

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2026-06
APPLICATION OF ALLEN M. STOLTZFUS, :
MERVIN L. STOLTZFUS and MELINDA :
STOLTZFUS :

DECISION

I. FINDINGS OF FACT

1. Applicants are Allen M. Stoltzfus, 2400 Stumptown Road, Bird-in-Hand, Pennsylvania 17505, and Mervin L. and Melinda Stoltzfus, 2402 Stumptown Road, Bird-in-Hand, Pennsylvania 17505 (hereinafter sometimes referred to collectively as "Applicant").

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. Mervin L. and Melinda Stoltzfus are the parents of Allen M. Stoltzfus.

4. Mervin L. and Melinda Stoltzfus are the owners of the Property.

5. Allen M. Stoltzfus is the owner of an adjoining lot known as 2400 Stumptown Road.

6. The Property is located in the Village Residential District as shown on the Official Zoning Map of East Lampeter Township.

7. 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").

8. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on June 11, 2026.

9. Testimony at the hearing was stenographically recorded.

10. Applicant appeared personally at the hearing.

11. Roger Fry, of Fry Surveying, Inc., appeared at the hearing and testified on behalf of Applicant.

12. Applicant has requested a variance from the terms of Section 375-22130.C.3(c)(2) of the Zoning Ordinance.

13. Section 375-22130.C.3(c)(2) of the Zoning Ordinance states that, with regard to flag lots, the maximum length of the pole or stem shall be 200 feet.

14. The Property is currently improved with, among other things, a dwelling, as more fully shown on the plans ("Plans") submitted by Applicant.

15. Applicant desires to undertake a lot add-on as more fully shown on the Plans.

16. As a result of the lot add-on, the Property (which is a flag lot) will have a flag pole or stem which is 227.41 feet in length.

17. 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 length of the proposed flag pole or stem requires a variance from the terms of Section 375-22130.C.3(c)(2) of the Zoning Ordinance.

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

5. 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.

6. 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 for a variance from the terms of Section 375-22130.C.3(c)(2) of the Zoning Ordinance in order to permit a flag pole or stem with a length of 227.41 feet. 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 June 11, 2026.

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.

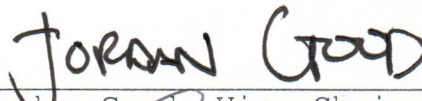
4. The approval granted by this Decision shall expire in accordance with the terms of the Zoning Ordinance

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

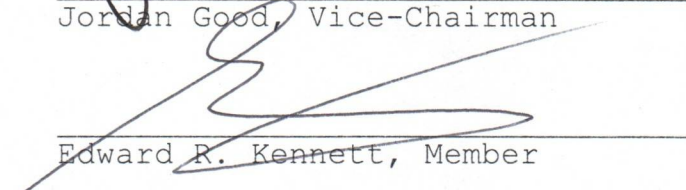
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Edward R. Kennett, Member

Dated and filed July, 9, 2026, after hearing held on June 11, 2026.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to July 10, 2026.

