

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2023-07
APPLICATION OF AVANI KAKKAD, DHAN :
HOSPITALITY, LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Avani Kakkad, Dhan Hospitality, LLC, 2307 Lincoln Highway East, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is known as 2307 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Regional Commercial C-3 Zoning 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 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 September 14, 2023.

7. Testimony at the hearing was stenographically recorded.

8. Steve Burik and K. Kakkad appeared and testified on behalf of Applicant.

9. Applicant has requested a special exception pursuant to Section 10020.C.4 the Zoning Ordinance to operate an extended stay hotel.

10. Section 10020.C.4 of the Zoning Ordinance states that extended stay hotels are permitted in the Regional Commercial C-3 District subject to the requirements set forth in Section 23400 of the Zoning Ordinance.

11. The Property contains approximately 1.9 acres and is improved with a hotel contain 92 regular hotel rooms.

12. Applicant proposes to convert the hotel such that 46 rooms will remain regular hotel rooms and 46 rooms will be extended stay rooms.

13. Applicant acknowledged that, with regard to the extended stay hotel rooms, the maximum length of stay is 180 cumulative days within any calendar year.

14. No persons appeared in opposition to the application.

II. CONCLUSIONS OF LAW

1. 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).

2. An applicant for a special exception bears the burden of proving that he will comply with all requirements of the zoning ordinance relative to the use intended. Ralph & Joanne's, Inc. v. Neshannock Township Zoning Hearing Board, 121 Pa. Commonwealth Ct. 83, 550 A.2d 586 (1988).

3. Applicant presented sufficient testimony to establish compliance with Section 23400 of the Zoning Ordinance which sets forth the specific requirements for extended stay hotels, as well as the general requirements applicable to all special exception uses.

4. Conditions must be attached to the grant of the special exception 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 for a special exception pursuant to Section 10020.C.4 of the Zoning Ordinance to operate an extended stay hotel. 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 September 14, 2023.

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 applicable terms of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicant and Applicant's personal representatives, heirs, 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 September 28, 2023, after hearing held on
September 14, 2023.

The undersigned certifies that a copy of this Decision was
served upon all parties on or prior to September 29, 2023.


