

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2019-21
APPLICATION OF HIGH PROPERTIES :

DECISION

I. FINDINGS OF FACT

1. Applicant is High Properties, 1853 William Penn Way, Lancaster, Pennsylvania 17601 ("Applicant").
2. The properties which are the subject of the instant application are located at 534 Willow Road, East Lampeter Township, Lancaster County, Pennsylvania, as well as an unaddressed property bound by Willow Road and Greenfield Road and transected by Ben Franklin Boulevard (collectively the "Property").
3. Applicant is the owner of the Property.
4. The Property is located in the BP Business Park 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 Township 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 December 12, 2019.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Sarah Yocum Rider, Esquire.

9. Ken Hornbeck and Brad Mowbray appeared at the hearing and testified on behalf of Applicant.

10. Applicant has requested: (i) a variance from Section 23440.E.5.d of the Zoning Ordinance; ii) a variance from Section 23440.E.6 of the Zoning Ordinance; and (iii) a time extension from the time limitations set forth in Section 25060.E of the Zoning Ordinance.

11. Section 23440.E.5.d of the Zoning Ordinance states that manufactured homes in a manufactured home park shall have a minimum side yard setback of 10 feet.

12. Section 23440.E.6 of the Zoning Ordinance states that the minimum distance between manufactured homes shall be 20 feet.

13. Section 25060.E of the Zoning Ordinance states that all required permits must be obtained within 6 months from the approval date of a zoning variance and all required site improvements and construction activities must be completed within 1 year from the date of the permit.

14. Applicant is the owner of a manufactured home park known as Eastwood Village.

15. Applicant acquired Eastwood Village in the 1960's and it currently comprised of four phases.

16. Applicant desires to expand Eastwood Village with a fifth phase.

17. Phase V will expand Eastwood Village by up to 92 manufactured homes (for a total of 375 homes in the entire Eastwood Village community).

18. The Property (expansion area) is made up of two existing tax parcels, as shown on the plans submitted by Applicant.

19. One of tax parcels contains approximately 63.38 acres; the other tax parcel contains approximately 29 acres.

20. The two existing tax parcels will be subdivided to create a single 20.070 acre parcel which will be used for the Eastwood Village expansion.

21. The residual land remaining after subdivision is not the subject of this Zoning application.

22. The reason for this zoning application is to permit Applicant to market and sell manufactured homes in Eastwood Village that are designed as semi-detached manufactured homes with adjacent side garages. In these home designs, two homes with side garages are located adjacent to one another and the side garages will be physically attached with a firewall between the two garages.

23. In the event a homeowner in Eastwood Village would choose a semi-detached manufactured home design with adjacent physically connected side garages, there would be no side yard on one side of the manufactured home lot (the other side would maintain a 10 side yard setback). Moreover, there would not be twenty feet between the two manufactured homes that have adjacent side garages, as the garages will be physically connected.

24. Applicant has requested a time extension with regard to Section 25060.E of the Zoning Ordinance. Such section states that all required permits must be obtained within 6 months from the approval date of a zoning variance and all required site improvements and construction activities must be completed within 1 year from the date of the permit. Although Applicant initially requested an extension to allow 10 years to obtain permits and one year from the date of the permits to complete construction, at the hearing Applicant testified that it would agree to a 5 year extension to obtain permits and one year from the date of the permits to complete construction.

25. No one appeared at the hearing 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. Applicant has presented evidence sufficient to establish that unnecessary hardship will result if the variances from Section 23440.E.5.d and Section 23440.E.6 of the Zoning Ordinance are not granted, that the grant of these proposed variances will not be contrary to the public interest, and that these two variances are the minimum that will afford relief and will represent the least modification of the ordinance.

3. 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 of High Properties for: (i) a variance from Section 23440.E.5.d of the Zoning Ordinance; ii) a variance from Section 23440.E.6 of the Zoning Ordinance; and (iii) a time extension from the time limitations set forth in Section 25060.E of the Zoning Ordinance as more fully set forth below. The approvals granted herein shall be subject to the following conditions and safeguards which the Board deems necessary to imple-

ment 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.

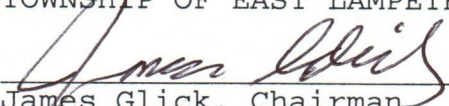
2. Applicant shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on December 12, 2019.

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.

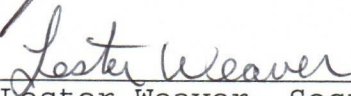
4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within five (5) years from the date this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within one (1) year from the date of the zoning permit.

5. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



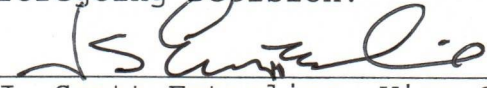
James Glick, Chairman



Lester Weaver, Secretary

DISSENT:

I hereby dissent from the foregoing Decision.



J. Scott Enterline, Vice-Chairman

Dated and filed January 9, 2020, after hearing held on December 12, 2019.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 10, 2020.

