

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2015-32
APPLICATION OF BLACKFORD :
VENTURES, LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Blackford Ventures, LLC, 101 North Pointe Boulevard, Suite 204, Lancaster, Pennsylvania 17601 ("Applicant").
2. The property which is the subject of the instant application is located at 205 Greenfield Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. The owner of the Property is Barrdon Properties, LP.
4. The Property is located in the I-Industrial 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 December 10, 2015.
7. Testimony at the hearing was stenographically recorded.
8. Tim McGovern appeared at the hearing and testified on behalf of Applicant.
9. The Property contains approximately 1.8 acres.

10. There are currently two billboards located upon the Property.
11. The billboards are static billboards, each being 10 foot by 30 foot.
12. The billboards are nonconforming with regard to spacing and setback requirements.
13. The billboards use old telephone polls for support.
14. Applicant proposes to replace the two existing billboards with one new billboard.
15. The new billboard will be a single-faced digital billboard.
16. The new billboard will utilize a steel monopole and the sign face will be 10 feet by 30 feet.
17. Applicant testified that the new billboard will comply with all requirements of the Zoning Ordinance with regard to setback, height and size. Moreover, the new billboard will comply with all Zoning Ordinance requirements relating to digital billboards.
18. The foregoing notwithstanding, there is an off-site billboard located approximately 781 feet from the proposed new billboard. Section 1605, Table 1, of the Zoning Ordinance requires a minimum separation distance of 1,200 square feet.
19. Applicant has requested a variance from Section 1605, Table 1, and Section 1607 of the Zoning Ordinance, with regard to separation distance between billboards.

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 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.

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

4. Conditions must be attached to a grant of the variance 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 Blackford Ventures, LLC, for a variance from the terms of Article XVI, Section 1605, Table 1, and Section 1607 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.

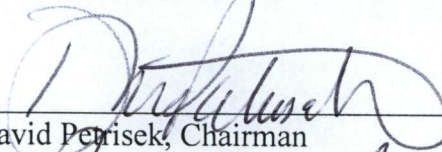
2. Applicant shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on December 10, 2015.

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.

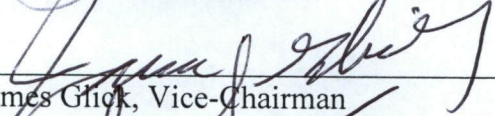
4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within three (3) months from the date this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within twelve (12) months from the date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

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

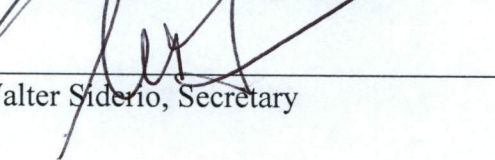
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



David Petrisek, Chairman



James Glick, Vice-Chairman



Walter Siderio, Secretary

Dated and filed January 14, 2016, after hearing held on December 10, 2015.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 15, 2016.

