

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2013-19
APPLICATION OF OAK GROVE :
SCHOOL BOARD :

DECISION

I. FINDINGS OF FACT

1. Applicant is Oak Grove School Board, 500 Willow Road, Lancaster, Pennsylvania 17601 ("Applicant").
2. The property which is the subject of the instant application is 445 Willow Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the lessee of a portion of the Property.
4. The owner of the Property is John Yoder, 445 Willow Road, Lancaster, Pennsylvania 17601.
5. The Property is located in the Rural District as shown on the Official Zoning Map of East Lampeter Township.
6. 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").

7. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on September 12, 2013.

8. Testimony at the hearing was stenographically recorded.

9. Steven Esh, David Blank and John Yoder appeared personally at the hearing and testified on behalf of Applicant.

10. Applicant has requested a special exception in accordance with Section 702.20 and Section 1924-A of the Zoning Ordinance.

11. Section 702.20 of the Zoning Ordinance provides that public and parochial educational institutions are permitted by special exception, subject to Section 1924-A.

12. Section 1924-A of the Zoning Ordinance sets forth the specific requirements for public and parochial educational institutions.

13. The Property contains approximately 67 acres and is actively farmed.

14. Applicant proposes to lease a portion of the Property, approximately 150 feet by 240 feet, as more fully shown on the plan presented by Applicant (the "Leased Property").

15. The Leased Property will have access to Forry Road by means of a driveway approximately 725 feet in length.

16. There will be no direct access to Willow Road.

17. Applicant desires to construct a plain sect school upon the Leased Property.

18. There is sufficient parking upon the Leased Property for the proposed school use.

19. All outdoor recreation and activity areas will be setback a minimum of 20 feet from any lot line.

20. Because there is no electricity serving the school, there will be no exterior lighting.

21. The proposed school use will not emit obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the lot line.

22. No persons appeared in opposition to the application.

II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of persuasion 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. Applicant has demonstrated compliance with the requirements of Section 702.20 and Section 1924-A of the Zoning Ordinance.

3. Applicant has demonstrated compliance with the general requirements for all special exceptions set forth in Section 1901 of the Zoning Ordinance.

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 Oak Grove School Board for a special exception pursuant to Section 702.20 and Section 1924-A of the Zoning Ordinance in order to construct and operate a plain sect school on the Leased Property. This special exception 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 September 12, 2013.

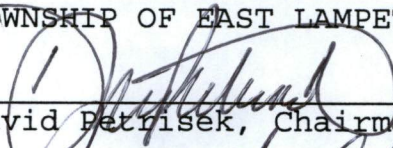
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within twenty-four (24) 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 thirty-six (12) months from the date of this Decision.

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

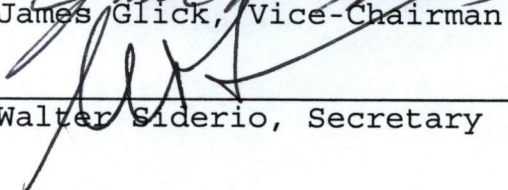
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



David Petrisek, Chairman.



James Glick, Vice-Chairman



Walter Siderio, Secretary

Dated and filed October 10, 2013, after hearing held on September 12, 2013.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to October 11, 2013.

