

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2022-15
APPLICATION OF MINNICK WEAVER :
PROPERTIES, LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Minnick Weaver Properties, LLC, 101 North Pointe Boulevard, Suite 200, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is 131 Elmwood Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the equitable owner of the Property.

4. The Property is located within the R-2 Medium Density Residential 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 October 13, 2022.

7. Testimony at the hearing was stenographically recorded.

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

9. Ron Weaver, Doug Minnick and Ron Yarnell appeared at the hearing and testified on behalf of Applicant.

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

11. 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.

12. Applicant desires to substitute two businesses for the previous Yarnell Security business nonconforming use.

13. The Property is a lot containing approximately 1.2 acres and is improved with a building containing approximately 14,500 square feet of floor area, with accessory parking.

14. Weaver Associates, Inc., will occupy one-half of the building.

15. Weaver Associates, Inc., sells and services office equipment.

16. Minnick Wall Solutions, Inc., will occupy the other one-half of the building.

17. Minnick Wall Solutions, Inc., is a home exterior repair and remediation company.

18. There will be no outside storage related to either of the proposed businesses.

19. There is adequate parking on the Property to serve both businesses.

20. The typical hours of operation for the businesses are 7:00 a.m. until 5:00 p.m.

21. Weaver Associates, Inc., has approximately 16 employees.

22. Minnick Wall Solutions, Inc., has approximately 5 employees.

23. The traffic to be generated by the proposed businesses will not be detrimental to the public health, safety or welfare of the neighborhood.

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. 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 its application and the evidence presented to the Board at the hearing held on October 13, 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.

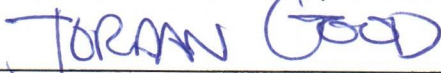
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

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

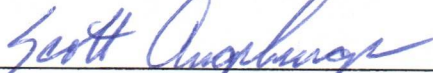
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Scott Augsburg, Secretary

Dated and filed October 27, 2022, after hearing held on October 13, 2022.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to October 28, 2022.

