

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2022-08
APPLICATION OF FIRST CHURCH OF THE :
NAZARENE - LANCASTER :

DECISION

I. FINDINGS OF FACT

1. Applicant is First Church of the Nazarene - Lancaster, 2150 New Holland Pike, Lancaster, Pennsylvania 17601 ("Applicant").
2. The property which is the subject of the instant application is located at 2150 New Holland Pike, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located in the Medium Density Residential District R-2 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 23, 2022.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Claudia Shank, Esquire

9. Ben Craddock, of Lancaster Civil Engineering, appeared at the hearing and testified on behalf of Applicant.

10. Mark Justice, Applicant's Pastor, and Colin Daniels, Applicant's Board Chairman, also appeared at the hearing on behalf of Applicant.

11. Applicant has requested: (i) a variance from the terms of Section 6030.A.4 of the Zoning Ordinance; and (ii) if necessary, a variance from the terms of Section 22020.A of the Zoning Ordinance.

12. Section 6030.A.4 of the Zoning Ordinance states that the maximum lot size for a single-family dwelling shall be 12,000 square feet.

13. Section 22020.A of the Zoning Ordinance states that all buildings that are erected or moved shall be located on a lot adjacent to a public street or approved private street.

14. The Property contains 7.9 acres and is improved with a church and a single family detached dwelling, as more fully shown on the plan ("Plan") submitted by Applicant.

15. Applicant desires to subdivide the Property into two lots, one containing the church use and one containing the dwelling use, as more fully shown on the Plan.

16. The church lot will contain 7.04 acres and the dwelling lot will contain 0.86 acres.

17. The dwelling lot will have access to Sherreem Road by way of an easement across the church lot. Applicant testified that it will record an access and utility easement across the church lot for the benefit of the dwelling lot.

18. The requested variances are necessitated by virtue of the Property's existing as-built characteristics.

19. Existing residential lots along Sherreem Road are in excess of one-half acre in size.

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. The Property's existing as-built characteristics warrant the granting of the variances requested.

3. There will be no adverse effect on the public health, safety or general welfare if the variances are granted.

4. The unnecessary hardship has not been created by the Applicant.

5. 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.

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 First Church of the Nazarene - Lancaster for: (i) a variance from the terms of Section 6030.A.4 of the Zoning Ordinance; and (ii) a variance from the terms of Section 22020.A 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 information and representations submitted with and contained in its

application and the evidence presented to the Board at the hearing held on June 23, 2022.

3. Applicant shall execute and record a cross access and utility easement for the benefit of the proposed dwelling lot, along with a snowpile easement as may be required by the Township.

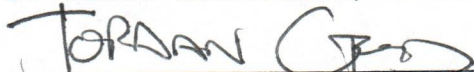
4. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

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

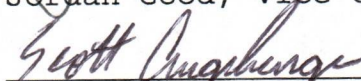
6. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER

J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Scott Augsburg, Secretary

Dated and filed July 28, 2022, after hearing held on June 23, 2022.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to July 29, 2022.