

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2022-16  
APPLICATION OF NEW LIFE :  
ASSEMBLY OF GOD OF LANCASTER :

DECISION

I. FINDINGS OF FACT

1. Applicant is New Life Assembly of God of Lancaster, 1991 Old Philadelphia Pike, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is located at 1991 Old Philadelphia Pike, East Lampeter Township, Lancaster County, Pennsylvania (referred to as the "Property").

3. Applicant is the owner of the Property.

4. The Property is located in the Residential R-2 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 October 27, 2022.

7. Testimony at the hearing was stenographically recorded.

8. Amanda Groff, of Harbor Engineering, appeared at the hearing and testified on behalf of Applicant.

9. Applicant has requested: (i) a variance from Section 22230.G.1, Table 22230.1, of the Zoning Ordinance regarding the maximum permitted cumulative sign area for public use signs; and (ii) a variance from Section 22230.G.1, Table 22230.1, of the Zoning Ordinance regarding minimum setback for public use signs.

10. Section 22230.G.1, Table 22230.1, of the Zoning Ordinance states that the maximum permitted cumulative sign area for public use signs shall be 40 square feet.

11. Section 22230.G.1, Table 22230.1, of the Zoning Ordinance states that the minimum setback for public use signs shall be 10 feet from the street right of way.

12. The Property is used as and for a church.

13. The Property is irregularly shaped and has limited frontage on Old Philadelphia Pike.

14. Access to the Property is from Old Philadelphia Pike.

15. There is an existing freestanding public use sign located on the Property.

16. The existing freestanding sign contains 46.22 square feet of sign area.

17. The existing freestanding sign is located less than 1 foot from the right of way of Old Philadelphia Pike.

18. There is an existing building sign which contains 53.34 square feet of sign area.

19. Applicant proposes to remove the existing freestanding sign and replace it with a sign containing 40 square feet of sign area.

20. The proposed freestanding sign will be located approximately 1.1 feet from the right of way of Old Philadelphia Pike.

21. The size and location of proposed freestanding sign is necessary for adequate notice to the public.

22. The existing building sign will not change and will remain in place.

23. 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 zoning ordinance. Rogers v. Zoning Hearing Board of East Pikeland Township, 103 Pa. Commonwealth Ct. 478, 520 A.2d 922 (1987); MPC §910.2(a)(5).

3. An applicant is entitled to a variance if: there is unique hardship to the property; there will be no adverse effect on the public health, safety or general welfare; and the variance represents the minimum variance that will afford relief. See East Torresdale Civic Association v. Zoning Hearing Board of Adjustment of Philadelphia County, 639 A.2d 446 (1994).

4. The Property is subject to hardship due to the its irregular shape with limited frontage on Old Philadelphia Pike.

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

6. The variances requested by Applicant are the minimum variances necessary to grant relief.

7. Conditions must be attached to the granting of the variance to protect and preserve 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 Section 22230.G.1, Table 22230.1, of the Zoning Ordinance regarding the maximum permitted cumulative sign area for public use signs; and (ii) a variance from Section 22230.G.1, Table 22230.1, of the Zoning Ordinance regarding minimum setback for public use signs. The variances 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 the application and the evidence presented to the Board at the hearing held on October 27, 2022.

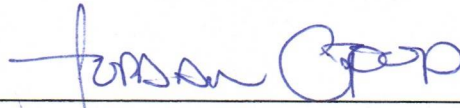
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and


shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

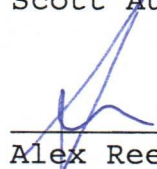
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

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

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

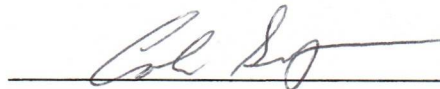
  
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Jordan Good, Vice-Chairman

  
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Scott Augsburger, Secretary

  
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Alex Reedy, Alternate

Dated and filed November 10, 2022, after hearing held on October 27, 2022.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to November 11, 2022.

  
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