

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2024-07
APPLICATION OF WAL-MART BUSINESS :
TRUST :

DECISION

I. FINDINGS OF FACT

1. Applicant is Wal-Mart Business Trust, c/o BRR Architecture, 600 Chestnut Street, Suite 1123, Philadelphia, PA 19106 ("Applicant").

2. The property which is the subject of the instant application is 2034 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the C-3 Regional Commercial 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 April 11, 2024.

7. Testimony at the hearing was stenographically recorded.

8. Grace Evans, of BRR Architecture, appeared at the hearing and testified on behalf of Applicant.

9. The Property contains approximately 27.8 acres.

10. The Property is used as and for a Walmart.

11. Applicant desires to replace all signage on the Property as an update to the corporate Walmart brand identity.

12. With regard to building signage, there is existing building signage containing an aggregate total of 302.11 square feet of sign area.

13. Applicant proposes to increase the total building sign area by 91 square feet, for a resulting total of 393.11 square feet of sign area.

14. The proposed signage is more fully shown on the plan ("Plan") submitted by Applicant. An existing signage schedule and new signage schedule is shown on Sheet A2.1 of the Plan.

15. No persons appeared in opposition to the application.

II. CONCLUSIONS OF LAW

1. Table 22230.1 of the Zoning Ordinance states that the maximum total building signage shall be 200 square feet.

2. Applicant requires a variance from Table 22230.1 of the Zoning Ordinance.

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

5. 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 Table 22230.1 to permit a maximum of 393.11 square feet of total building signage. 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.

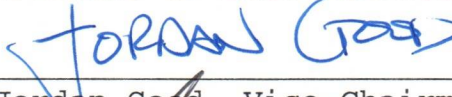
2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in its application and the evidence presented to the Board at the hearing held on April 11, 2024.

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.

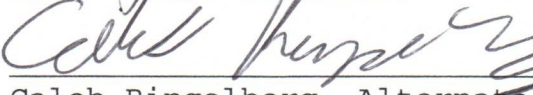
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



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.

