

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2025-09
APPLICATION OF MT SIDNEY ROAD :
ASSOCIATES :

DECISION

I. FINDINGS OF FACT

1. Applicant is Mt Sidney Road Associates, 474 Mt Sidney Road, Lancaster, Pennsylvania 17602 ("Applicant").

2. The properties which are the subject of the instant application is located at 2289 Sue Ann Drive and 2284 Sue Ann Drive, East Lampeter Township, Lancaster County, Pennsylvania (collectively the "Property").

3. Applicant is the owner of the Property.

4. The Property is located in the VR 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 August 14, 2025.

7. Testimony at the hearing was stenographically recorded.

8. Chad Stoltzfus and Carson Stoltzfus appeared at the hearing and testified on behalf of Applicant.

9. Applicant has requested a variance from the terms of Section 375-20030.B.2.b of the Zoning Ordinance.

10. Section 375-20030.B.2.b of the Zoning Ordinance states that the maximum front yard setback shall be 25 feet.

11. The property known as 2289 Sue Ann Drive ("2289 Sue Ann Drive") is located at the end of a proposed cul de sac and currently undeveloped.

12. 2289 Sue Ann Drive contains 67,231 square feet of area, as shown on the plans (the "Plans") submitted by Applicant.

13. The property known as 2284 Sue Ann Drive ("2284 Sue Ann Drive") is located at the end of a proposed cul de sac and currently undeveloped.

14. 2284 Sue Ann Drive contains 67,532 square feet of area, as shown on the Plans.

15. 2289 Sue Ann Drive and 2284 Sue Ann Drive are pie-shaped lots.

16. 2289 Sue Ann Drive and 2284 Sue Ann Drive are more than five times larger than the required lot size in the VR Village Residential District.

17. Because of the irregular configuration and size of the 2289 Sue and Drive property and 2284 Sue Ann Drive property, Applicant proposes to construct the new dwellings 75 feet from the street right of way.

18. 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. 3. 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).

4. In determining whether unnecessary hardship has been established, zoning hearing boards should examine whether the

variance sought is use or dimensional. To justify the grant of a dimensional variance, zoning hearing boards may consider multiple factors, including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood. Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43 (1998); Talkish v. Zoning Hearing Board of Harborcreek Township, 738 A.2d 50 (1999).

5. When seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations. Thus, the grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation. Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43 (1998).

6. The quantum of proof required to establish unnecessary hardship is lesser when a dimensional variance, as opposed to a use variance, is sought. Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43 (1998).

7. There will be no adverse effect on the public health, safety or general welfare if the variance is granted.

8. The variance requested by Applicant is the minimum variance necessary to grant relief.

9. Applicant have satisfied the requirements for a dimensional variance from Section 375-20030.B.2.b of the Zoning Ordinance in order to construct the dwellings 75 feet from the street right of way.

10. Conditions must be attached to the granting of the variance 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 Mt Sidney Road Associates for a variance from the terms of Section 375-20030.B.2.b 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 evidence presented to the Board at the hearing held on August 14, 2025.

3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall

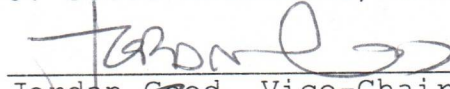
be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

4. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

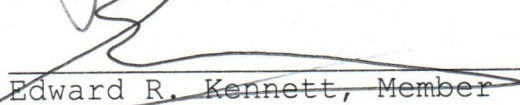
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



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 28, 2025.

