

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2021-12  
APPLICATION OF A. LAMAR KING :

DECISION

I. FINDINGS OF FACT

1. Applicant is A. Lamar King, 123 Beacon Hill Drive, Ronks, Pennsylvania 17572 ("Applicant").

2. The property which is the subject of the instant application is 2914 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

4. The Property is located within the Village Commercial 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 Township 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 July 22, 2021.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. Applicant has requested a special exception pursuant to Section 24030.A.1 of the Zoning Ordinance in order to expand a nonconforming building.

10. The Property contains approximately 32,453 square feet.

11. The Property is improved with a dwelling and detached concrete block accessory building.

12. The concrete block accessory building is nonconforming with regard to setback (it is located approximately 1 foot from the property line).

13. The concrete block accessory building is 50 feet by 56 feet.

14. The concrete block accessory building is a flat roof structure and is between 7 feet and 9 feet in interior height.

15. The concrete block building and roof are in disrepair.

16. Applicant proposes to tear down the block of the concrete block accessory building and, starting at ground level, construct 16 foot high side walls with a 9 foot truss roof.

17. The post-construction total height of the building will be 25 feet at the peak of the roof.

18. The footprint of the building will not change.

19. The building will be used for personal storage.

20. It was determined that the building is not within the Floodplain Overlay District.

## II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of proof 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. The applicant for a special exception bears the burden of proving that he will comply with all requirements of the zoning ordinance relative to the use intended. Ralph & Joanne's, Inc. v. Neshannock Township Zoning Hearing Board, 121 Pa. Commonwealth Ct. 83, 550 A.2d 586 (1988).

3. Applicant has satisfied the requirements for a special exception pursuant to Section 24030.A.1 of the Zoning Ordinance to expand the height of the nonconforming concrete block accessory

building, including the requirements set forth in Section 24030.J 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 for a special exception pursuant to Section 24030.A.1 of the Zoning Ordinance. The approvals 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 July 22, 2021.

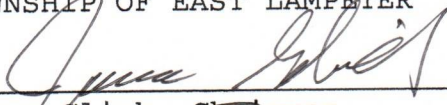
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

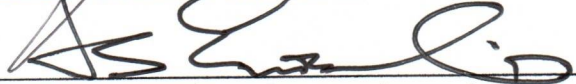
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.



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

  
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J. Scott Enterline, Vice-Chairman

  
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Jordan Good, Secretary

Dated and filed August 12, 2021, after hearing held on July 22, 2021.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to August 13, 2021.

  
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