

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2021-10
APPLICATION OF SAMUEL IVAN :
STOLTZFUS :

DECISION

I. FINDINGS OF FACT

1. Applicant is Samuel Ivan Stoltzfus, 11 Sylvan Lane, Gordonville, Pennsylvania 17529 ("Applicant").

2. The property which is the subject of the instant application is 11 Sylvan Lane, 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 Zoning Ordinance of 2016 (the "Zoning Ordinance").

6. Notice of the hearing on the within application was duly given to the Applicant.

7. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on July 8, 2021.

8. Testimony at the hearing was stenographically recorded.

9. Applicant requested a special exception pursuant to Section 3020.C.12 of the Zoning Ordinance in order to use the dwelling on the Property as a tourist home.

10. Applicant failed to appear at the hearing and failed to present any evidence in support of his application.

II. CONCLUSIONS OF LAW

1. “[T]o be entitled to a special exception, an applicant must bring the proposal within the specific requirements in the zoning ordinance.” *Act I, Inc. v. Zoning Hearing Board of Bushkill Township*, 704 A.2d 732, 735 (Pa. Cmwlth. 1997).

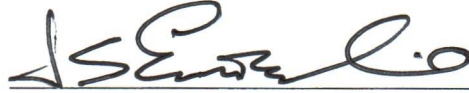
2. An applicant for a special exception has the burden of persuasion as to the specific criteria and standards of the zoning ordinance. *Shamah v. Hellam Township Zoning Hearing Board*, 648 A.2d 1299 (Pa. Cmwlth. 1994); *Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg*, 126 Pa. Commonwealth Ct. 235, 559 A.2d 107 (1989).

3. Applicant has failed to present any evidence in support of his request for a special exception pursuant to Section 3020.C.12 of the Zoning Ordinance and his application must be denied.

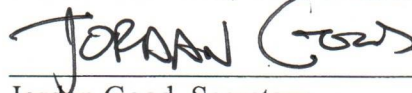
III. DECISION

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby denies the application of Samuel Ivan Stoltzfus for a special exception pursuant to Section 3020.C.12 of the Zoning Ordinance regarding tourist homes.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Vice-Chairman



Jordan Good, Secretary

Alex Reedy, Alternate

Dated and filed July 22, 2021, after hearing held on July 7, 2021.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to July 23, 2021.

