

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2026-07
APPLICATION OF BRIDGEPORT :
HOUSING LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Bridgeport Housing LLC, 434 East Chestnut Street, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is located at 1733 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located in the Mixed Use (MU) 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, as amended (the "Zoning Ordinance").

6. After a continuance as requested by Applicant, a public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on August 27, 2026.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Claudia Shank, Esquire.

9. Benjamin Morton, RLA, of RGS Associates, Inc., and Chad Martin, appeared at the hearing and testified on behalf of Applicant.

10. The following persons were recognized as parties to the hearing:

Jeffery A. Page
1724 Penna Avenue
Lancaster, PA 17602

Rebekah Irwin
1729 Lincoln Highway East
Lancaster, PA 17602

Nate Irwin
1729 Lincoln Highway East
Lancaster, PA 17602

11. Applicant has requested:

(A) a variance from the terms of Section 375-15030.B.3.d of the Zoning Ordinance;

(B) a variance from the terms of Section 375-22160.C.3 of the Zoning Ordinance;

(C) a variance from the terms of Section 375-23490.F.7 of the Zoning Ordinance;

(D) a variance from the terms of Section 375-23590.D.4 of the Zoning Ordinance; and

(E) an extension of the time limitations set forth in Section 375-25060.E of the Zoning Ordinance.

12. Section 375-15030.B.3.d of the Zoning Ordinance states that, for multifamily dwellings with four or fewer units, the minimum side yard setback shall be ten feet as measured from the end or external units.

13. Section 375-22160.C.3 of the Zoning Ordinance states, in pertinent part, that the maximum grade of areas used for parking shall not exceed 5%.

14. Section 375-23490.F.7 of the Zoning Ordinance states that the perimeter of multifamily dwelling units shall be adequately screened with a fifteen foot wide landscaped strip or buffer yard, which shall comply with Chapter 368, Subdivision and Land Development.

15. Section 375-23590.D.4 of the Zoning Ordinance states that, unless otherwise permitted by East Lampeter Township, the principal uses shall have separate utility connections for sanitary sewage disposal, water supply, electric, telephone, natural gas and cable services.

16. Section 375-25060.E of the Zoning Ordinance, as amended by East Lampeter Township Ordinance No. 387, states that the applicant shall obtain permits within one year from the date of the

zoning variance approvals and shall complete all required site improvements and construction activities within one year from the date of the permits.

17. The Property contains approximately 0.79 acre (net).

18. The Property is currently improved with two structures.

19. One of the existing structures was constructed as a single family dwelling.

20. The single family dwelling structure was at some point thereafter used for the office of a used car sales business being operated on the Property.

21. The other existing structure is a garage located behind the former single family dwelling. The garage currently contains a rental dwelling.

22. The Property is also improved with a driveway, parking lot, and small stormwater basin.

23. Applicant proposes to adaptively reuse and redevelop the Property, as more fully shown on the plans and materials submitted by Applicant (the "Plans"), as follows:

(A) convert the existing single family dwelling structure into a three-unit multifamily dwelling;

(B) convert the existing garage structure into single family semidetached dwellings (two dwelling units in total);

(C) construct four buildings, each to contain two single family semidetached dwellings (two dwelling units per building), stacked vertically; and

(D) construct associated parking, walkways, trash enclosures and an underground stormwater management facility.

24. The existing single family dwelling structure is currently located 4.72 feet from the side property line, as more fully shown on the Plans.

25. Because Applicant proposes to reuse and redevelop the existing single family dwelling structure, the side yard setback will remain at 4.72 feet.

26. With regard to parking lot slope, because of the existing slope of the Property, combined with PennDOT and ADA/Accessibility requirements, Applicant proposes a 6.5% running slope. The average slope of the Property from the right-of-way to the rear property line (aligned with the driveway) is 6.3%. PennDOT requires the first fifty feet of the driveway "throat" be limited relative to the cross-slope of the roadway. Effectively, this allows a running slope of 5% for these first fifty feet. Additionally, a portion of the parking lot must be maintained at less than 2% total slope for accessible parking spaces. A running slope of 6.5% of the remaining parking lot areas allows the design to best maintain elevation relationships with surrounding properties, minimizing earth disturbance, impact to trees, and soil export.

