

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2021-26
APPLICATION OF CHRISTIAN A. :
STOLTZFUS, CHRISTIAN A. STOLTZFUS, :
JR., AND EPHRAIM J. STOLTZFUS :

DECISION

I. FINDINGS OF FACT

1. Applicants are Christian A. Stoltzfus, Christian A. Stoltzfus, Jr., and Ephraim J. Stoltzfus, 250 Maple Avenue, Bird-in-Hand, Pennsylvania 17505 ("Applicants").

2. The property which is the subject of the instant application is located at Maple Avenue (Tax Acct 310-14470-0-0000), East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicants are the owners of the Property.

4. The Property is located in the Bird-in-Hand 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 December 9, 2021.

7. Testimony at the hearing was stenographically recorded.

8. Applicant Christian Stoltzfus, Jr., appeared at the hearing.

9. Jason Shaner, of Impact Engineering Group, appeared at the hearing and testified on behalf of Applicants.

10. Applicants have requested a variance from Section 23590.D.3 of the Zoning Ordinance.

11. Section 23590.D.3 of the Zoning Ordinance states that principal uses permitted in combination with other uses on shall be serviced by public water supply facilities.

12. Applicants propose a subdivision / lot add-on. More specifically, the plan proposes to convert a 7.12 acre vacant lot and a 0.454 acre developed residential lot into a 3.707 acre lot (Lot "A") and a 3.866 acre lot (Lot "B").

13. Applicants propose to construct on Lot "A" a manufacturing building and a dwelling (the existing dwelling will be demolished).

14. The manufacturing building will be used for the manufacture of milk processing equipment.

15. The proposed improvements and uses are considered "principal uses permitted in combination" in accordance with Section 23590 of the Zoning Ordinance.

16. The closest public water facilities are located at least one mile from the Property and Applicants propose to use an on-lot well rather than extend the public water system.

17. There will be a maximum of ten employees of the manufacturing business.

18. It is estimated that each employee will use approximately 10 gallons of water per day.

19. With regard to the dwelling, the anticipated water usage is 225 gallons per day.

20. 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. 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.

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 a variance from Section 23590.D.3 to permit a manufacturing use and dwelling that are not served by public water. The variance 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 laws and regulations.

2. Applicants shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on December 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.

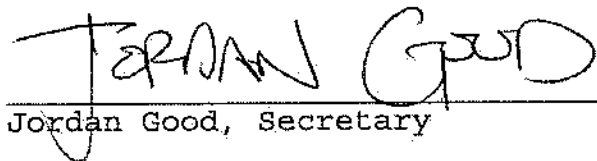
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicants and their personal representatives, heirs successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Secretary

James Glick, Alternate

Dated and filed January 13, 2022, after hearing held on December 9, 2021.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 14, 2022.

