

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2019-15
APPLICATION OF MICHAEL ZOOK :

DECISION

I. FINDINGS OF FACT

1. Applicant is Michael Zook, 69 Williams Run Road, Christiana, Pennsylvania 17509 ("Applicant").

2. The property which is the subject of the instant application is 2602 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the AG - Agricultural 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 August 8, 2019.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Nicholas T. Gard, Esquire.

9. The Property is improved with a single family detached dwelling.

10. Applicant does not live on the Property.

11. Applicant proposes to use the single family detached dwelling as a tourist home and has requested a special exception pursuant to Section 3020.C.13 and Section 23110 of the Zoning Ordinance.

12. Section 3020.C.13 of the Zoning Ordinance states that tourist homes are permitted within the AG - Agricultural District by special exception.

13. Section 23110 of the Zoning Ordinance sets forth the specific standards for tourist homes.

14. The Property is served by public water and public sewer.

15. There is adequate off-street parking for the tourist home use.

16. Applicant will limit use of the tourist home to no more than ten (10) persons at any one time.

17. No guests will stay for more than thirty (30) consecutive days.

18. The tourist home will not detract from the use and enjoyment of neighboring properties.

19. 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. Applicant has presented evidence to demonstrate that he has met the requirements for the issuance of a special exception under Section 3020.C.13 and Section 23110 of the Zoning Ordinance

3. Conditions must be attached to the grant of the special exception to protect and preserve 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 Michael Zook for a special exception pursuant to Section 3020.C.13 and Section 23110 of the Zoning Ordinance to operate a tourist home on property known and numbered as 2602 Lincoln Highway East, Ronks, Pennsylvania. The special exception 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 MPC:

1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

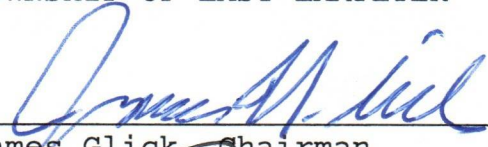
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on August 8, 2019.

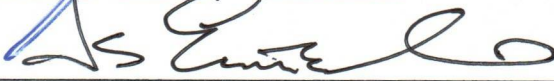
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

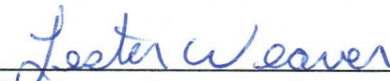
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicant and 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 August 22, 2019, after hearing held on August 8, 2019.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to August 23, 2019.

