

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
APPLICATION OF ABNER KING : No. 2021-25
:

DECISION

I. FINDINGS OF FACT

1. Applicant is Abner King, 619 West Lincoln Avenue, Lititz, Pennsylvania 17543 ("Applicant").
2. The property which is the subject of the instant application is 2020 Horseshoe Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located within 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. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on November 18, 2021.

7. Testimony at the hearing was stenographically recorded.
8. Applicant appeared personally at the hearing.
9. Elvin Engel, of Engel Architects, also appeared at the hearing and testified on behalf of Applicant.
10. The Property was the subject of previous zoning hearings and the Board takes administrative notice of its previous decisions.
11. Applicant has now requested a special exception pursuant to Section 24030.C of the Zoning Ordinance.
12. Section 24030.C of the Zoning Ordinance states that no nonconforming use may be changed to any other nonconforming use unless the Board shall, in granting a special exception, find that the proposed nonconforming use is no more detrimental to the district than the existing nonconforming use and shall not increase any dimensional aspects of the nonconformity. Specific additional requirements for the substitution are further set forth in Section 24030.C of the Zoning Ordinance.
13. Applicant desires to substitute its wood finishing business for previous nonconforming use.
14. Upon this substitution, the only business being conducted on the Property will be the wood finishing business (known as Greenfield Finishing).
15. Greenfield Finishing will occupy the entire one story building (containing 12,788 square feet of floor area) and

previously constructed addition thereto(containing 4,204 square feet of floor area). There is also a 12 foot x 16 foot diesel room being used for the business.

16. The business involves the painting, staining and sealing of wood items, including, but not limited to, doors, trim and cabinets. Applicant will also construct and assemble doors.

17. There will be no outside storage related to the business.

18. There will be no retail sales upon the Property.

19. The typical days and hours of operation will be Monday through Friday, 6:00 a.m. to 5:00 p.m.

20. Applicant has, or will have, approximately 9 employees.

21. There is adequate parking and unloading areas on the Property for Applicant's use.

22. No persons appeared in opposition to the application.

II. CONCLUSIONS OF LAW

1. Applicant has requested a special exception pursuant to Section 24030.C of the Zoning Ordinance.

2. 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).

3. Provided there is no outside storage, and provided there are no retail sales occurring on the Property, Applicant presented sufficient testimony to establish compliance with Section 24030.C of the Zoning Ordinance. The proposed substitution will not be detrimental to the public health, safety or welfare of the 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 for a special exception under Section 24030.C of the Zoning Ordinance. The special exception 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 November 18, 2021.

3. There shall be no outside storage.

4. There shall be no retail sales conducted on the Property.

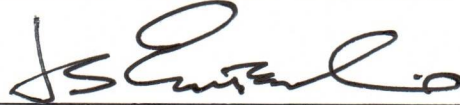
5. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall

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

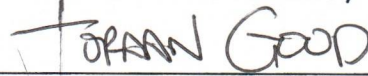
6. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

7. The foregoing Decision shall be binding upon the Applicant and his heirs and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Secretary

Scott Augsburger, Member

Dated and filed December 9, 2021, after hearing held on November 18, 2021.

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