

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2024-18
APPLICATION OF EAST LAMPETER AMISH :
SCHOOLS NORTH DISTRICT :

DECISION

I. FINDINGS OF FACT

1. Applicant is East Lampeter Amish Schools North District, 2090 Creek Hill Road, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is located at 2210 Creek Hill Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The owners of the Property are Joseph A. Esch and Susie S. Esch.

4. Applicant is the lessee of a portion of the Property.

5. The Property is located in the Agricultural District as shown on the Official Zoning Map of East Lampeter Township.

6. 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").

7. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on October 10, 2024.

8. Testimony at the hearing was stenographically recorded.

9. Christopher Wiley, of Wiley Landscape Architecture Consulting, LLC, appeared at the hearing and testified on behalf of Applicant.

10. School Board Member Isaac Esch also appeared at the hearing and testified on behalf of Applicant.

11. The Property is a farm containing approximately 69.4 acres.

12. Applicant intends to lease a portion of the Property containing approximately 1 acre, as more fully shown on the plans and materials submitted by Applicant.

13. The lease area will be used as and for an Amish one room school house (containing two floors).

14. The maximum height of the schoolhouse will be 50 feet.

15. The maximum number of students attending the school is 40. There will be 2 teachers.

16. Students attending the school will be in grades 1 through 8.

17. Pedestrian and vehicular traffic will access the schoolhouse by way of an existing gravel driveway, approximately 12 to 14 feet in width, located off of Creek Hill Road.

18. The gravel driveway runs along the northeast property lines of lands now owned by Sarah Esch and Paul Esch respectively. An access easement and agreement will be created among all parties who access and share the gravel driveway.

19. In addition to the schoolhouse, Applicant proposes to construct an outhouse structure with large in-ground storage tanks for holding and storing sanitary sewer waste.

20. Applicant does not intend to make any connections to a public or private potable water system, a public or on-lot septic sanitary sewer system, gas, electric or any other public utility services.

21. There are no accessory uses proposed.

22. An outdoor recreation area will be provided for student recreation. However, there will be no accessory recreation facilities.

23. Applicant testified that it will comply with all applicable setback and lot coverage requirements.

24. Applicant will provide 4 off-street parking spaces (one space containing a hitching post).

25. No one appeared at the hearing in opposition to the application.

II. CONCLUSIONS OF LAW

1. Applicant has requested a special exception pursuant to Section 3020.C.9.b of the Zoning Ordinance.

2. Section 3020.C.9.b of the Zoning Ordinance states that schools designed to accommodate 50 or fewer students occupying 2 acres or less are permitted by special exception, subject to the standards set forth in Section 23740 of the Zoning Ordinance.

3. An applicant for a special exception bears the burden of presenting evidence that the proposed use is one allowed by special exception and that the proposed use complies with all of the objective requirements contained in the zoning ordinance. Abbey v. Zoning Hearing Board of East Stroudsburg Borough, 126 Pa. Commonwealth Ct. 235, 559 A.2d 107 (1989); Bray v. Zoning Board of Adjustment of the City of Philadelphia, 48 Pa. Commonwealth Ct. 523, 410 A.2d 909 (1980).

4. With the exception of the minimum number of required parking spaces set forth in Table 22160.1 of the Zoning Ordinance, Applicant has satisfied the requirements for the special exception.

5. Applicant requires a variance from the terms of Section 22160.1 of the Zoning Ordinance which requires that, in this instance, Applicant provide a minimum of 6 off-street parking spaces.

6. 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.

7. 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).

8. 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.

9. Conditions must be attached to a grant of the special exception and 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 East Lampeter Amish Schools North District for: (i) a special exception pursuant to Section 3020.C.9.b of the Zoning Ordinance; and (ii) a variance from the terms of Table 22160.1 of the Zoning Ordinance. The special

exception and 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 October 10, 2024.

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 if Applicant does not obtain a zoning permit within two years from the date of this Decision and does not complete construction of the improvements so authorized and commence the use so authorized within two years from the date of the zoning permit.

5. 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, 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