

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2023-08  
APPLICATION OF MELVIN ESCOBAR :

DECISION

I. FINDINGS OF FACT

1. Applicant is Melvin Escobar, 132 Eastbrook Road, Smoketown, Pennsylvania 17576 ("Applicant").

2. The property which is the subject of the instant application is 132 Eastbrook Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Medium Density Residential (R-2) District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicant is the 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 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 September 28, 2023.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. Applicant has requested a special exception pursuant to Section 6020.C.13 of the Zoning Ordinance.

10. Section 6020.C.13 of the Zoning Ordinance states that a tourist home, as a principal or accessory use within a single-family detached dwelling, is permitted by special exception in the Medium Density Residential (R-2) District, subject to the provisions of Section 23110 of the Zoning Ordinance.

11. Section 2020 of the Zoning Ordinance defines the term "tourist home", in pertinent part, as follows:

Tourist Home. A single family detached dwelling, where the accommodations are rented to a maximum of ten (10) guests on a daily basis for a period of time not exceeding thirty (30) consecutive days.

12. Section 23110.F.1 of the Zoning Ordinance requires that the tourist home be contained within a single-family detached dwelling that is either an owner-occupied dwelling unit or non-owner occupied dwelling.

13. The Property is improved with a building which contains two dwelling units and accessory parking.

14. Applicant described the units as Unit A and Unit B. Each unit is separated from the other.

15. Each unit has its own separate entrance.

16. Each unit has its own kitchen, living room and bathroom.

17. Unit A contains three bedrooms.

18. Unit B contains two bedrooms.

19. The building is not a single-family detached dwelling.

20. The units are served by an on-lot well and public sanitary sewer.

21. There are eight parking spaces located on the Property.

22. Applicant proposes to use both of the units for tourist home purposes.

23. The length of stay for any guest would not exceed thirty consecutive days.

## II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of persuasion 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).

2. Because the building is not a single-family detached dwelling, Applicant's proposal does not comply with the requirements of Section 6020.C.13 of the Zoning Ordinance.

3. Because the building is not a single-family detached dwelling, Applicant's proposal does not comply with the requirements of Section 23110.F.1 of the Zoning Ordinance.

4. Because Applicant's proposal does not comply with the aforesaid sections of the Zoning Ordinance, Applicant is not entitled to the requested special exception.

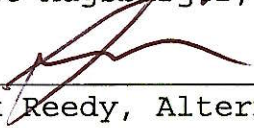
### **III. DECISION**

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby denies the application for a special exception to utilize the Property for tourist home purposes.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

\_\_\_\_\_  
Jordan Good, Vice-Chairman

  
\_\_\_\_\_  
Scott Augsburger, Secretary

  
\_\_\_\_\_  
Alex Reedy, Alternate

Dated and filed October 26, 2023, after hearing held on  
September 28, 2023.

The undersigned certifies that a copy of this Decision was  
served upon all parties on or prior to October 27, 2023.

  
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