

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2018-21
APPLICATION OF BHUPENDRA PATEL :

DECISION

I. FINDINGS OF FACT

1. Applicant is Bhupendra Patel, 2641 Lincoln Highway East, Ronks, Pennsylvania 17572 ("Applicant").
2. The property which is the subject of the instant application is located at 2641 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located in the Agricultural 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 East Lampeter Township 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 December 13, 2018.
7. Testimony at the hearing was stenographically recorded.
8. Applicant and Kinnar Patel appeared and testified at the hearing.

9. The Property is improved with a building used as and for a motel.
10. The motel freestanding business sign (which was nonconforming with regard to size and height) was destroyed by a vehicular accident which occurred on or about August 29, 2018.
11. The sign contained approximately 52 square feet of sign area and was approximately 11 feet in height.
12. Section 22230.1 of the Zoning Ordinance states that the maximum size of a freestanding business sign in the Agricultural District is 16 square feet and that the maximum height of a freestanding business sign in the Agricultural District is 6 feet.
13. Applicant proposes to replace the destroyed sign with a sign containing 40 square feet of sign area and a height of 10 feet.
14. The replacement sign will be located as shown on Applicant's Exhibit No. 2.
15. Applicant has requested a variance from the terms of Section 22230.1 of the Zoning Ordinance to erect the replacement sign.

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 attached to a grant of the variance in this case to preserve and protect the surrounding neighborhood.

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 Bhupendra Patel for a variance from the terms of Section 22230.1 of the Zoning Ordinance in order to permit erection of the replacement sign. The variance granted herein shall be subject to the following conditions and safeguards which the Board deems necessary to implement the purposes of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code:

1. Applicant shall obtain all approvals and permits required by applicable laws and regulations.

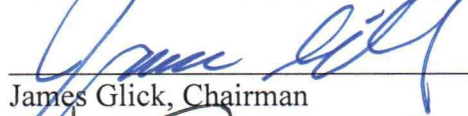
2. Applicant shall at all times comply with and adhere to the evidence presented to the Board at the hearing held on December 13, 2018.

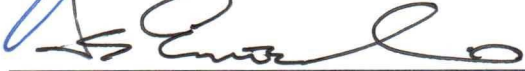
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

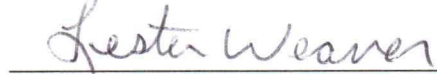
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

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

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER


James Glick, Chairman


J. Scott Enterline, Vice-Chairman


Lester Weaver, Secretary

Dated and filed January 10, 2019, after hearing held on December 13, 2018.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 11, 2019.

