

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2017-19
APPLICATION OF SAMUEL A. FISHER :

DECISION

I. FINDINGS OF FACT

1. Applicant is Samuel A. Fisher, 182 Eastbrook Road, Smoketown, Pennsylvania 17576 ("Applicant").

2. The property which is the subject of the instant application is 182 Eastbrook Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the AG - Agricultural District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicant is the owner of the Property.

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 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 October 26, 2017.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. The Property contains 57 acres and is improved with a dwelling and farm outbuildings.

10. The Property is actively farmed.

11. The Property is served by on-lot sewage disposal and on-lot water supply well.

12. Applicant has requested a special exception pursuant to Section 3020.C.5 and Section 23410 of the Zoning Ordinance to operate a dog breeding kennel upon the Property.

13. The kennel building will be 8 feet by 36 feet.

14. The kennel building will have 11 attached runs which are 10 feet in length and enclosed with a 6 foot high fence.

15. Applicant testified that use of the outdoor runs will be comply with the hours of permitted use set forth in Section 23410 of the Zoning Ordinance.

16. The kennel building will be located approximately 660 feet from the property line of the closest neighbor.

17. The kennel building will be located at least 300 feet from all street rights of way and property lines.

18. Applicant will be responsible for the daily operations, activities and maintenance of the kennel.

19. Applicant will house 10 to 12 breeding dogs within the kennel.

20. Applicant will regularly clean up manure and Applicant has submitted an approved manure management plan to the Township.

21. Applicant has applied for the necessary kennel license from the Pennsylvania Department of Agriculture and will comply with the regulations promulgated pursuant to the Pennsylvania Dog Law.

22. The kennel is surrounded by farmland and noise from the kennel operation will not detract from the use and enjoyment of neighboring properties.

23. There will be 2 non-resident employees for the kennel business.

24. 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 presented evidence to demonstrate that they have met the conditions for the issuance of a special exception under Section 3020.C.5 and Section 23410 of the Zoning Ordinance

3. 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 Samuel A. Fisher for a special exception pursuant to Section 3020.C.5 and Section 23410 of the Zoning Ordinance to operate a dog kennel on property known and numbered as 182 Eastbrook Road, Smoketown, Pennsylvania. 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.

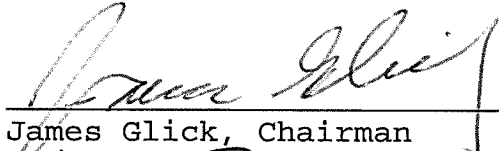
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on October 26, 2017.

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 twelve (12) 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 Applicants and his heirs and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER

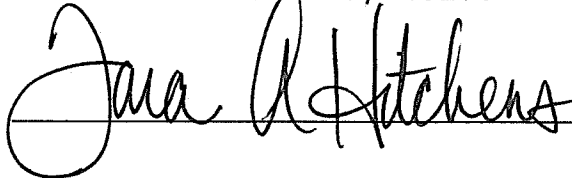

James Glick, Chairman


J. Scott Enterline, Vice-Chairman


Lester Weaver, Secretary

Dated and filed November 9, 2017, after hearing held on
October 26, 2017.

The undersigned certifies that a copy of this Decision was
served upon all parties on or prior to November 10, 2017.


Jana R. Hitchens