

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
 : No. 2020-15  
APPLICATION OF JAN HARNISH :  
AND DAWN HARNISH :

DECISION

**I. FINDINGS OF FACT**

1. Applicants are Jan Harnish and Dawn Harnish, 134 Hellam Street, Wrightsville, Pennsylvania 17368 ("Applicants").

2. The property which is the subject of the instant application is 1969 Millport Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

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

4. Applicants are 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 October 22, 2020.

7. Testimony at the hearing was stenographically recorded.

8. Applicants appeared personally at the hearing.

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

10. Applicants do not live on the Property.

11. Applicants propose to use the single family detached dwelling as a tourist home and have requested a special exception pursuant to Section 6020.C.13 and Section 23110 of the Zoning Ordinance.

12. Section 6020.C.13 of the Zoning Ordinance states that tourist homes are permitted within the R-2 Residential District by special exception.

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

14. The Property contains 1.2 acres.

15. The dwelling contains 4 bedrooms and 2 ½ baths.

16. The Property is served by public sewer and on-lot well.

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

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

19. No guests will stay for more than thirty (30) consecutive days. Any persons leasing the Property for more than thirty (30) days will be subject to a long-term lease.

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

21. 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. Applicants have presented evidence to demonstrate that they have met the requirements for the issuance of a special exception under Section 6020.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 Jan Harnish and Dawn Harnish for a special exception pursuant to Section 6020.C.13 and Section 23110 of the Zoning Ordinance to operate a tourist home on property known and numbered as 1969 Millport Road, 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. Applicants shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicants shall at all times comply with and adhere to the information and representations submitted with and contained in their application and the evidence presented to the Board at the hearing held on October 22, 2020.

3. Applicants shall provide documentation to the Township that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer and similar facilities comply with code requirements.

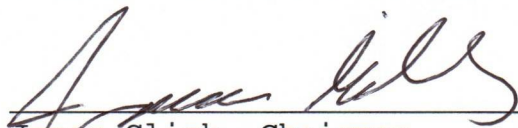
4. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall

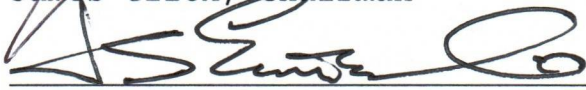
be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

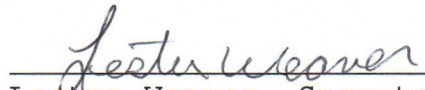
5. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

6. The foregoing Decision shall be binding upon the Applicants and their heirs and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

  
\_\_\_\_\_  
James Glick, Chairman

  
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J. Scott Enterline, Vice-Chairman

  
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Lester Weaver, Secretary

Dated and filed November 12, 2020, after hearing held on October 22, 2020.

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

  
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