

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2014-32
APPLICATION OF RICK NIELDS / :
BIRD IN HAND AUTOMOTIVE LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Rick Nields / Bird in Hand Automotive LLC, 346 Beechdale Road, Bird-in-Hand, Pennsylvania 17505 ("Applicant").
2. The property which is the subject of the instant application is located at 346 Beechdale Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is a tenant on the Property.
4. The record owner of the Property is Amos K. Beiler, 338 Beechdale Road, Bird-in-Hand, Pennsylvania 17505.
5. The Property is located in the Rural District as shown on the Official Zoning Map of East Lampeter Township.
6. 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").

7. Public hearings were held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on November 13, 2014, and January 8, 2015.

8. Testimony at the hearings was stenographically recorded.

9. Applicant appeared personally at the hearing held on November 13, 2014.

10. Applicant initially requested: (i) a special exception pursuant to Section 502.1 of the Zoning Ordinance to expand a nonconforming use; and (ii) a special exception pursuant to Section 502.3 of the Zoning Ordinance to substitute one nonconforming use for another.

11. At the hearing held on November 13, 2014, it was determined that Applicant was requesting to add a new non-permitted use and maintain/retain the existing nonconforming use.

12. Applicant requested a continuance to January 8, 2015, to amend his application and present additional testimony.

13. On December 5, 2014, the Board received a letter from Amos K. Beiler, the owner of the Property, stating as follows:

"We have decided to cancel the hearing for Rick Niels Bird in Hand Automotive Case #2014-32."

14. Applicant failed to appear at the hearing held on January 8, 2015.

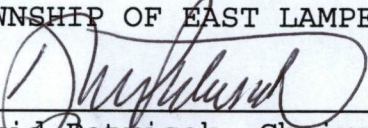
II. CONCLUSIONS OF LAW

1. Applicant has withdrawn his application.
2. To the extent it may be determined that Applicant did not withdraw his application, Applicant has failed to meet his burden with regard to the requirements for an expansion of a nonconforming use pursuant to Section 502.1 of the Zoning Ordinance and the requirements for a substitution of a nonconforming use pursuant to Section 502.3 of the Zoning Ordinance.

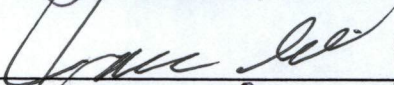
III. DECISION

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby denies the application for any and all relief requested.

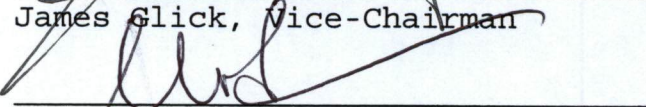
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



David Petrisek, Chairman



James Glick, Vice-Chairman



Walter Siderio, Secretary

Dated and filed January 22, 2015, after hearings held on November 13, 2014, and January 8, 2015.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 23, 2015.

Jana A. Hitchens