

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2018-17
APPLICATION OF JOHN J. SPEICHER :
AND FANNIE RUTH SPEICHER :

DECISION

I. FINDINGS OF FACT

1. Applicants are John J. Speicher and Fannie Ruth Speicher, 536 Mount Sidney Road, Lancaster, Pennsylvania 17602 ("Applicants").

2. The property which is the subject of the instant application is located at 536 Mount Sidney Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicants are the owners 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 July 26, 2018.

7. Testimony at the hearing was stenographically recorded.

8. Brian Masterson, of Register Associates, Inc, and John Speicher, Jr., Applicants' son, appeared at the hearing and testified on behalf of Applicants.

9. Applicants have requested: (i) a variance from Section 3030.B.5.b of the Zoning Ordinance; and (ii) a variance from the terms of Section 3030.C.2.b of the Zoning Ordinance.

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

11. Section 3030.C.2.b of the Zoning Ordinance states that the minimum side yard setback shall be 20 feet.

12. The Property is improved with a dwelling and detached garage.

13. The Property contains 11,527 square feet of area.

14. The Property is narrow, being approximately 75 feet in width.

15. The existing detached garage is located 4 feet from the side property line.

16. Applicants desire to remove the existing detached garage and erect a new detached garage.

17. The garage would be 24 feet by 24 feet.

18. The garage would be located 10 feet from the side property line.

19. No horse or horses would be kept or housed in the garage or on the Property.

20. The proposed lot coverage will be 33.1%.

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. A variance, if granted, "must be the minimum that will afford relief and will represent the least modification of the ordinance." Rogers v. Zoning Hearing Board of East Pikeland Township, 103 Pa. Commonwealth Ct. 478, 520 A.2d 922, 924 (1987); MPC §910.2(a)(5).

3. The narrow width of the of the Property and the location of existing structures creates an unnecessary hardship and necessitates the location of the garage.

4. The unnecessary hardship has not been created by the Applicants.

5. Applicants have presented evidence sufficient to establish that unnecessary hardship will result if the variances are not granted, that the grant of the proposed variances will not be contrary to the public interest, and that the variances requested are the minimum that will afford relief and will represent the least modification of the ordinance.

6. Conditions must be attached to a grant of the variances 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 of John J Speicher and Fannie Ruth Speicher for: (i) a variance from Section 3030.B.5.b of the Zoning Ordinance; and (ii) a variance from the terms of Section 3030.C.2.b of the Zoning Ordinance. The variances 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. Applicants shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicants shall at all times comply with and adhere to the information and representations submitted with and contained in their application and the evidence presented to the Board at the hearing held on July 26, 2018.

3. There shall be no horse or horses kept or housed in the garage or on the Property.

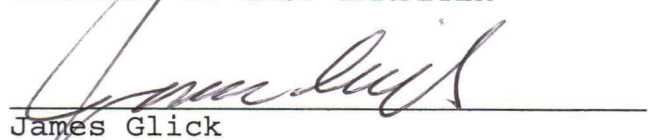
4. The garage may not exceed 25 feet in height.

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.

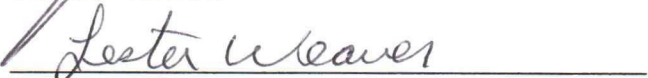
6. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

7. The foregoing Decision shall be binding upon the Applicants and their heirs and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



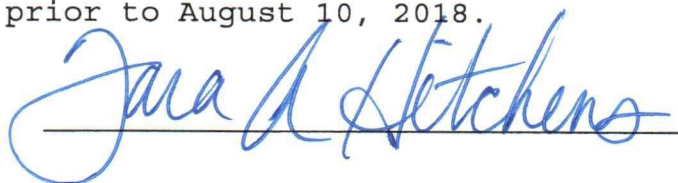
James Glick



Lester Weaver

Dated and filed August 9, 2018, after hearing held on July 26, 2018.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to August 10, 2018.

A handwritten signature in blue ink, reading "Jana A. Hitchens", is written over a solid horizontal line. The signature is cursive and fluid.