

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2015-08
APPLICATION OF CHRIST F. STOLTZFUS :

DECISION

I. FINDINGS OF FACT

1. Applicant is Christ F. Stoltzfus, 122 Krantz Mill Road, New Providence, Pennsylvania 17560 ("Applicant").

2. The property which is the subject of the instant application is located at 2533 Bachmantown Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located within the Rural 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 Ordinance").

6. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on March 12, 2015.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. The Property is currently improved with a single family dwelling, shed and pool.

10. Applicant desires to construct a horse shed on the Property.

11. The horse shed will be 16 feet by 28 feet.

12. The horse shed will be 10 feet in height.

13. Applicant proposes that the horse shed be located 5 feet from the side property line.

14. Applicant has requested a variance from the terms of Section 706.3 of the Zoning Ordinance.

15. Section 706.3 of the Zoning Ordinance states that the minimum side yard setback for accessory structures shall be 15 feet.

16. Applicant cannot locate the horse shed at least 15 feet from the side property line because of the location of the pool, the septic system and the slope of the Property.

II. CONCLUSIONS OF LAW

1. An applicant for a variance bears the burden of proving that unnecessary hardship will result if the variance is not grant-

ed 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.

2. 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).

3. The location of the existing structures and the slope of the Property warrant the granting of the variance requested.

4. Applicant has satisfied the requirements for a variance in order to construct a the horse shed 5 feet from the side property line.

5. Conditions must be attached to the granting of the variance to protect and preserve 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 for a variance from Section 706.3 of the Zoning Ordinance. The variance 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 Pennsylvania Municipalities Planning Code:

1. Applicant shall obtain all approvals and permits required by applicable laws and regulations.

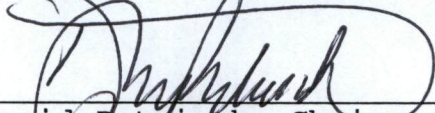
2. Applicant shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on March 12, 2015.

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.

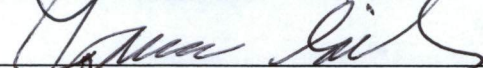
4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within three (3) months from the date of this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within twelve (12) months from the date of the zoning permit.

5. The foregoing Decision shall be binding upon the Applicant and his heirs, personal representatives and assigns.

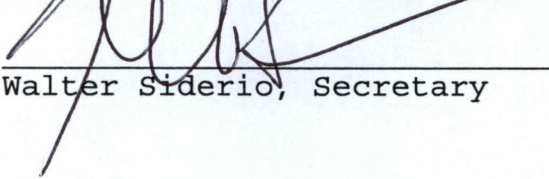
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



David Petrisek, Chairman



James Glick, Vice-Chairman



Walter Siderio, Secretary

Dated and filed March 26, 2015, after hearing held on March 12, 2015.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to March 27, 2015.

