

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2026-10
APPLICATION OF WAYMARK TOURING LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Waymark Touring LLC, 59 Cypress Drive, Leola, Pennsylvania 17540 ("Applicant").

2. The property which is the subject of the instant application is 200 Witmer Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner 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 were 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").

6. 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 Elizabeth Vanasse, Esquire.

9. Thomas Engler, of Site Design Concepts, and Geoff Lapp, Applicant's principal, testified on behalf of Applicant.

10. The Township of East Lampeter participated in the hearing through its Solicitor, Alexa Martin, Esquire.

11. Applicant has requested:

(A) a special exception pursuant to Section 375-24030.A.1 of the Zoning Ordinance to expand a nonconforming automotive repair use;

(B) a special exception pursuant to Section 375-24030.C of the Zoning Ordinance to substitute a Contractor Storage Yard use for a nonconforming storage use;

(C) a variance from the terms of Section 375-24030.A.1-2 of the Zoning Ordinance with regard to nonconforming use expansion limitations;

(D) a variance from the terms of Section 375-3030B.5.b of the Zoning Ordinance to permit a lot coverage of 90%;

(E) a variance from the terms of Section 375-22160.D.1 of the Zoning Ordinance which requires an off-street loading landscape screen;

(F) a variance from the terms of Section 375-22160.H.1.c of the Zoning Ordinance regarding access drives;

(G) a variance from the terms of Section 375-22200 of the Zoning Ordinance regarding landscape screening;

(H) a variance from the terms of Section 375-22160.F.2 of the Zoning Ordinance regarding off-street parking requirements;

(I) a variance from the terms of Section 375-23080.C.2 of the Zoning Ordinance requiring that the automotive repair business be served by the public water system; and

(J) a variance from the terms of Section 375-23190 of the Zoning Ordinance requiring that the Contractor Storage Yard use be served by the public water system.

12. The Property is improved with three commercial buildings as follows: (A) a commercial automotive service and office building ("Building 1"); (B) an automotive service and repair facility ("Building 2"); and (C) a garage/workshop with storage ("Building 3"). The buildings are more fully shown on the plans presented by Applicant (the "Plans").

13. Building 3 currently has a row of existing storage sheds within the Witmer Road front setback which will be removed.

14. Applicant currently leases the buildings to commercial tenants.

15. J&C Auto Repair operates an automotive repair/service facility in Building 1.

16. The other current commercial tenant uses the Property for general commercial storage, but will be vacating the Property at the end of its lease (August 31).

17. J&C Auto Repair desires to remain on the Property and expand its operations into Building 2. J&C Auto Repair will occupy both Building 1 and Building 2.

18. Applicant desires to lease Building 3 to a second commercial tenant as and for a Contractor Storage Yard, as that term is defined in the Zoning Ordinance.

19. The commercial automotive repair and service business has existed on the Property for some time and is a valid nonconforming use [see the Board's previous Decision in Case No. 2013-17 (the "2013 Decision")].

20. The 2013 Decision also established that the Property was used for business storage.

21. Applicant desires to substitute the Contractor Storage Yard use in place of the storage use established in the 2013 Decision.

22. The Property has numerous existing dimensional nonconformities, as shown on the Plans.

23. The existing buildings encroach into the 40-foot building setback along Witmer Road and Hobson Road and the 20-foot side yard setback along the western lot line.

24. The existing lot coverage is 88%, which is above the 50% lot coverage maximum.

25. The lot size is nonconforming.

26. Applicant's proposal will not require any changes to the footprints of the buildings.

27. Applicant agreed to be bound by the conditions set forth in Township Exhibit No. 1, a copy of which is attached hereto and made a part hereof.

II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of proof as to the specific criteria and standards of the zoning ordinance. Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 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).

2. With conditions and variances, Applicant has satisfied the specific and general requirements of the Zoning Ordinance with regard to the proposed expansion and substitution of nonconforming uses.

3. With regard to the dimensional and other variances, 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.

4. The nature and location of the existing buildings and the slope of the Property warrant the granting of the variances as requested.

5. The unnecessary hardship has not been created by the Applicant.

6. Applicant has 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.

7. Conditions must be attached to a grant of the special exceptions and 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 of Waymark Touring LLC for:

(A) a special exception pursuant to Section 375-24030.A.1 of the Zoning Ordinance to expand a nonconforming automotive repair use;

(B) a special exception pursuant to Section 375-24030.C of the Zoning Ordinance to substitute a Contractor Storage Yard use for a nonconforming storage use;

(C) a variance from the terms of Section 375-24030.A.1-2 of the Zoning Ordinance with regard to nonconforming use expansion limitations;

(D) a variance from the terms of Section 375-3030B.5.b of the Zoning Ordinance to permit a lot coverage of 90%;

(E) a variance from the terms of Section 375-22160.D.1 of the Zoning Ordinance which requires an off-street loading landscape screen;

(F) a variance from the terms of Section 375-22160.H.1.c of the Zoning Ordinance regarding access drives;

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(I) a variance from the terms of Section 375-23080.C.2 of the Zoning Ordinance requiring that the automotive repair business be served by the public water system; and

(J) a variance from the terms of Section 375-23190 of the Zoning Ordinance requiring that the Contractor Storage Yard use be served by the public water system.

This approval 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 comply with the conditions set forth on Township Exhibit 1, a copy of which is attached hereto and made a part hereof.

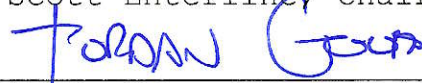
2. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

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

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.



Conditions of Approval for Waymark Touring, LLC Zoning Requests

1. No outdoor storage of materials shall be permitted for either the Contractor Storage Yard Use or the Automobile Repair Facility Use.
2. The Contractor Storage Yard Use shall be limited to ancillary commercial or personal storage for a single tenant.
3. No flammable or combustible liquids shall be stored in any structure on the subject property.
4. All structures located within the public right-of-way shall be removed, and a completed demolition permit application shall be submitted within three (3) months of the date of the written zoning decision with work completed within six (6) months of the date of the written zoning decision.
5. There shall be no direct access to any new or proposed parking space on the subject property from a public road.
6. Off-street parking for the Contractor Storage Yard Use shall be clearly delineated and identified for the exclusive use of the Contractor Storage Yard Use through appropriate signage.
7. All vehicle repair activities shall occur entirely within an enclosed structure.
8. There shall be no more than eleven (11) maintained vehicles associated with the Automobile Repair Facility Use stored outside on the subject property at any one time.
9. All conditions imposed by the October 11, 2013 Zoning Hearing Board Decision (the "Prior Decision") shall remain in full force and effect, except for condition number 7, unless the conditions set forth in the Prior Decision conflict with these conditions. In the event of any conflict between conditions, the conditions of this Decision shall apply.
10. Applicant shall comply with all other requirements of the East Lampeter Township Zoning Ordinance.
11. Any violation of the conditions contained in this Decision shall be considered a violation of the East Lampeter Township Zoning Ordinance and shall be subject to the penalties and remedies contained in the Municipalities Planning Code ("MPC") and the East Lampeter Township Zoning Ordinance.
12. The conditions set forth in this Decision shall be binding upon the Applicant, its heirs, successors and assigns, and any other person or entity having an interest in the subject property now or at any time in the future.
13. The Applicant, its heirs, successors, and assigns, shall always comply with and adhere to the testimony and exhibits presented to the Zoning Hearing Board at the public hearing, except to the extent modified by these conditions.

