

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2020-01
APPLICATION OF JOSEPH TEDESCHI :

DECISION

I. FINDINGS OF FACT

1. Applicant is Joseph Tedeschi, 61 Linda Avenue, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is 61 Linda Avenue, 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 February 27, 2020.

7. Testimony at the hearing was stenographically recorded.
8. Applicant appeared personally at the hearing.
9. The following person completed an Entry of Appearance form and was recognized as a party to the hearing:

James Clarkson
62 Linda Avenue
Lancaster, PA 17602

10. Applicant has requested a special exception pursuant to Section 6020.C.6 and Section 23370 of the Zoning Ordinance.

11. 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.

12. The Property is improved with a single family dwelling.

13. Applicant and his wife reside within the dwelling.

14. The dwelling contains approximately 1,294 square feet of floor area.

15. Applicant proposes to make and sell custom stickers and t-shirts on-line through the Etsy website.

16. The area to be used for the home occupation is 330 square feet, as more fully shown on the Applicant's Exhibit No. 1 (the area consists of the attached garage and the third bedroom).

17. The Property is served by public sewer service and public water service and both are sufficient for Applicant's proposed use.

18. Applicant testified that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer and similar facilities comply with all applicable laws and regulations.

19. Applicant's home occupation is and will be the only home occupation being conducted on the Property.

20. There are currently no nonresident employees of the home occupation. However, Applicant would like to hire up to two non-resident employees.

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

22. Customers do not come to the Property. Delivery of items purchased by customers is accomplished by mail (or Applicant meets the customer off-site). Mail delivery is by way of USPS (box truck) which comes approximately 2 to 3 times per week.

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

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

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

26. Delivery of home occupation materials and supplies to the Property is done by box truck (for example, Amazon truck). Deliveries are 1 to 2 times per month.

27. Applicant testified that on one occasion a supplier delivered products to the Property by way of a tractor trailer. Applicant further testified that he informed the supplier that he cannot accept these deliveries in a residential area and there have been no further deliveries by tractor trailer.

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

29. There is parking for three vehicles upon the driveway located on the Property.

30. Neighbors expressed concerns regarding, among other things, on-street parking.

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 Joseph Tedeschi 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 his application and the evidence presented to the Board at the hearing held on February 27, 2020.

3. Prior to hiring any employees, Applicant shall expand the existing driveway such that a minimum of two additional vehicles can be accommodated. Applicant shall obtain all approvals and permits required to expand the driveway.

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

6. The foregoing Decision shall be binding upon the Applicant and his heirs, personal representatives, successors 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 March 30, 2020, after hearing held on February 27, 2020.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to March 31, 2020.


