

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
 : No. 2013-29  
APPLICATION OF CONESTOGA :  
VALLEY SCHOOL DISTRICT :

DECISION

I. FINDINGS OF FACT

1. Applicant is Conestoga Valley School District, 2110 Horseshoe Road, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is 2110 Horseshoe Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the record owner of the Property.

4. The Property is located in 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 November 14, 2013.

7. Testimony at the hearing was stenographically recorded.

8. Hugh Cadzow, of ELA Group, Inc., appeared at the hearing and testified on behalf of Applicant.

9. Ken Johnson, Zac Kraft , Michael Thornton and Gerald Huskin also appeared at the hearing on behalf of Applicant.

10. The Property is presently developed with the Conestoga Valley High School and Middle School and associated facilities.

11. Applicant desires to improve the condition of the athletic fields and related facilities, renovate grandstands to meet code requirements, and improve bus circulation on-site during peak usage times.

12. The proposed improvements are more fully shown on the plans and materials (collectively the "Plans") presented to the Board.

13. No new parking is being proposed.

14. New storage areas are internal to the new concession stand, renovated concession stand and pole building. The pole building is intended to centralize the athletic equipment stored in many existing smaller sheds. Those smaller sheds will be removed upon construction of the new pole building.

15. Renovations to the fields are all on existing natural grass fields.

16. The closest field to a property line is the soccer field, east of the stadium. It is 51 feet from the rear property line.

17. New proposed lighting will have significantly less glare



that the existing lighting facilities.

18. The new internal bus circulation route is intended to alleviate peak traffic impacts by removing bus traffic off of roadways when moving between schools. It will also provide an alternate route in case of emergencies or when there is a need to better discharge vehicles after school events.

19. Applicant has requested a special exception pursuant to Section 702.20 and Section 1924-A of the Zoning Ordinance to construct the improvements.

20. 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. An 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. Applicant presented sufficient testimony to establish compliance with Section 702.20 and Section 1924-A of the Zoning

Ordinance.

4. Conditions must be attached to the grant of the special exception 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 of Conestoga Valley School District for a special exception pursuant to Section 702.20 and Section 1924-A of the Zoning Ordinance. The special exception 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 14, 2013.

3. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within one (1) year from the date of this Decision and does not complete construction of the improvements so authorized and commence the use so authorized within one (1) year from the date of the zoning permit.

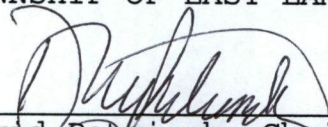
5. Any violation of the conditions contained in this Decision

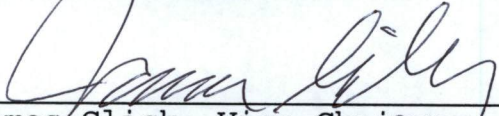


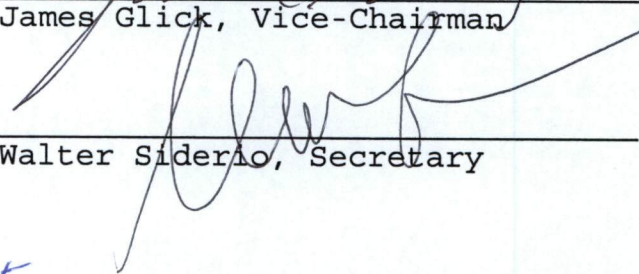
shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

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

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

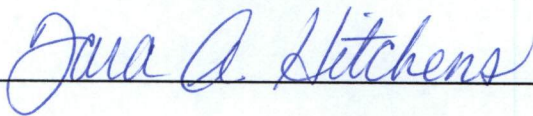
  
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David Petrisek, Chairman

  
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James Glick, Vice-Chairman

  
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Walter Siderio, Secretary

Dated and filed December 5, 2013, after hearing held on November 14, 2013.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to December 6, 2013.

  
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