

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2013-24  
APPLICATION OF DALE L. SMUCKER :

DECISION

I. FINDINGS OF FACT

1. Applicant is Dale L. Smucker, 2346 Hobson Road, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is 2346 Hobson Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located in 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 October 24, 2013.

7. Testimony at the hearing was stenographically recorded.
8. Applicant appeared personally at the hearing.
9. Applicant has requested a special exception pursuant to Section 702.9 and Section 1905 of the Zoning Ordinance.
10. Section 702.9 of the Zoning Ordinance states that boarding houses are permitted by special exception within the Rural District, subject to the requirements of Section 1905 of the Zoning Ordinance.
11. The Property contains approximately 0.8 acres.
12. The Property is improved with a single family dwelling and detached barn/apartment.
13. The Property is served by public sewer and on-lot well.
14. Applicant recently purchased the property and intends to live within the dwelling upon the Property.
15. Applicant desires to operate a boarding house within the barn/apartment.
16. Applicant will not live within or be the primary occupant of the boarding house establishment.
17. Applicant would not make any exterior changes to the barn/apartment.
18. Floors above grade would have a direct means of escape to the ground level.

19. Applicant would provide at least 4 parking spaces and the parking areas would be set back at least 25 feet from all lot lines.

20. Applicant testified that there would be a maximum of 4 to 6 persons at any one time within the proposed boarding house (one bedroom in the existing apartment and one bedroom in the loft).

## II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of persuasion 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).

2. Section 1905.1 of the Zoning Ordinance requires that the owner and operator of the boarding house be the primary occupant of the boarding house establishment.

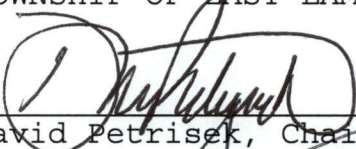
3. Applicant's proposal fails to meet the requirements of Section 1905.1. Applicant will not be the primary occupant of the boarding house establishment.

4. Applicant has failed to meet his burden as to the specific requirements and standards of the Zoning Ordinance set forth in Section 1905.1.

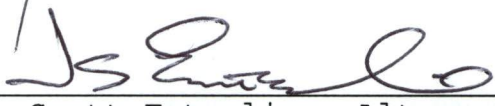
**III. DECISION**

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 of Dale L. Smucker for a special exception pursuant to Section 702.9 and Section 1905 of the Zoning Ordinance.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

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

  
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Walter Siderio, Secretary

  
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J. Scott Enterline, Alternate

Dated and filed November 14, 2013, after hearing held on October 24, 2013.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to November 15, 2013.

  
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