

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2016-10
APPEAL OF AMISH FARM AND :
HOUSE LLC :

DECISION

I. FINDINGS OF FACT

1. Appellant is Amish Farm and House LLC, 2395 Covered Bridge Drive, Lancaster, Pennsylvania 17602 ("Appellant").

2. The property which is the subject of the instant application is 2395 Covered Bridge Drive, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the C-2 Commercial District as shown on the Official Zoning Map of East Lampeter Township.

4. Notice of the hearing on the within appeal 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").

5. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this appeal on April 14, 2016.

6. Testimony at the hearing was stenographically recorded.

7. David Sinopoli, Assistant Zoning Officer for East Lampeter Township, appeared at the hearing and testified on behalf of the Township.

8. Mark Andrews, Appellant's general manager, appeared at the hearing and testified on behalf of Appellant.

9. Appellant has appealed an Enforcement Notice, dated January 20, 2016, issued by the Assistant Zoning Officer.

10. The Enforcement Notice notified Appellant that it is in violation of Section 1604.26 of the Zoning Ordinance.

11. Section 1604.26 of the Zoning Ordinance provides as follows: No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.

12. The term "sign" is defined in Section 1602.1 of the Zoning Ordinance as a device for visual communication that is used to bring the subject to the attention of the public.

13. Appellant operates upon the Property a business known as Amish Farm and House.

14. The Property is part of a commercial condominium (known as Covered Bridge Marketplace) in which the owners of condominium units share joint parking in a joint parking lot or lots.

15. The Assistant Zoning Officer testified that, on January 15, 2016, he observed Appellant's bus parked in the row of condominium parking spaces along the road frontage closest to Lincoln Highway East.

16. The Assistant Zoning Officer further testified that he observed the parked bus only on that day (January 15, 2016), but that the way it was parked "stood out" to him.

17. The bus is "wrapped" with the name of Appellant's business and additional graphics, as more fully shown on the photograph presented at the hearing by the Assistant Zoning Officer.

18. Appellant testified that:

(i) it has 6 buses, similar to the one shown on the photograph presented by the Assistant Zoning Officer;

(ii) it has three bus parking spaces in proximity to the Amish Farm House and that it parks the other buses in the common parking spaces;

(iii) no one bus is parked in the common parking spaces for any particular length of time;

(iv) owners of the other condominium units in the shopping center prefer that the buses be parking away from the parking areas for their customers;

(v) trailers and Target employees are parking in back of the Target store and Target does not want Appellant to park buses in that area;

(vi) it has been parking its buses in the common parking spaces on and off for the past seven years.

II. CONCLUSIONS OF LAW

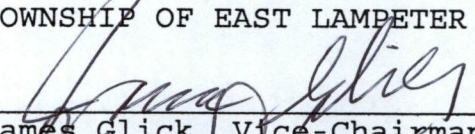
1. Section 1604.26 of the Zoning Ordinance provides as follows: No sign shall be placed on an automobile, truck, or other vehicle if that vehicle is being used primarily for displaying such sign.

2. The offered testimony and photographic evidence failed to establish that Appellant's bus is being used primarily for displaying signage.

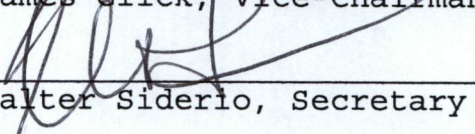
III. DECISION

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby grants the appeal and overturns the Enforcement Notice.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



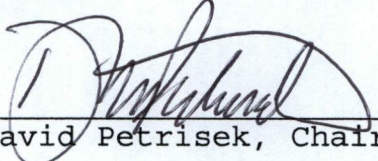
James Glick, Vice-Chairman



Walter Siderio, Secretary

DISSENT:

I dissent from the foregoing Decision. I would deny the appeal and uphold the Enforcement Notice.



David Petrisek, Chairman

Dated and filed May 2, 2016, after hearing held on April 14, 2016.

I hereby certify that a copy of this Decision was served upon all parties on or prior to May 3, 2016.

