

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2016-25
APPLICATION OF JOHN L. BEILER :

DECISION

I. FINDINGS OF FACT

1. Applicant is John L. Beiler, 180 Eastbrook Road, Smoketown, Pennsylvania 17576 ("Applicant").

2. The property which is the subject of the instant application is 2725 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Agricultural District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicant is the equitable owner of a portion of the Property containing approximately 2 acres. The record owners of the Property are Emanuel and Rebecca Beiler.

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 East Lampeter Zoning Ordinance of 2016 (the "Zoning Ordinance").

6. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on September 8, 2016.

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 3020.C.4 and Section 23370 of the Zoning Ordinance.

10. Section 3020.C.4 of the Zoning Ordinance permits minimal impact home occupations by special exception within the Agricultural District subject to the provisions of Section 23370 of the Zoning Ordinance.

11. The Property is a 58 acre farm.

12. Applicant intends to have the Property subdivided and Applicant will purchase a 2 acre portion, as more fully shown on the plan submitted by Applicant.

13. Applicant will construct a single family detached on the 2 acre lot.

14. Applicant will reside within the dwelling.

15. The dwelling will contain approximately 3,450 square feet of floor space.

16. Applicant proposes to operate a wholesale bakery business with a portion of the dwelling. The area of the dwelling to be used for the wholesale bakery business will be 750 square feet.

17. The wholesale bakery business is similar in impact to those uses listed as minimal impact home occupations in Section 23370.D.2 of the Zoning Ordinance.

18. The 2 acre lot will be served by public sewer service and an on-lot well and are sufficient for Applicant's proposed use.

19. There will be no more than 2 nonresident employees of the home occupation.

20. The business is a wholesale operation only and there will be no retail sales at the Property.

21. The exterior appearance of the dwelling shall be maintained as a residence.

22. There will be no storage or display of goods which will be visible from outside the dwelling.

23. There will be no external storage of materials or products.

24. No explosive or highly combustible materials will be stored on the premises.

25. Delivery of materials and goods shall be by standard panel vans or box trucks.

26. The proposed use will not generate waste products or material of a quality or quantity not normally associated with a residential use.

27. There will be at least four (4) parking spaces located on the two acre lot.

28. No persons appeared in opposition to the application.

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 3020.C.4 of the Zoning Ordinance permits minimal impact home occupations by special exception within the Agricultural District subject to the provisions of Section 23370 of the Zoning Ordinance.

3. Applicant has satisfied the requirements for a special exception pursuant to Section 3020.C.4 and Section 23370 of the Zoning Ordinance.

4. Conditions must be imposed on the granting of the special exception 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 L. Beiler for a special exception pursuant to Section 3020.C.4 and Section 23370 of the Zoning Ordinance. Applicant shall be permitted to conduct a

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wholesale bakery as a minimal impact home occupation within 750 square feet of floor area of the dwelling to be constructed upon the 2 acre lot. This 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.

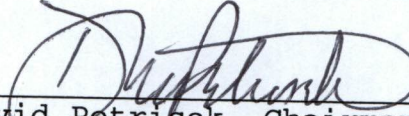
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on September 8, 2016.

3. Prior to operating the wholesale bakery business upon the 2 acre lot, the single family detached dwelling shall be constructed and a certificate of use and occupancy must be issued.

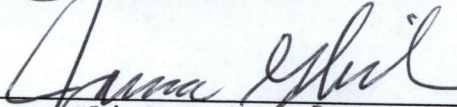
4. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

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

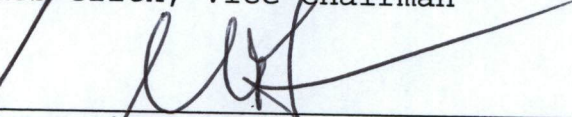
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



David Petrisek, Chairman



James Glick, Vice-Chairman



Walter Siderio, Secretary

Dated and filed September 30, 2016, after hearing held
on September 8, 2016.

The undersigned certifies that a copy of this Decision was
served upon all parties on or prior to October 1, 2016.