27. With regard to landscape buffer, Applicant will provide a ten foot wide buffer around the perimeter of the Property, as shown on the Plan, except in the immediate vicinity of the existing single family dwelling structure (to be converted to multifamily dwellings) which is located 4.72 feet from the side property line where it is not feasible to provide a larger buffer yard.

28. No landscape buffer is planned between the existing single family dwelling structure (which will be converted to multifamily dwellings) because they are part of a single community.

29. Applicant proposes to install a six foot high privacy fence around the perimeter of the Property (locations as shown on the Plan) for additional buffering/screening.

30. Applicant's buffering/screening proposal is not inconsistent with surrounding properties where screening between properties is minimal and many of the buildings are located close to side property lines.

31. With regard to utility connections, Applicant proposes to use a single water service that will be metered in the basement of the multifamily dwelling and then distributed by way of private lines to the remaining units. The City of Lancaster, which provides the water service, allows a single meter per property so it is not possible to provide additional lines. Sanitary sewer lines from each building will be collected into a single lateral which will connect with the sanitary sewer main. Electric and

cable/data services will enter the Property as a single service before being distributed individually to each unit.

32. With regard to time requirements to obtain permits and commence/complete construction, because the project requires sewage planning module approval from PaDEP and PennDOT approval of a driveway highway occupancy permit and two utility highway occupancy permits, Applicant has requested an extension as follows: obtain a permit within twelve months from the date of this Decision and complete construction of the improvements so authorized and commence the use so authorized within thirty (30) months from the date of the permit.

33. Nate Irwin, the owner of an adjacent property, expressed concerns regarding stormwater management, traffic, school bus stop impact, and impact on the residential use of his property.

34. The evidence presented by Nate Irwin consists of conclusory assertions, opinions, and perceptions concerning the effect of the use on the neighborhood and his property rather than objective evidence and, therefore, is merely speculative.

35. The Board finds that the proposed multifamily residential uses as proposed are not out of character with the surrounding neighborhood and will not substantially injure or detract from the use of neighboring properties.

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. 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).

3. 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).

4. 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).

5. The nature and location of the existing structures and improvements warrant the granting of the requested variances. The requested variances will not alter the essential character of the neighborhood and will not impair the use or development of adjacent property and are not detrimental to the public welfare. The variances are the minimum that will afford relief.

6. Even if it were assumed, for the sake of argument, that the Applicant failed to meet the traditional requirements for the requested variances, a zoning hearing board may grant a dimensional variance where it is de minimis in nature even if traditional grounds for a variance have not been met. Marlowe v. Zoning Hearing Board of Haverford Township, 52 Pa. Commonwealth Ct. 224, 415 A.2d 946 (1980).

7. Applicant's requested variances are de minimis in nature.

8. Conditions must be attached to the granting of the variances 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 Bridgeport Housing LLC for:

(A) a variance from the terms of Section 375-15030.B.3.d of the Zoning Ordinance;

(B) a variance from the terms of Section 375-22160.C.3 of the Zoning Ordinance;

(C) a variance from the terms of Section 375-23490.F.7 of the Zoning Ordinance;

(D) a variance from the terms of Section 375-23590.D.4 of the Zoning Ordinance; and

(E) an extension of the time limitations set forth in Section 375-25060.E of the Zoning Ordinance as set forth herein.

The variances shall be subject to the following conditions and safeguards which the Board deems necessary to implement the purposes of the Zoning Ordinance and the MPC:

1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in

the application and the evidence presented to the Board at the hearing held on August 27, 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 if Applicant does not obtain a permit within twelve months from the date of this Decision and does not complete construction of the improvements so authorized and commence the use so authorized within thirty (30) months from the date of the permit.

5. The foregoing Decision shall be binding upon the Applicant, 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 September 10, 2026, after hearing held on August 27, 2026.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to September 11, 2026.


