

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2014-03
APPLICATION OF TRAVELODGE :

DECISION

I. FINDINGS OF FACT

1. Applicant is Travelodge, 2390 Lincoln Highway East, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is located at 2390 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 R-2 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 Revised Zoning Ordinance of East Lampeter Township - 1990 (the "Zoning Ordinance").

6. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on January 23, 2014.

7. Testimony at the hearing was stenographically recorded.

8. Ken Bollinger and Dharam Goragandhi appeared at the hearing and testified on behalf of Applicant.

9. The Property is improved with three buildings used as and for a motel known as "Travelodge".

10. A non-conforming freestanding sign is located upon the Property. Applicant was unsure of the size of the freestanding sign, but it contains in excess of 112 square feet of sign area.

11. Applicant desires to erect a sign upon one of the buildings (being the motel office building) identifying the business as "Travelodge".

12. The proposed sign will contain 23.2 square feet of sign area, as more fully shown on the plans submitted by Applicant.

13. The sign will assist customers in locating the business office.

14. Applicants have requested a variance from the terms of Article XVI, Table 1, of the Zoning Ordinance.

15. Article XVI, Table 1, of the Zoning Ordinance limits the size of building signs in the R-2 Residential District to 2 square feet and also limits the maximum area of all signs on the property to 2 square feet.

16. A sign of 2 square feet would be insufficient to assist customers in locating the business office.

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. 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.

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 of Travelodge for variances from the terms of Article XVI, Table 1, of the Zoning Ordinance in order to permit a building sign containing 23.2 square feet of sign area (which therefore increases the size of all signs on the property and increases the existing dimensional nonconformity), as more fully shown on Applicant's plan. 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. 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 January 23, 2014.

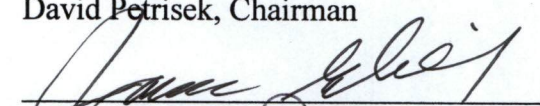
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within three (3) months from the date this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within twelve (12) months from the date of the zoning permit.

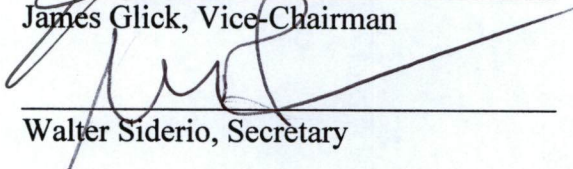
5. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER

David Petrisek, Chairman



James Glick, Vice-Chairman



Walter Siderio, Secretary

Dated and filed February 27, 2014, after hearing held on January 23, 2014.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to February 28, 2014.

