

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2020-03
APPLICATION OF DIMITRIOUS :
HRONIS, JR. :

DECISION

I. FINDINGS OF FACT

1. Applicant is Dimitrious Hronis, Jr., 792 Winding Lane, Harrisburg, Pennsylvania 17111 ("Applicant").

2. The property which is the subject of the instant application is 2175 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the C-2 Commercial 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 June 25, 2020.

7. Testimony at the hearing was stenographically recorded.

8. Mark Magrecki, of Penn Terra Engineering, Inc., appeared at the hearing and testified on behalf of Applicant.

9. The Property contains approximately 1.81 acres and is improved with a commercial building.

10. The commercial building located upon the Property contains approximately 7,350 square feet of floor area and was previously used as a Perkins restaurant.

11. Applicant desires to use the building as a multi-tenant building, with one of the tenants being a restaurant with a single drive-through service lane.

12. Applicant has requested a special exception pursuant to Section 9020.C.6 of the Zoning Ordinance which states that restaurants containing no more than one drive-through service lane are permitted by special exception, subject to the provisions of Section 23680 of the Zoning Ordinance.

13. The proposed drive-through lane will be 16 feet in width and will contain a stacking lane (distance from the pickup window)

of 110 feet, as more fully shown on the plan (the "Plan") submitted by Applicant.

14. The drive-through lane will be located on the western side of the building, as shown on the Plan.

15. Applicant testified that the restaurant drive-through will be for pickup apps, such as Grubhub. It will not be like a typical fast food drive through like a McDonald's.

16. There will be 69 parking places provided on the Property, as shown on the Plan.

17. The Property is benefitted by an access agreement across the neighboring hotel property (Econolodge) which will allow patrons of the businesses on the Property access to and from Harvest Drive.

18. Access points to Route 30 will be redefined and will be right-in, right-out only.

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

20. 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 conditions for the issuance of a special exception under Section 9020.C.6 and Section 23680 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 Dimitrious Hronis, Jr., for a special exception pursuant to Section 9020.C.6 of the Zoning Ordinance to have a single drive-through restaurant on property known and numbered as 2175 Lincoln Highway East, Lancaster, 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

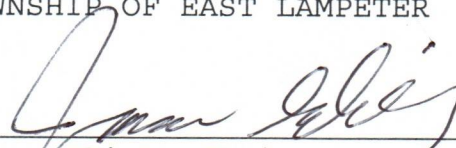
application and the evidence presented to the Board at the hearing held on June 25, 2020.

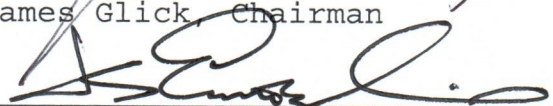
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

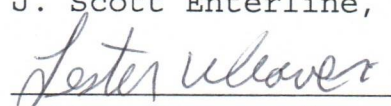
4. The approval granted by this Decision shall expire if Applicant does not obtain a zoning permit in accordance with the terms of Section 25070.F of the Zoning Ordinance.

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

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER

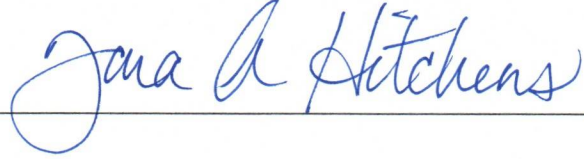

James Glick, Chairman


J. Scott Enterline, Vice-Chairman


Lester Weaver, Secretary

Dated and filed July 9, 2020, after hearing held on June 25, 2020.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to November 10, 2017.

A handwritten signature in blue ink that reads "Jana A. Hitchens". The signature is written in a cursive style and is positioned above a solid horizontal line.