

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2024-13  
APPLICATION OF KURT COVER AND :  
JOLIE COVER :

DECISION

I. FINDINGS OF FACT

1. Applicants are Kurt Cover and Jolie Cover, 151 Castle Farms Road, Altoona, Pennsylvania 16601 ("Applicants").

2. The property which is the subject of the instant application is 2555 Bachmantown Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Agricultural District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicants are the equitable 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 August 22, 2024.

7. Testimony at the hearing was stenographically recorded.

8. Applicants appeared personally at the hearing.

9. Applicants have requested a special exception pursuant to Section 3020.C.12 of the Zoning Ordinance.

10. Section 3020.C.12 of the Zoning Ordinance states that tourist homes, as a principal or accessory use within a single family detached dwelling, are permitted in the Agricultural District by special exception, subject to the provisions set forth in Section 23110 of the Zoning Ordinance.

11. A single family detached dwelling is currently under construction of the Property.

12. The dwelling will contain complete sanitary sewage disposal services, bathing facilities, a central kitchen and bedrooms. The dwelling will be served by on-lot septic and private well.

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

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

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

16. Applicants have 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.

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

18. 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 they has met the requirements for the issuance of a special exception under Section 3020.C.12 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 Kurt Cover and Jolie Cover for a special exception pursuant to Section 3020.C.12 and Section 23110 of the Zoning Ordinance to operate a tourist home on property known and numbered as 2555 Bachmantown Road, Ronks, 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 August 22, 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.

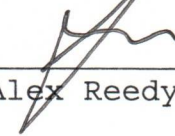
5. The foregoing Decision shall be binding upon the Applicants and their heirs and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman

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Scott Augsburger, Secretary



Alex Reedy, Alternate

Dated and filed September 12, 2024, after hearing held on  
August 22, 2024.

The undersigned certifies that a copy of this Decision was  
served upon all parties on or prior to September 13, 2024.

