

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2024-08
APPLICATION OF COLEEN M. CLINTON :

DECISION

I. FINDINGS OF FACT

1. Applicant is Coleen M. Clinton, 1750 Columbia Avenue #A, Lancaster, Pennsylvania 17603 ("Applicant").

2. The property which is the subject of the instant application is 1915 Alfa Drive, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Low Density Residential (R-1) District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicant's mother, V. Nancy Clinton, 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. Applicant appeared personally at the hearing.

9. Applicant has requested a special exception pursuant to Section 5020.C.4 and Section 23370 of the Zoning Ordinance.

10. Section 5020.C.4 of the Zoning Ordinance permits minimal impact home occupations by special exception subject to the provisions of Section 23370 of the Zoning Ordinance.

11. The Property is improved with a single family dwelling.

12. Applicant intends to reside within the dwelling.

13. Applicant proposes to operate a hair salon within a 24 foot 6 inch by 13 foot 4 inch portion of the dwelling.

14. The area to be used for the hair salon is more fully shown on the plans and materials presented by the Applicant.

15. In no event will the area exceed the maximum permitted by the Zoning Ordinance.

16. The Property has an on-lot sewage system and on-lot well.

17. There are no nonresident employees of the home occupation.

18. Only one client at a time will come to the Property.

19. The exterior appearance of the dwelling shall be maintained as a residence.

20. There will be no storage or display of goods which will be visible from outside the dwelling.

21. There will be no external storage of materials or products.

22. No explosive or highly combustible materials will be stored on the premises.

23. The proposed use will not generate waste products or material of a quality or quantity not normally associated with a residential use.

24. There is sufficient parking on the Property for the dwelling and the proposed use.

25. No persons appeared in opposition to the application.

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. Section 5020.C.4 of the Zoning Ordinance permits minimal impact home occupations by special exception subject to the provisions of Section 23370 of the Zoning Ordinance.

3. With conditions, Applicant has satisfied the requirements for a special exception pursuant to Section 5020.C.4 and Section 23370 of the Zoning Ordinance.

4. Conditions must be imposed on the granting of the special exception in order to preserve and protect the surrounding neighborhood and the purposes of the Zoning 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 the application of Coleen M. Clinton for a special exception pursuant to Section 5020.C.4 and Section 23370 of the Zoning Ordinance. This 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 her application and the evidence presented to the Board at the hearing held on April 11, 2024.

3. Applicant shall provide evidence to the Township substantiating compliance with the requirements of Section 23370.D.6 and Section 23370.D.7 of the Zoning Ordinance which state as follows:

6. The sanitary sewage facilities and water supply facilities shall have sufficient capacities to accommodate the single family detached dwelling and the home occupation use.

7. The applicant shall provide documentation to East Lampeter Township that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer, and similar facilities comply with all applicable laws and regulations specified by East Lampeter Township and/or the Commonwealth of Pennsylvania.

4. 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.

5. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

6. The foregoing Decision shall be binding upon the Applicant and her heirs, personal representatives, successors and assigns.

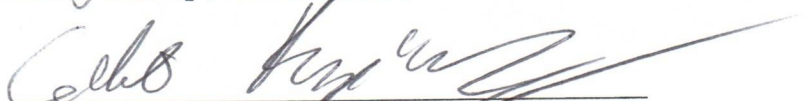
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



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 8th, 2024.

Coh. Sig.