corresponded to new wall 6

Mr. Hansen made a motion in Case #2365, to grant the following amendments to the application:

1. To remove 2200 Noll Drive from the subject property address
2. To remove the Campus (C) Zone as an applicable zoning district
3. To add previous ZHB Case #2336 to the list of previous zoning cases for the subject property
4. To add 14-11-RZ to the list of previous zoning cases for the subject property
5. To add East Hempfield Township Ordinance 2014-09 to the list of previous zoning cases for the subject property.

Mr. Beard seconded the motion, which carried 5-0 in favor.

Mr. Jackson made a motion in Case #2365 to amend the application to grant the applicant a time extension to obtain permits for retaining wall #4, which affords the applicant a total of two (2) years from the ZHB's decision to obtain permits for wall #4 and one (1) year from permit issuance to complete construction on wall #4. Mr. Hansen seconded the motion, which carried 5-0 in favor.

Mr. Hansen made a motion to amend the application to correctly identify the subject retaining walls, which the applicant identified previously and to correctly identify §270-9.1 E.(3)(a) in Section V. "General Variance Criteria" of the application's supporting narrative, with the condition that the applicants submit a revised narrative for the record. Mr. Loose seconded the motion, which carried 5-0 in favor.

The Zoning Hearing Board entered into evidence the following:

- Applicant's Exhibit #1 - Lime Spring Square Master Plan
- Applicant's Exhibit #2 - Lime Spring Square Preliminary Plan, Phasing Plan
- Applicant's Exhibit #3 - Plan Sections highlighting the proposed retaining walls
- Applicant's Exhibit #4 - Artist Renderings of the proposed retaining walls.

The Zoning Hearing Board took administrative notice of ZHB Case #2336 and administrative notice of 14-11-RZ, rezoning request for the Outin Tract (now known as Lime Spring Square).

Mr. Hansen made a motion in Case #2365 to grant a variance to §270-5.2 AA. to permit retaining walls to exceed the maximum 10-foot height as follows:

- Wall 2 shall not exceed 14.5' in height for a variance of 4.5'
- Wall 4 shall not exceed 12.5' in height for a variance of 2.5'
- Wall 5 shall not exceed 13.5' in height for a variance of 3.5'
- Wall 6 shall not exceed 13.5' for a variance of 3.5'

Subject to the following conditions:

1. The ZHB's standard conditions
2. The applicant shall submit a revised narrative, correcting all identified errors
3. The applicant shall submit a "clean" plan, in a legible scale that correctly references:
 - a. The subject lots
 - b. The subject buildings
 - c. The subject walls.

Mr. Loose seconded the motion, which carried 4-1 in favor, with Mr. Hansen opposing.

The meeting adjourned at 8:40 P.M.

Respectfully submitted,

Kenneth L. Beard
Secretary