

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2024-09  
APPLICATION OF TIM CROUSE AND :  
KENDRA CROUSE :

DECISION

I. FINDINGS OF FACT

1. Applicants are Tim Crouse and Kendra Crouse, 205 Golf Road, Myerstown, Pennsylvania 17067 ("Applicants").

2. The property which is the subject of the instant application is 2136 New Holland Pike, 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. Applicants are the owners 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 May 23, 2024.

7. Testimony at the hearing was stenographically recorded.

8. Applicants were represented at the hearing by Robin M. White, Esquire.

9. Applicants have 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 tourist homes, as a principal or accessory use within a single family detached dwelling, are permitted in the Medium Density Residential (R-2) District by special exception, subject to the provisions set forth in Section 23110 of the Zoning Ordinance.

11. The Property contains approximately 0.52 acre of lot area and is improved with a single family detached dwelling, detached garage and driveway.

12. The dwelling contains 1,763 square feet of floor area.

13. The dwelling contains complete sanitary sewage disposal services, bathing facilities, a central kitchen and four (4) bedrooms. The dwelling is served by on-lot septic and private well.

14. Applicants testified that not more than ten guests would occupy the tourist home at any one time.

15. Applicants testified that the tourist home will be rented as a single unit to one group at a time.

16. Applicants testified that, with regard to the proposed tourist home, the length of stay for any guest will not exceed thirty (30) days.

17. Applicants testified that all plumbing, heating, electrical, sanitary sewage disposal, water supply, storm sewer and similar facilities associated with the Property and the dwelling comply with applicable code requirements.

18. Applicants testified that parties and special events would be prohibited.

19. Applicant has developed an emergency management plan in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage, or other catastrophic event.

20. There is adequate parking located on the Property for the proposed use.

21. The tourist home use complies with the requirements of Section 23110 of the Zoning Ordinance and, without limiting the foregoing, will not adversely affect the general character of the

neighborhood or the general health, safety and welfare of residents or property owners within the general neighborhood.

## II. CONCLUSIONS OF LAW

1. "[T]o be entitled to a special exception, an applicant must bring the proposal within the specific requirements in the zoning ordinance." *Act I, Inc. v. Zoning Hearing Board of Bushkill Township*, 704 A.2d 732, 735 (Pa. Cmwlth. 1997).

2. An applicant for a special exception has the burden of persuasion as to the specific criteria and standards of the zoning ordinance. *Shamah v. Hellam Township Zoning Hearing Board*, 648 A.2d 1299 (Pa. Cmwlth. 1994); *Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg*, 126 Pa. Commonwealth Ct. 235, 559 A.2d 107 (1989).

3. A special exception is a conditionally permitted use, allowed by the legislature if specifically listed standards are met.

4. Applicants have presented evidence to demonstrate that he has met the requirements for the issuance of a special exception under Section 6020.C.13 and Section 23110 of the Zoning Ordinance.

5. 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 of Tim Crouse and Kendra Crouse for a special exception pursuant to Section 6020.C.13 and Section 23110 of the Zoning Ordinance to operate a tourist home on property known and numbered as 2136 New Holland Pike, Lancaster, Pennsylvania. The special exception 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. Applicants shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicants shall at all times comply with and adhere to the information and representations submitted with and contained in their application and the evidence presented to the Board at the hearing held on May 23, 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.

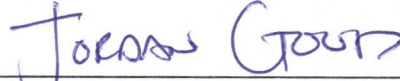
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicants and their heirs and assigns.

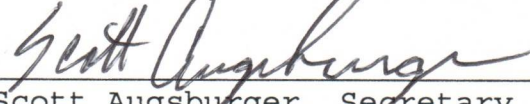
ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice-Chairman



Scott Augsburg, Secretary

Dated and filed June 20, 2024, after hearing held on May 23, 2024.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to June 21, 2024.

