

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2013-15  
APPLICATION OF JOHN :  
E. KREIDER, JR. :

DECISION

I. FINDINGS OF FACT

1. Applicant is John E. Kreider, Jr., 2030 Forry Road, Lancaster, Pennsylvania 17601 ("Applicant").
2. The property which is the subject of the instant application is 573 Willow Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located within the Rural 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. Diana Keener and Tom Miller also appeared at the hearing and testified on behalf of Applicant.

10. Applicant has requested a variance from the terms of Section 1605, Table 1, of the Zoning Ordinance.

11. Section 1605, Table 1, states that the maximum area of a freestanding business sign in the Rural District shall be 8 square feet, that the maximum area of a building sign in the Rural District shall be 8 square feet, and that the maximum permitted area of all signs on a lot in the Rural District shall be 12 square feet.

12. The Property contains approximately 6.5 acres.

13. The Property is currently improved with a building which is (or will be) used for a business known as Next to New Fine Furniture (hereinafter referred to as "NTNFF").

14. NTNFF sells consignment furniture, lamps and pictures in Lancaster County and surrounding areas and is a non-conforming use (see Board's previous Decision in Case No. 2013-07).

15. Certain nonconforming signage was previously located on the Property and was used in connection with a prior business on

the Property. The total area of the nonconforming signage was approximately 53.35 square feet.

16. The nonconforming signage was removed in May of 2012.

17. Applicant proposes to place a new building sign and a new freestanding business sign on the Property.

18. The new building sign will contain approximately 28.5 square feet of sign area.

19. The new freestanding business sign will contain approximately 47.1 square feet of sign area.

20. The increase in total signage (over that which was previously located on the Property) will be approximately 22.27 square feet.

## 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 Town-

ship, 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 variance is not granted, that the grant of the proposed variance will not be contrary to the public interest, and that the variance requested is the minimum that will afford relief and will represent the least modification of the ordinance.

4. Conditions must be imposed on the granting of the variance in order to preserve and protect the surrounding neighborhood and the purposes 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 John E. Kreider, Jr., for a variance from the terms of Section 1605, Table 1, of the Zoning Ordinance in order to erect a new building sign containing approximately 28.5 square feet of sign area and a new freestanding business sign containing approximately 47.1 square feet of sign area. This variance 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.

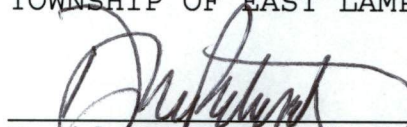
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on August 8, 2013.

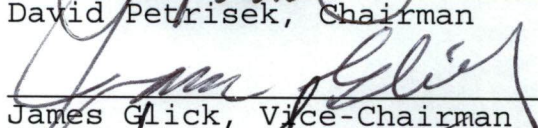
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

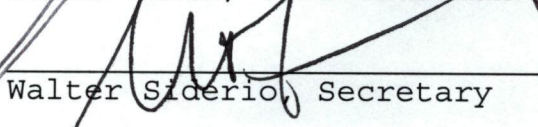
4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within three (3) months from the date this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within twelve (12) months from the date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

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

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

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

  
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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