

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2016-26  
APPLICATION OF LANCASTER :  
COUNTRY CLUB :

DECISION

**I. FINDINGS OF FACT**

1. Applicant is Lancaster Country Club, c/o Todd Bidlespacher, 1466 New Holland Pike, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is 458 Millcross Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the record owner of the Property.

4. The Property is located within the R-1 Residential District and partially within the Floodplain 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 East Lampeter Township Zoning Ordinance of 2016 (the "Zoning Ordinance").

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

September 8, 2016.

7. Testimony at the hearing was stenographically recorded.

8. Andrew Miller, of Rettew Associates, Inc., testified at the hearing on behalf of Applicant.

9. The Property is presently developed with the Lancaster Country Club golf course.

10. Applicant has requested a special exception pursuant to Section 21040.G.4 of the Zoning Ordinance.

11. Section 21040.G.4 of the Zoning Ordinance states that public utility facilities (not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission) may be located within the flood plain by special exception.

12. Applicant intends to install a water line for irrigation of its golf course.

13. Applicant desires to install the water line within the Floodplain District, as more fully shown on the plans ("Plans") submitted by Applicant.

14. Applicant intends to bore under the stream located on the Property. There will be no open cut across the stream.

15. There will be no above ground appurtenances. The water line will be completely underground.

16. The proposal meets the "*Standards and Criteria for Special Exceptions*" as outlined in Section 21040.H of the Zoning Ordinance.

17. No persons appeared in opposition to the application.

## II. CONCLUSIONS OF LAW

1. Applicant requires a special exception under Section 21040.G.4 of the Zoning Ordinance in order to place the proposed water line within the Floodplain District.

2. 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).

3. 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).

4. Applicant has presented evidence to demonstrate that it has met the conditions for the issuance of a special exception under Section 21040.G.4 of the Zoning Ordinance.

5. 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 Lancaster Country Club for a special exception pursuant to Section 21040.G.4 of the Zoning Ordinance in order to install a water line within the Floodplain District, as more fully shown on the Plans. 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:

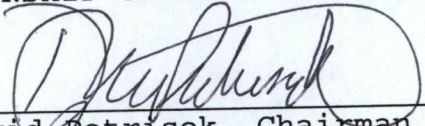
1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations, including approval from the Lancaster County Conservation District.

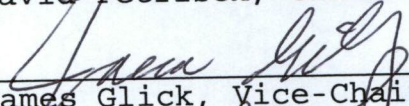
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in its application and the evidence presented to the Board at the hearing held on September 8, 2016.

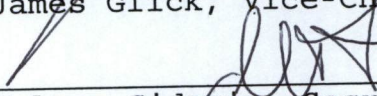
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

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

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

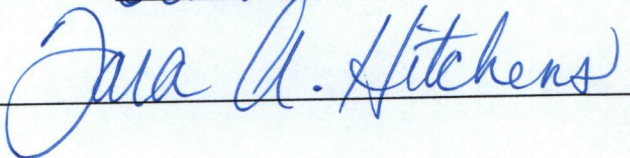
  
\_\_\_\_\_  
David Petrisek, Chairman

  
\_\_\_\_\_  
James Glick, Vice-Chairman

  
\_\_\_\_\_  
Walter Siderio, Secretary

Dated and filed September 30, 2016, after hearing held  
on September 8, 2016.

The undersigned certifies that a copy of this Decision was  
served upon all parties on or prior to October 1, 2016.

  
\_\_\_\_\_  
Jana A. Fitchens