

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2013-13  
APPLICATION OF PIETER E. HEGEMAN :

DECISION

**I. FINDINGS OF FACT**

1. Applicant is Pieter E. Hegeman, 20 Tennyson Drive, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is 29B North Eastland Drive, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located partially within the R-2 Residential District and partially within the C-2 Commercial 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 August 8, 2013.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. Teresa Tripple, of 29 North Eastland Drive, Lancaster, Pennsylvania 17602, completed an Entry of Appearance form and was recognized as a party.

10. The Property is essentially unimproved.

11. Applicant proposes to construct upon the Property a 24 foot by 36 foot 1 story residential garage.

12. The garage will have two garage doors, one entry door and two windows.

13. Applicant will use the garage for personal storage. Applicant will store his cars within the garage.

14. The garage will not be used in any manner for commercial purposes.

15. Applicant owns an adjacent lot known as 1825 Lincoln Highway East (the "Adjacent Property").

16. The Adjacent Property is located within the C-2 Commercial District.

17. Applicant lives within the dwelling located on the Adjacent Property.

## II. CONCLUSIONS OF LAW

1. Applicant has requested a special exception pursuant to Section 502.1 of the Zoning Ordinance to expand a nonconforming use.

2. 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).

3. Applicant has met the requirements of Section 502.1 of the Zoning Ordinance.

4. Conditions must be attached to the granting of the special exception to protect and preserve 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 Pieter E. Hegeman for a special exception pursuant to Section 502.1 of the Zoning Ordinance to erect the residential garage in accordance with the plans and materials presented to the Board. The 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.

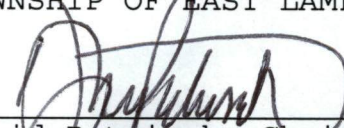
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on August 8, 2013.

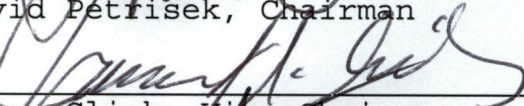
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

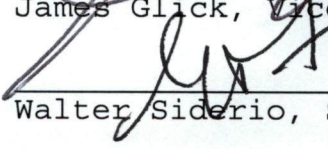
4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within six (6) months from the date of this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within twelve (12) months from the date 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 September 12, 2013, after hearing held on August 8, 2013.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to September 13, 2013.

Jana A. Hitchens