

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2023-13
APPLICATION OF JENNIFER WITMER :

DECISION

I. FINDINGS OF FACT

1. Applicant is Jennifer Witmer, 2538 Siegrist Road, Ronks, Pennsylvania 17572 ("Applicant").

2. The property which is the subject of the instant application is located at 2538 Siegrist, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the lessee of the Property.

4. The Property is located in 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 January 11, 2024.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Richard Raiders, Esquire.

9. Applicant has requested: (i) a variance from the terms of Section 22030.N.3.b of the Zoning Ordinance; and (ii) a variance from the terms of Section 22030.N.3.c of the Zoning Ordinance.

10. Section 22030.N.3.b of the Zoning Ordinance states that, with regard to residential lots containing more than 20,000 square feet and less than one acre, farm animals (other than fowl or poultry), are not permitted.

11. Section 22030.N.3.c of the Zoning Ordinance states that fowl and poultry shall be contained in an very within the rear yard and shall be a minium of 10 feet from the property line.

12. The Property is a residential lot containing 0.71 acre.

13. The Property is improved with a dwelling.

14. Applicant desires to keep three goats upon the Property.

15. Applicant's goats are used for Applicant's therapy/emotional support.

16. Applicant presented credible testimony that the three goats are necessary for Applicant's therapy/emotional support.

17. The three goats will be maintained in a shelter/stable in the rear yard.

18. Applicant has arranged to lease approximately 0.4 acres from a neighbor to the rear for additional area for the three goats.

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

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

5. With conditions, Applicant has satisfied the requirements for the requested variances.

6. Conditions must be attached to the granting of the variances 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 of Jennifer Witmer for: (i) a variance from the terms of Section 22030.N.3.b of the Zoning Ordinance; and (ii) a variance from the terms of Section 22030.N.3.c 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 evidence presented to the Board at the hearing held on January 11, 2024.
3. There shall be no more than three (3) goats kept on the Property at any one time.
4. Applicant shall obtain an approved residential manure management plan from the Lancaster County Conservation District.
5. The setback of the goat shelter shall comply with the terms of Section 3030.C.2.b of the Zoning Ordinance.

6. 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.

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

8. The foregoing Decision shall be binding upon the Applicant and her heirs, personal representatives and assigns.

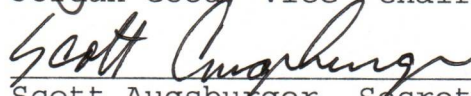
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Scott Augsburg, Secretary

Dated and filed January 29th, 2024, after hearing held on January 11, 2024.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 29th, 2024.

