

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2023-14  
APPLICATION OF MERVIN STOLTZFUS :  
AND MELINDA STOLTZFUS :

DECISION

I. FINDINGS OF FACT

1. Applicants are Mervin Stoltzfus and Melinda Stoltzfus, 2402 Stumptown Road, Bird-in-Hand, Pennsylvania 17505 ("Applicants").

2. The property which is the subject of the instant application is located at 2402 Stumptown Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicants are the owners of the Property.

4. The Property is located in the Village Residential 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. Applicants were represented at the hearing by Nicholas T. Gard, Esquire.

9. The Property is a lot containing approximately 2.355 acres.

10. The Property is currently improved with a dwelling and barn.

11. Applicants propose to erect an ECHO house and a horse and carriage barn upon the Property, as more fully shown on the plan submitted by Applicants.

12. Mervin Stoltzfus's father will reside in the ECHO house.

13. The proposed horse and carriage barn will be used by Mervin Stoltzfus's father.

14. The horse and carriage barn will be 28 feet by 34 feet.

15. Applicants desire to construct the carriage barn to the front of the front face of the existing dwelling and to the rear of the proposed ECHO house.

16. Applicants agreed that the horse and carriage barn will be removed from the Property at the same time that the ECHO house is removed from the Property.

17. Applicants require a variance from the terms of Section 20030.C.2.a of the Zoning Ordinance.

18. Section 20030.C.2.a of the Zoning Ordinance states that the minimum front yard setback for unattached accessory buildings shall be 15 feet to the rear of the front facade of the principal building.

19. No one appeared at the hearing 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. The proposed horse and carriage barn requires a variance from the terms of Section 20030.C.2.a of the Zoning Ordinance.

4. The layout of the Property and the location of existing structures creates an unnecessary hardship and necessitates the location of the horse and carriage barn.

5. The unnecessary hardship has not been created by the Applicants.

6. 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.

7. 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 of Mervin Stoltzfus and Melinda Stoltzfus for a variance from the terms of Section 20030.C.2.a of the Zoning Ordinance in order to permit the construction of the horse and carriage barn to the front of the front face of the dwelling in accordance with the plan. 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 January 11, 2024.

3. Applicants shall remove the horse and carriage barn from the Property contemporaneously with removal of the ECHO house.

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.

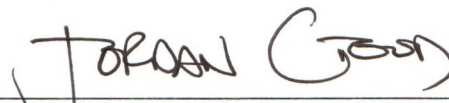
5. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 and Section 25070 of the Zoning Ordinance

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

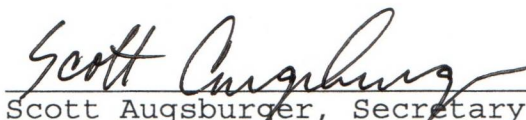
ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Scott Augsburger, Secretary

Dated and filed January Fifth, 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 ~~November 14, 2014~~  
January 29th 2024

Col. [Signature]