

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2022-10
APPLICATION OF LOCUST LANE :
PROPERTIES, LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Locust Lane Properties, LLC, c/o McNeese Wallace & Nurick, LLC, 570 Lausch Lane, Suite 200, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is known as 2479 Old Philadelphia Pike, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

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

4. Applicant is the equitable 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 Township 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 July 28, 2022.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by Claudia Shank, Esquire.

9. Gary Erb appeared and testified on behalf of Applicant.

10. The following person completed an entry of appearance form and was recognized as a party to the hearing:

James Glick
145 Witmer Road
Lancaster, PA 17602

11. Applicant has requested variances from the terms of Section 18020 of the Zoning Ordinance regarding permitted uses in the Village General District.

12. The Property currently contains approximately .59 acres and is improved with a two-story single family dwelling and warehouse structure.

13. The warehouse structure contains a 6,000 square foot first floor and a 4,000 square foot second floor.

14. The warehouse structure was initially constructed in 2011 to store equipment and materials for Ame's Quality Roofing.

15. For the past two years, the warehouse structure has been leased to and used by Glick Fire Equipment Company, Inc., to inspect and maintain ambulances, a use permitted by special exception within the Village General District. The Board approved this use by its Decision in Case No. 2019-24,

16. Applicant operates a metal decking installation company and proposes to use the first floor of the warehouse structure to store materials, tools, vehicles and equipment, and as an operational office for employees to report for daily dispatching.

17. Applicant also proposes to convert the second floor of the warehouse structure into two accessory apartment units to be leased to employees of the business.

18. The two story single family dwelling will also leased for residential purposes.

19. No construction, fabrication, manufacturing or retail sales associated with Applicant's business will take place on the Property.

20. There will be no outside storage and all vehicle and equipment maintenance will occur within the warehouse structure.

21. Field crew employees will come to Property at approximately 6:00 a.m. and will return to the Property from the jobsite at approximately 3:30 to 4:30 p.m.

22. Deliveries of materials to the Property will occur approximately once every 3 or 4 months (there are no deliveries by tractor trailer).

23. No business will be conducted on the Property on Sundays.

24. The Property is served by public sewer and has on-lot water.

25. There is sufficient parking available on the Property for Applicant's proposed uses.

II. CONCLUSIONS OF LAW

1. An applicant for a variance bears the burden of proving that unnecessary hardship will result if the variance is not granted and that the grant of the proposed variance will not be contrary to the public interest. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637 (1983); Zaruta v. Zoning Hearing Board of the City of Wilkes-Barre, 117 Pa. Commonwealth Ct. 526, 543 A.2d 1282 (1988); Pennsylvania Municipalities Planning Code ("MPC") §910.2.

2. A variance, if granted, "must be the minimum that will afford relief and will represent the least modification of the ordinance." Rogers v. Zoning Hearing Board of East Pikeland Township, 103 Pa. Commonwealth Ct. 478, 520 A.2d 922, 924 (1987); MPC §910.2(a)(5).

3. Applicant has satisfied the requirements for the variances from Section 18020 of the Zoning Ordinance as requested.

4. Conditions must be attached to the grant of the variances 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 Locust Lane Properties, LLC, for variances from the terms of Section 18020 of the Zoning Ordinance regarding permitted uses in the Village General District. The variances 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 July 28, 2022.

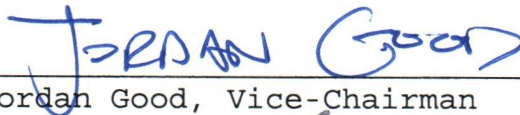
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and

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

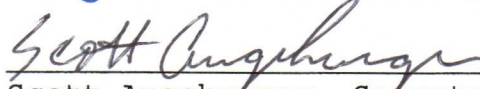
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

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

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



Jordan Good, Vice-Chairman



Scott Augsburg, Secretary

Dated and filed August 11, 2022, after hearing held on July 28, 2022.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to August 12, 2022.

