

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2018-07
APPLICATION OF ERICA CORREA :

DECISION

I. FINDINGS OF FACT

1. Applicant is Erica Correa, 2127 Old Philadelphia Pike, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is 2127 Old Philadelphia Pike, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Medium Density Residential (R-2) District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicant is the owner of the Property.

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 May 10, 2018.

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 6020.C.6 and Section 23370 of the Zoning Ordinance.
10. Section 6020.C.6 of the Zoning Ordinance permits minimal impact home occupations by special exception subject to the provisions of Section 23370 of the Zoning Ordinance.
11. The Property is improved with a single family dwelling and detached building.
12. The detached building contains 170 square feet of floor area.
13. Applicant resides within the dwelling.
14. The dwelling contains approximately 1,470 square feet of floor space.
15. Applicant proposes to operate a dog grooming business within the detached building.
16. Applicant will be adding plumbing, additional framing, insulation and drywall to the detached building.
17. The Property is be served by public sewer service and an on-lot well.
18. There will be no nonresident employees of the home occupation.
19. There will be no retail sales at the Property.

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

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

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

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

24. The use does not require deliveries of materials and goods by trucks larger than a standard panel truck.

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

26. There is sufficient parking on the Property for the dwelling and the music lesson use.

27. There will be no more than one customer's pet(s) scheduled on the Property at a time and service is by appointment only

28. The days and hours of operation are as follows: By appointment, Monday through Friday, 8:00 a.m. to 7:00 p.m. (latest animal pick up time).

29. 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 6020.C.6 of the Zoning Ordinance permits minimal impact home occupations by special exception subject to the provisions of Section 23370 of the Zoning Ordinance.

3. Applicant has satisfied the requirements for a special exception pursuant to Section 6020.C.6 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 Erica Correa for a special exception pursuant to Section 6020.C.6 and Section 23370 of the Zoning Ordinance. 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 her application and the evidence presented to the Board at the hearing held on May 10, 2018.

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.

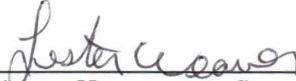
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicant and her heirs, personal representatives, successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Vice-Chairman



Lester Weaver, Secretary

Dan Przywara, Alternate

Dated and filed June 14, 2018, after hearing held on May 10, 2018.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to June 15, 2018.

