

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
APPLICATION OF KEVIN KREIDER : No. 2021-07

DECISION

I. FINDINGS OF FACT

1. Applicant is Kevin Kreider, 270 Little Creek Road, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is 270 Little Creek Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the R-1 Residential District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicant is the owner of the Property.

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 May 13, 2021.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. Applicant has requested a variance from the terms of Section 5030.C.2.a of the Zoning Ordinance.

10. Section 5030.C.2.a of the Zoning Ordinance states that the minimum front yard setback for buildings for accessory uses exceeding 120 square feet of area shall be 15 feet to the rear of the front facade of the principal building.

11. The Property contains 23,087 square feet of area.

12. The Property is a corner lot (corner of Little Creek Road and Millcross Road).

13. Because the Property is a corner lot, it has two front yards.

14. Applicant and his family live on the Property within a single family detached dwelling.

15. Applicant proposes to install an in-ground swimming pool and patio, as more fully shown on the plan (the "Plan") submitted by Applicant.

16. The proposed improvements will be located within the required front yard setback (the portion of the Property abutting Millcross Road), as more fully shown on the Plan.

17. There is an existing 6 foot high privacy fence and solid row of Hemlock trees along the portion of the Property which abuts Millcross Road.

18. The proposed improvements will not be visible from Millcross Road.

19. 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); 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 variance is not granted, that the variance is the minimum that will afford relief, and that the grant of the proposed variance will not be contrary to the public interest.

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 Kevin Kreider for a variance from Section 5030.C.2.a of the Zoning Ordinance to permit the pool and patio to be constructed within the front yard setback as shown on the Plan. The 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. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on May 13, 2021.

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.

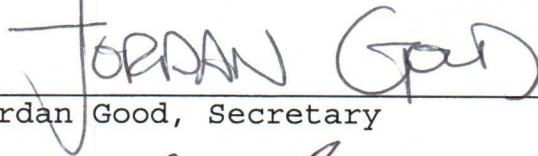
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicant and his heirs and assigns.

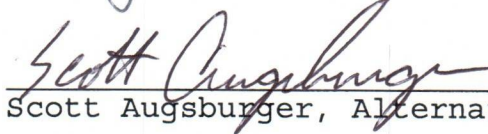
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Vice-Chairman



Jordan Good, Secretary



Scott Augsburg, Alternate

Dated and filed May 27, 2021, after hearing held on May 13, 2021.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to May 28, 2021.

