

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2021-19  
APPLICATION OF BACKYARD SHOWCASE, LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Backyard Showcase, LLC, 2604 Lincoln Highway East, Ronks, Pennsylvania 17572 ("Applicant").

2. The property which is the subject of the instant application is 2602 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Agricultural District as shown on the Official Zoning Map of East Lampeter Township.

4. 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").

5. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on August 26, 2021.

6. Testimony at the hearing was stenographically recorded.

7. Applicant appeared personally at the hearing.

8. The following was recognized as a party to the hearing:

Lancaster Travel Places, LLC  
2622 Lincoln Highway East  
Ronks, PA 17572

9. Applicant has requested a special exception pursuant to Section 24030.A for expansion of a non-conforming use

10. The Property contains approximately 2.1 acres.

11. The Property currently contains a building which is used as and for an office, a valid nonconforming use.

12. The building contains 1,404 square feet of floor area.

13. Applicant proposes to use a newly accessible area above the first floor, containing 452 square feet of floor area, for the storage of office supplies and potential future office space.

14. The total expansion represents an approximate 32% expansion of the nonconforming use.

15. Anil Jivani, the owner of Lancaster Travel Places, LLC, testified that a portion of another structure on the Property (not the office building which is the subject of this hearing) encroaches upon a parcel owned by Lancaster Travel Places, LLC.

## II. CONCLUSIONS OF LAW

1. With regard to Applicant's request for the aforementioned special exception, "to 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. Applicant has satisfied the requirements for the a special exception pursuant to Section 24030.A and all other applicable requirements for such expansion.

### **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 for expansion of the non-conforming office use. The special exception which is 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 its application and the evidence presented to the Board at the hearing held on August 26, 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.

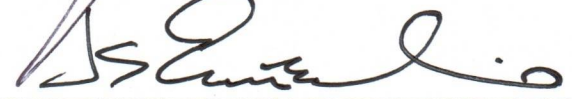
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.



5. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

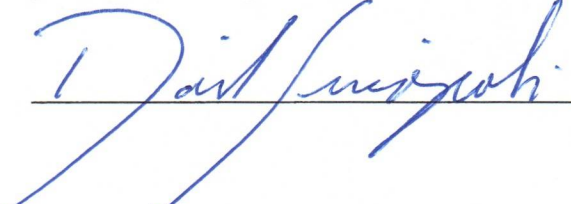
  
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James Glick, Chairman

  
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J. Scott Enterline, Vice-Chairman

  
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Jordan Good, Secretary

Dated and filed September 9, 2021, after hearing held on August 26, 2021.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to September 10, 2021.

  
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