

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2018-01
APPLICATION OF DANIEL S. :
STOLTZFUS :

DECISION

I. FINDINGS OF FACT

1. Applicant is Daniel S. Stoltzfus, 674 Hartman Station Road, Lancaster, Pennsylvania 17601 (hereinafter referred to as "Applicant").

2. The property which is the subject of the instant application is located at 664 Hartman Station Road, East Lampeter Township, Lancaster County, Pennsylvania (referred to as the "Property").

3. Applicant is the owner of the Property.

4. The Property is located in the Agricultural 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 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 February 22, 2018.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. Applicant has requested a variance from Section 3030.B.5.b of the Zoning Ordinance.

10. Section 3030.B.5.b of the Zoning Ordinance states that no more than 30% of a lot shall be covered by impervious surfaces.

11. The Property contains approximately 20,909 square feet.

12. The Property is improved with a dwelling and various accessory structures.

13. Applicant desires to construct an addition to the existing dwelling.

14. The addition will contain 336 square feet of additional area, as more fully shown on the plan submitted by Applicant.

15. The proposed post construction lot coverage is 6,993 square feet, being 33.4%.

16. Applicant testified that he would remove an existing building, identified on the plan as a 19 foot by 13 foot storage

building, as well as a sidewalk which extends from the dwelling to the street, thus reducing the amount of lot coverage.

17. No persons appeared in opposition to the application.

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); MPC §910.2.

2. A variance, if granted, must be the minimum that will afford relief and will represent the least modification of the zoning ordinance. Rogers v. Zoning Hearing Board of East Pikeland Township, 103 Pa. Commonwealth Ct. 478, 520 A.2d 922 (1987); MPC §910.2(a)(5).

3. An applicant is entitled to a variance if: there is unique hardship to the property; there will be no adverse effect on the public health, safety or general welfare; and the variance represents the minimum variance that will afford relief. See East Torresdale Civic Association v. Zoning Hearing Board of Adjustment of Philadelphia County, 639 A.2d 446 (1994).

4. The Property is subject to hardship.

5. There will be no adverse effect on the public health, safety or general welfare if the variances are granted.

6. The variance requested by Applicant is the minimum variance necessary to grant relief.

7. Conditions must be attached to the granting of the variance 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 Daniel S. Stoltzfus for a variance from Section 3030.B.5.b of the Zoning Ordinance. The variance 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 February 22, 2018.

3. Applicant shall remove the 19 foot by 13 foot storage building and return the surface area to a permeable surface.

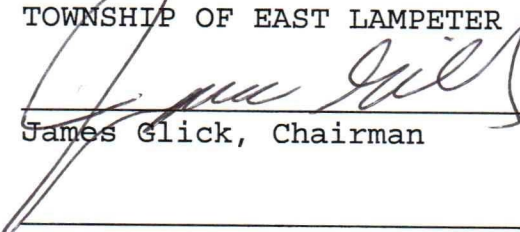
4. Applicant shall remove the sidewalk from the house to the street and return the surface area to a permeable surface.

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 approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

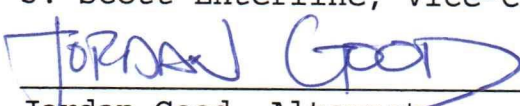
7. The foregoing Decision shall be binding upon the Applicant and his, her, its or their heirs, personal representatives, successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



James Glick, Chairman

J. Scott Enterline, Vice-Chairman



Jordan Good, Alternate

Dated and filed March 4, 2018, after hearing held on February 22, 2018.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to March 15, 2018.

Jana A. Hitchens