

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2013-16
APPLICATION OF LAPP'S TOYS :
AND FURNITURE, LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Lapp's Toys and Furniture, LLC, 2220 Horseshoe Road, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is known as 2220 Horseshoe Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located within the R-2 Residential 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. John Lapp appeared at the hearing and testified on behalf of Applicant.

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

10. Section 1605, Table 1, states that the maximum area of a freestanding business sign in the Rural District shall be 2 square feet, the maximum permitted area of all signs on a lot in the Rural District shall be 2 square feet, and the maximum number of freestanding signs on a lot in the Rural District shall be 1.

11. The Property contains approximately 2.3 acres and is improved with a house and a manufacturing business.

12. Applicant operates a furniture and toy making business on the Property.

13. Applicant manufactures wooden toys, doll furniture, children's furniture, toy chests and distressed trunks and furniture.

14. There is an existing freestanding business sign located on the Property.

15. The existing freestanding business sign contains 18 square feet of sign area.

16. Applicant proposes to erect an additional freestanding business sign on the Property.

17. The additional sign will contain 10.5 square feet of sign area.

18. The additional sign is to direct delivery and customer traffic heading north on Mount Sidney Road so they don't turn left onto Horseshoe Road (there is no turning lane on Horseshoe Road to turn into Applicant's driveway).

19. There is no building signage on the Property.

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 Township, 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 Lapp's Toys and Furniture, LLC, for a variance from the terms of Section 1605, Table 1, of the Zoning Ordinance in order to erect an additional freestanding business sign containing 10.5 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 the

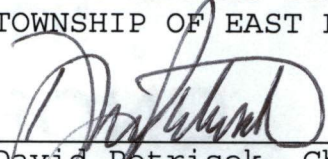
application and the evidence presented to the Board at the hearing held on August 8, 2013.

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.

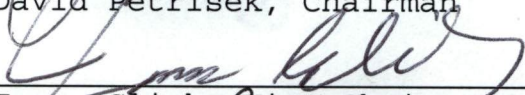
4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit within three (3) months from the date of this Decision and does not complete construction of the improvements, if any, so authorized and commence the use so authorized within twelve (12) months from the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

5. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

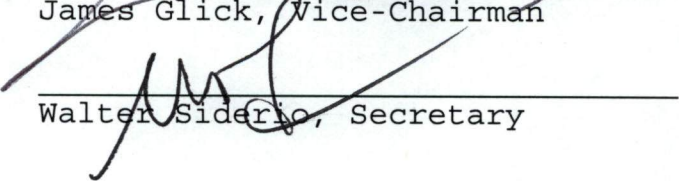
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



David Petrisek, Chairman



James Glick, Vice-Chairman



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.

Dana A. Stickers