

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2025-08
APPLICATION OF BENJAMIN FISHER :
AND RACHEL FISHER :

DECISION

I. FINDINGS OF FACT

1. Applicants are Benjamin Fisher and Rachel Fisher, 729 Hartman Station Road, Lancaster, Pennsylvania 17601 ("Applicants").

2. The property which is the subject of the instant application is located on the opposite side of 782 Hartman Station Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicants are the owners 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 August 14, 2025.

7. Testimony at the hearing was stenographically recorded.

8. Applicants appeared personally at the hearing.

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

10. Applicants have requested: (i) a variance from the terms of Section 375-23380.C.3 of the Zoning Ordinance; (ii) a variance from the terms of Section 375-23380.D.1 of the Zoning Ordinance; and (iii) a variance from the terms of Section 375-23380.D.3 of the Zoning Ordinance.

11. Section 375-23380.C.3 of the Zoning Ordinance states that the grazing area for horses shall be located at least 10 feet from all property lines.

12. Section 375-23380.D.1 of the Zoning Ordinance states that a more than one horse shall only be located on a lot containing between 20,000 square feet and 1 acre. An additional horse may be added for each additional acre over the 1 acre base requirement.

13. Section 375-23380.D.3 of the Zoning Ordinance states horses shall be kept within a fully enclosed detached building.

14. The Property contains 1.84 acres.

15. Applicants desire to construct a single family dwelling with attached horse barn and horse grazing area upon the Property, as more fully shown on the plan submitted by Applicants.

16. The horse grazing would be located zero ("0") feet from the eastern side property line, western side property line, and rear property line.

17. The dwelling and attached horse barn will be a two-story structure. The first floor will contain the horse stables, office, workshop and garage space. All living areas will be located on the second floor.

18. Applicants testified that the horse manure will be spread on agricultural fields owned by Applicant Benjamin Fisher's father (located across the street). There will be no storage of manure on the Property.

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. Applicants have presented evidence sufficient to establish that unnecessary hardship will result if the variances are not granted, that the grant of the proposed variances will not be contrary to the public interest, and that the variances requested are 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 variances 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: (i) a variance from the terms of Section 375-23380.C.3 of the Zoning Ordinance; (ii) a variance from the terms of Section 375-23380.D.1 of the Zoning Ordinance; and (iii) a variance from the terms of Section 375-23380.D.3 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. 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 August 14, 2025.

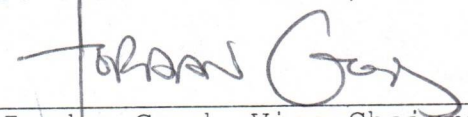
3. The approval granted by this Decision shall expire in accordance with the terms of Section 375-25060 of the Zoning Ordinance.

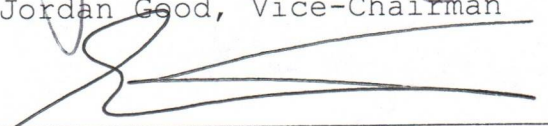
4. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

5. The 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


Edward R. Kennett, Member

Dated and filed August 28, 2025, after hearing held on August 14, 2025.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to August 29, 2025.

A handwritten signature in dark ink, appearing to be "JMP", is written over a horizontal line.