

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2023-05
APPLICATION OF DANIEL B. ESH :

DECISION

I. FINDINGS OF FACT

1. Applicant is Daniel B. Esh, 2200 Forry Road, Lancaster, Pennsylvania 17601 ("Applicant").
2. The property which is the subject of the instant application is located at 2200 Forry Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located within the Agricultural 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 July 27, 2023.

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 23380.C.1 of the Zoning Ordinance.
10. Section 23380.C.1 of the Zoning Ordinance states that a horse barn for transportation shall only be located on a lot with a minimum lot area of 20,000 square feet.
11. The Property contains 17,424 square feet of area.
12. The Property is currently improved with a single family dwelling, as more fully shown on the plan (the "Plan") submitted by Applicant.
13. Applicant desires to construct a horse barn upon the Property, as more fully shown on the Plan.
14. The horse barn would be 16 feet by 26 feet, as more fully shown on the Plan.
15. The horse barn will comply with all applicable setback requirements, as more fully shown on the Plan.
16. Applicant's father owns an adjacent farm and a horse grazing area will be established on such farm.
17. Applicant will prepare a residential manure management plan.
18. 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); Pennsylvania Municipalities Planning Code ("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 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.

4. 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 for a variance from the terms of Section 23380.C.1 of the Zoning Ordinance. 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. Applicant shall obtain all approvals and permits required by applicable laws and regulations.

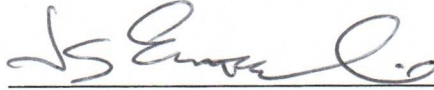
2. Applicant shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on July 27, 2023.

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, personal representatives and assigns.

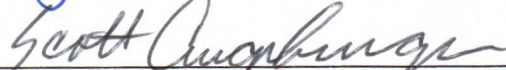
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Scott Augsburg, Secretary

Dated and filed AUGUST 10, 2023, after hearing held
on July 27, 2023.

The undersigned certifies that a copy of this Decision was
served upon all parties on or prior to AUGUST 11, 2023.

