

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2022-18
APPLICATION OF KG CUSTOMS LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is KG Customs LLC, 143 West Franklin Street, Strasburg, Pennsylvania 17579 ("Applicant").
2. The property which is the subject of the instant application is 695 Hartman Station Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. The Property is located within the I-1 Light Industrial 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 December 8, 2022.

6. Testimony at the hearing was stenographically recorded.

7. Ben Kurtz and Steve Plan appeared at the hearing and testified on behalf of Applicant.

8. The Property is currently improved with a building used as and for a trailer fabrication business involving welding, fabrication and repairs.

9. Applicant desires to offer state inspections for trailers as a one-stop shop for its customers.

10. Trailers which Applicant will inspect will be limited to those 10,000 pounds or less.

11. No exterior modifications of the building will be made with regard to the inspection operation.

12. No persons appeared in opposition to the Application.

II. CONCLUSIONS OF LAW

1. Section 11020 of the Zoning Ordinance sets forth those uses permitted within the I-1 Light Industrial District.

2. Applicant requires a variance from the terms of Section 11020 of the Zoning Ordinance in order to conduct state inspections for trailers.

3. 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.

4. Applicant has presented evidence sufficient to establish that unnecessary hardship will result if the variance is not granted, that the grant of the proposed variance will not be contrary to the public interest, and that the variance requested is the minimum that will afford relief and will represent the least modification of the ordinance.

5. Conditions must be attached 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 KG Customs LLC for a variance from the terms of Section 11020 of the Zoning Ordinance in order that Applicant may conduct state inspections for trailers. The approval 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 December 8, 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

J. Scott Enterline, Chairman

Jordan Good

Jordan Good, Vice-Chairman

Scott Augsburg

Scott Augsburg, Secretary

Dated and filed December 21, 2022, after hearing held on
December 8, 2022.

The undersigned certifies that a copy of this Decision was
served upon all parties on or prior to December 27, 2022.

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