

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2014-16  
APPLICATION OF DAVID S. BLANK :

DECISION

**I. FINDINGS OF FACT**

1. Applicant is David S. Blank, 574 Gibbons Road, Bird-in-Hand, Pennsylvania 17505 ("Applicant").

2. The property which is the subject of the instant application is 362 Mill Creek Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located partially in the Rural District and partially in the Conservation 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 June 12, 2014.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. The Property contains approximately 21,344 square feet of area.

10. The Property is improved with a single family detached dwelling (which at some point in the past without Township approval was modified into a two-unit dwelling).

11. The dwelling was constructed prior to November 10, 1970.

12. Applicant now desires to convert the single family detached dwelling into an apartment house containing two dwelling units (thereby confirming the prior modification/conversion).

13. There will be no extension of the existing dwelling.

14. Applicant has at least five parking spaces upon the Property.

15. Applicant have requested a special exception pursuant to Section 1804 of the Zoning Ordinance in order to convert the existing dwelling into a two unit apartment house.

16. No persons appeared in opposition to the application.

## II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of persuasion 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. Section 1804 of the Zoning Ordinance states, in pertinent part, that conversion of a building (which existed as of November 10, 1970) into an apartment house is permitted with the approval of the Board.

3. Applicant's proposal complies with the specific requirements of Section 1804 of the Zoning Ordinance.

4. Applicant has demonstrated compliance with the general requirements for all special exceptions set forth in Section 1901 of the Zoning Ordinance.

### **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 David S. Blank for a special exception pursuant to Section 1804 of the Zoning Ordinance in order to convert the existing dwelling into a two-unit apartment house. This special exception 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

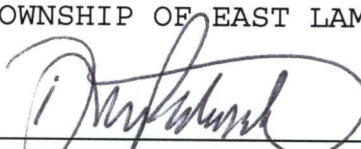
his application and the evidence presented to the Board at the hearing held on June 12, 2014.

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 permit within one (1) year from the date of this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within two (2) years from the date of the permit.

5. The foregoing Decision shall be binding upon the Applicant and his heirs and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

  
\_\_\_\_\_  
David Petrisek, Chairman

  
\_\_\_\_\_  
James Glick, Vice-Chairman

  
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Walter Siderio, Secretary

Dated and filed June 26, 2014, after hearing held on June 12, 2014.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to June 27, 2014.

Jana A Hitchens