

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
 : No. 2018-10  
APPLICATION OF COMMONWEALTH OF :  
PENNSYLVANIA, :  
DEPARTMENT OF TRANSPORTATION :

DECISION

I. FINDINGS OF FACT

1. Applicant is the Commonwealth of Pennsylvania, Department of Transportation, with a mailing address of P.O. Box 8212, Harrisburg, Pennsylvania 17105-8212 ("Applicants").
2. The property which is the subject of the instant application is located at 2105 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located in the Commercial District C-2 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 June 14, 2018.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Kenda Gardner, Esquire.

9. Emanuel Walker and Gerald Maragos appeared at the hearing and testified on behalf of Applicant.

10. The Property contains approximately 6.206 acres.

11. The Property has frontage on Hobson Road, Oakview Road and Lincoln Highway East.

12. The Property is used as and for Applicant's county office, including facilities for the maintenance of roadways.

13. There are various buildings and storage areas upon the Property, as more fully shown on the plans and materials (the "Plans") submitted by Applicant. Without limiting the foregoing, there are buildings and storage areas along that portion of the

Property which fronts on Hobson Road, as more fully shown on the Plans.

14. Applicant proposes to construct upon the Property a vehicle wash facility and brine making /storage structure, as more fully shown on the Plans.

15. The wash facility will be used to wash Applicant's maintenance vehicles and equipment.

16. The vehicle wash facility / structure will be located within the interior of the Property, as shown on the Plans.

17. The vehicle wash facility / structure will be approximately 29 feet 3 inches in height.

18. Properties on the north side of Hobson Road are zoned Residential R-3.

19. Because of the location of the existing buildings and storage areas along Hobson Road, the wash facility will be, for all material purposes, screened from view by such buildings and storage areas.

20. Section 22210 of the Zoning Ordinance of the Zoning Ordinance states that non-residential uses that are adjoining to properties that are located within, among other districts, the Residential R-3 District should contain screening and landscaping.

21. Applicant has, among other things, requested a variance from the terms of Section 22210 of the Zoning Ordinance regarding landscape screening requirements.

22. Because of the location of existing buildings and storage areas, Applicant is unable to comply with the requirements of Section 22210 of the Zoning Ordinance.

## 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); Pennsylvania Municipalities Planning Code ("MPC") §910.2.

2. The location of the existing buildings and storage areas warrant the granting of the variance requested.

3. The unnecessary hardship has not been created by the Applicant.

4. Applicant have presented evidence sufficient to establish that unnecessary hardship will result if the variance is not granted, that the grant of the proposed variance will not be contrary to

the public interest, and that the variance requested is the minimum that will afford relief and will represent the least modification of the Zoning Ordinance.

5. Applicant's requests for alternative action by the Board are moot.

6. Conditions must be attached to a grant of the variance in this case to preserve and protect 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 for a variance from the terms of Section 22210 of the Zoning Ordinance. The variance 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 Pennsylvania Municipalities Planning Code:

1. Applicant shall obtain all approvals and permits required by applicable laws and regulations.

2. Applicant shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on June 14, 2018.

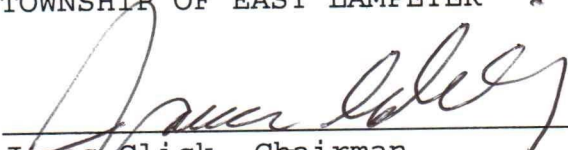
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and


shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

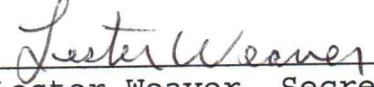
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

5. 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

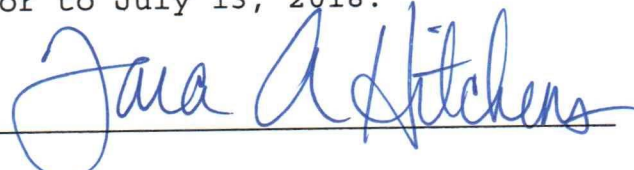
  
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James Glick, Chairman

  
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J. Scott Enterline, Vice-Chairman

  
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Lester Weaver, Secretary

Dated and filed July 12, 2018, after hearing held on June 14, 2018.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to July 13, 2018.

  
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