

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2024-03
APPLICATION OF CWP WEST CORP. :

DECISION

I. FINDINGS OF FACT

1. Applicant is CWP West Corp., 58171 Dragonfly Court, Osceola, IN 46561 ("Applicant").

2. The property which is the subject of the instant application is 2175 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the C-2 Commercial District as shown on the Official Zoning Map of East Lampeter Township. A portion of the Property is also located in the Floodplain Overlay District.

4. Applicant is the lessee of the Property.

5. The owner of the Property is Lincoln2175, LLC.

6. 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").

7. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on April 11, 2024.

8. Testimony at the hearing was stenographically recorded.

9. Gary Potts appeared at the hearing and testified on behalf of Applicant.

10. The Property was the subject of a previous zoning hearing and the Board takes administrative notice of its Decision in Case No. 2022-14.

11. The Property contains approximately 1.983 acres.

12. Applicant proposes to construct upon the Property a tunnel carwash, driveways, parking areas and vacuum stations, including signage.

13. In Case No. 2022-14, the Board, among other things, approved Applicant's request for an off-premise monument sign. The off-premise monument sign was referenced as sign A2.

14. The monument sign was to contain 30 square feet of sign area and was to be located on the south side of the ingress/egress drive off of Harvest Road.

15. Applicant now desires to locate the monument sign on the north side of the ingress/egress drive off of Harvest Road, rather than the south side.

16. The monument sign will still contain 30 square feet of sign area.

17. No persons appeared in opposition to the application.

II. CONCLUSIONS OF LAW

1. Off-premise signs are not permitted (or are only permitted as billboards). See Section 2020, definition of off-premise sign and billboard, and Table 22230.1.

2. Applicant requires a variance from Section 22230.G.1, Table 22230.1 to permit the off-premise monument sign.

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. 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 Town-

ship, 103 Pa. Commonwealth Ct. 478, 520 A.2d 922, 924 (1987); MPC §910.2(a)(5).

5. The location of the access drive off of Harvest Road (and the access easement leading from Harvest Road to the Property) warrant granting of the requested variance.

6. 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.

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 a variance from the terms of Section 22230.G.1, Table 22230.1 to permit the freestanding monument sign to be located on the north side of the ingress/egress drive off of Harvest Road. The variance 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.

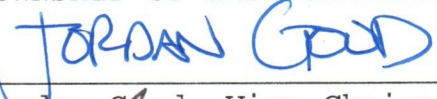
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on April 11, 2024.

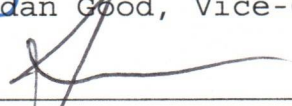
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

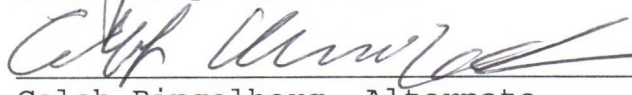
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25060 of the Zoning Ordinance.

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

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER


Jordan Good, Vice-Chairman


Alex Reedy, Alternate


Caleb Ringelberg, Alternate

Dated and filed May 3rd, 2024, after hearing held on April 11, 2024.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to May 6th, 2024.