

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2014-31  
APPLICATION OF HAND-IN-HAND :  
FIRE COMPANY NO. 1 :

DECISION

**I. FINDINGS OF FACT**

1. Applicant is Hand-in-Hand Fire Company No. 1, 313 Enterprise Drive, Bird-in-Hand, Pennsylvania 17505 ("Applicant").

2. The property which is the subject of the instant application is located at 313 Enterprise Drive, East Lampeter Township, Lancaster County, Pennsylvania (hereinafter referred to as the "Property").

3. Applicant is the owner of the Property.

4. The Property is located in the R-2 Residential District as shown on the Official Zoning Map of East Lampeter Township.

5. Notice of the hearing on the within application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code ("MPC") and The Revised Zoning Ordinance of East Lampeter Township - 1990 (the "Zoning Or-

dinance").

6. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on November 13, 2014.

7. Testimony at the hearing was stenographically recorded.

8. William Swiernik, of David Miller/Associates, Inc., appeared at the hearing and testified on behalf of Applicant.

9. Applicant has requested: (i) a special exception pursuant to Section 902.3 of the Zoning Ordinance; (ii) a variance from the terms of Section 904.9 of the Zoning Ordinance; (iii) a variance from the terms of Section 904.11 of the Zoning Ordinance; (iv) a variance from the terms of Section 1922.1 of the Zoning Ordinance; and (v) a variance from the terms of Section 1922.4 of the Zoning Ordinance.

10. Section 902.3 of the Zoning Ordinance states that firehouses are permitted by special exception, subject to the requirements of Section 1922 of the Zoning Ordinance.

11. Section 904.9 of the Zoning Ordinance states that the maximum lot coverage shall be 60%.

12. Section 904.11 of the Zoning Ordinance states that the minimum landscape area shall be 40%.

13. Section 1922.1 of the Zoning Ordinance states that

firehouses must be served with public sanitary sewer and public water facilities.

14. Section 1922.4 of the Zoning Ordinance states that all outdoor parking areas must be screened from adjoining properties that are within a residential zoning district.

15. The Property is currently improved with a building used as and for a fire house and related parking.

16. There are approximately 33 existing parking spaces.

17. The Property is served by public sanitary sewer and utilizes on-lot water.

18. Applicant intends to expand the parking area upon the Property, as more fully shown on the plan (the "Plan") submitted by Applicant.

19. The additional parking area will contain 28 parking spaces.

20. The additional parking spaces are necessary for those infrequent times when Applicant conducts fundraising activities upon the Property (such as bake sales, chicken barbeques and pot-pie suppers).

21. Applicant does not propose to screen the new parking space area from the adjoining residential property. The owner of

such residential property has requested that a screen not be provided.

22. The proposed lot coverage after construction of the additional parking will be 77.6%.

23. The proposed landscape area after construction of the additional parking will be 22.4%.

24. No expansion of the firehouse building is proposed.

25. No persons appeared in opposition to the application.

## II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of proof as to the specific criteria and standards of the zoning ordinance. Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 126 Pa. Commonwealth Ct. 235, 559 A.2d 107 (1989); Bray v. Zoning Board of Adjustment of the City of Philadelphia, 48 Pa. Commonwealth Ct. 523, 410 A.2d 909 (1980).

2. The applicant for a special exception bears the burden of proving that he will comply with all requirements of the zoning ordinance relative to the use intended. Ralph & Joanne's, Inc. v. Neshannock Township Zoning Hearing Board, 121 Pa. Commonwealth Ct. 83, 550 A.2d 586 (1988).

3. Section 1921 of the Zoning Ordinance sets forth the

specific requirements for fire houses.

4. With the exception of Section 1921.1 and Section 1921.4 of the Zoning Ordinance, Applicant has satisfied the requirements of Section 1921 of the Zoning Ordinance in order to expand the parking area.

5. Applicant requires variances from the terms of Section 1921.1 and Section 1921.4 of the Zoning Ordinance.

6. Applicant also requires variances from the terms of Section 904.9 and Section 904.11 of the Zoning Ordinance.

7. An applicant for a variance bears the burden of proving that unnecessary hardship will result if the variance is not granted and that the grant of the proposed variance will not be contrary to the public interest. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637 (1983); Zaruta v. Zoning Hearing Board of the City of Wilkes-Barre, 117 Pa. Commonwealth Ct. 526, 543 A.2d 1282 (1988); Pennsylvania Municipalities Planning Code ("MPC") §910.2.

8. A variance, if granted, "must be the minimum that will afford relief and will represent the least modification of the ordinance." Rogers v. Zoning Hearing Board of East Pikeland Township, 103 Pa. Commonwealth Ct. 478, 520 A.2d 922, 924 (1987); MPC

§910.2(a)(5).

9. Applicant has presented evidence sufficient to establish that unnecessary hardship will result if the variances are not granted, that the grant of the proposed variances will not be contrary to the public interest, and that the variances requested are the minimum that will afford relief and will represent the least modification of the ordinance.

10. Conditions must be attached to a grant of the special exception and variances in this case to preserve and protect the surrounding neighborhood.

### **III. DECISION**

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby grants the application of Hand-in-Hand Fire Company No. 1 for: (i) a special exception pursuant to Section 902.3 of the Zoning Ordinance; (ii) a variance from the terms of Section 904.9 of the Zoning Ordinance; (iii) a variance from the terms of Section 904.11 of the Zoning Ordinance; (iv) a variance from the terms of Section 1922.1 of the Zoning Ordinance; and (v) a variance from the terms of Section 1922.4 of the Zoning Ordinance. The special exception and variances granted herein shall be subject to the following conditions and safeguards which the Board deems necessary to

implement the purposes of the Zoning Ordinance and the MPC:

1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

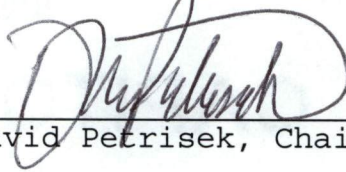
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in its application and the evidence presented to the Board at the hearing held on November 13, 2014.

3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within twelve (12) months from the date this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within twelve (12) months from the date of the zoning permit.

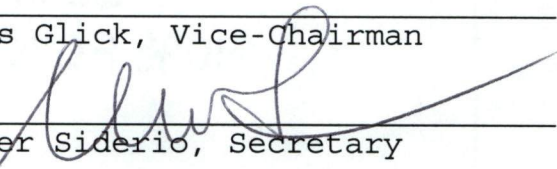
5. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER



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David Petrisek, Chairman

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James Glick, Vice-Chairman



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Walter Siderio, Secretary

Dated and filed November 26, 2014, after a hearing held on November 13, 2014.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to November 27, 2014.

