

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
APPLICATION OF BENUEL H. KING : No. 2019-10
:

DECISION

I. FINDINGS OF FACT

1. Applicant is Benuel H. King, 355 Gridley Road, Lancaster, Pennsylvania 17602 ("Applicant").
2. The property which is the subject of the instant application is located at 386 Gridley Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located within 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 June 27, 2019.

7. Testimony at the hearing was stenographically recorded.
8. Applicant appeared personally at the hearing.
9. Brian Masterson, of Register Associates, Inc., also appeared at the hearing and testified on behalf of Applicant.
10. Applicant has requested: (i) a variance from the terms of Section 23380.C.1 of the Zoning Ordinance; (ii) a variance from the terms of Section 23380.C.3 of the Zoning Ordinance; and (iii) a variance from the terms of Section 3030.B.3 of the Zoning Ordinance.
11. Section 23380.C.1 of the Zoning Ordinance states that a horse barn shall only be located on a lot with a minimum lot area of 20,000 square feet.
12. Section 23380.C.3 of the Zoning Ordinance states that the grazing area for horses shall be located at least 10 feet from all property lines.
13. Section 3030.B.3 of the Zoning Ordinance states that the minimum side yard setback.
14. The Property contains 17,875 square feet of area (net).
15. Applicant desires to construct a single family dwelling, horse barn and fenced horse grazing area upon the Property, as more fully shown on the plan ("Plan") submitted by Applicant.
16. The fenced horse grazing would be located 2 feet from the property lines, as more fully shown on the Plan.

17. The dwelling will contain an attached landing area (for an exit door), which will be located 15.15 feet from the side property line.

18. 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); 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. Applicant has 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.

4. 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 for: (i) a variance from the terms of Section 23380.C.1 of the Zoning Ordinance; (ii) a variance from the terms of Section 23380.C.3 of the Zoning Ordinance; and (iii) a variance from the terms of Section 3030.B.3 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. Applicant shall obtain all approvals and permits required by applicable laws and regulations.

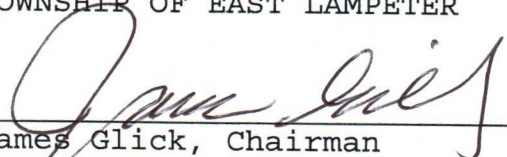
2. Applicant shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on June 27, 2019.


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

4. 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.

5. The foregoing Decision shall be binding upon the Applicant and his heirs, personal representatives 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 July 11, 2019, after hearing held on June 27, 2019.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to July 12, 2019.

