

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2024-15
APPLICATION OF ELI S. KING :

DECISION

I. FINDINGS OF FACT

1. Applicant is Eli S. King, 431 Strasburg Pike, Lancaster, Pennsylvania 17602 ("Applicant").
2. The property which is the subject of the instant application is located at 501 Strasburg Pike, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner 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 October 10, 2024.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. Ron Hershey, of Hershey Surveying, Inc., appeared at the hearing and testified on behalf of Applicant.

10. Applicant has requested a variance from the terms of Section 3040.A.2 of the Zoning Ordinance.

11. Section 3040.A.2 of the Zoning Ordinance states in pertinent part that parcels of land containing 10 to 25 acres shall not be further subdivided.

12. The Property contains 23.43 acres.

13. Applicant owns an adjacent parcel of land known as 431 Strasburg Pike (the "Adjacent Parcel").

14. The Adjacent Parcel contains 0.841 acre of land and is improved with a dwelling.

15. Applicant resides on the Adjacent Parcel.

16. Applicant desires to subdivide 1.159 acres from the Property and add it to the Adjacent Parcel, as more fully shown on the plan submitted by Applicant.

17. After the lot reconfiguration, the Property will contain 22.27 acres and the Adjacent Parcel will contain 2 acres.

18. Applicant maintains a horse and five sheep on the Adjacent Parcel.

19. Applicant testified that he will either: (i) obtain an approved manure management plan for the Adjacent Parcel; or (ii) record a Declaration of Easement in the Lancaster County Recorder of Deeds' Office which permanently allows the owner of the Adjacent Parcel to spread and dispose of manure on the Property.

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. 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.

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 Eli S. King for a variance from the terms of Section 3040.A.2 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 information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on October 10, 2024.

3. Applicant shall either: (i) obtain an approved manure management plan for the Adjacent Parcel; or (ii) record a Declaration of Easement in the Lancaster County Recorder of Deeds' Office which permanently allows the owner of the Adjacent Parcel to spread and dispose of manure on the Property.

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

Jordan Good
Jordan Good, Vice-Chairman

James Glick
James Glick, Alternate

Dated and filed October 29, 2024, after hearing held on October 10, 2024.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to October 30, 2024.

Jana A. Hitchens