

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2019-01
APPLICATION OF DOUG KAUFFMAN :
AND LAURA KAUFFMAN :

DECISION

I. FINDINGS OF FACT

1. Applicants are Doug Kauffman and Laura Kauffman, 243 East Ross Street, Lancaster, Pennsylvania 17603 ("Applicants").
2. The property which is the subject of the instant application is 2066 Millstream Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the equitable 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 14, 2019.
7. Testimony at the hearing was stenographically recorded.

8. Applicants appeared personally at the hearing.

9. Applicants' contractor, Jordan Metzler, also appeared at the hearing and testified on behalf of Applicants.

10. The Property contains 2.012 acres.

11. The Property is currently unimproved.

12. Applicants desire to construct upon the Property a single-family dwelling with attached in-law quarters, as more fully shown on the plans submitted by Applicants.

13. Applicants will reside in the dwelling and the mother and father of Applicant Doug Kauffman will reside in the in-law quarters.

14. The in-law quarters will contain a full kitchen, as more fully shown on the plans.

15. Applicants' proposed in-law quarters use is not a use permitted within the Agricultural District.

16. Applicants require a use variance from the terms of Section 3020.B of the Zoning Ordinance in order to construct the in-law quarters on the Property.

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 in-laws quarters requires a variance from the terms of Section 3020.B of the Zoning Ordinance.

4. Applicants 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 ordinance.

5. 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 a variance from the terms of Section 3020.B of the Zoning Ordinance. Applicants shall be permitted to construct the in-law quarters as more fully shown on the plans. This 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. Applicants shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

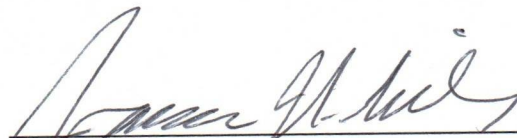
2. When the in-law quarters is no longer occupied by the mother and father of Applicants or otherwise occupied by relatives of the occupants of the principal dwelling, the stove top and oven shall be removed from the in-law quarters and the in-law quarters will become part of the main dwelling and the entire structure will be used as a single family dwelling.

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 Applicants and their heirs and assigns.

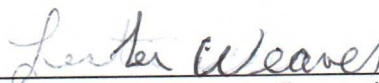
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



James Glick, Chairman



J. Scott Enterline, Vice-Chairman



Lester Weaver, Secretary

Dated and filed March 14, 2019, after hearing held on February 14, 2019.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to March 15, 2019.

