

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2025-13  
APPLICATION OF PROFESSIONAL REAL :  
ESTATE HOLDINGS LLC :  
:

DECISION

**I. FINDINGS OF FACT**

1. Applicant is Professional Real Estate Holdings LLC, 667 Hartman Station Road, Lancaster, Pennsylvania 17601 ("Applicant").

2. The property which is the subject of the instant application is known as 1724 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Mixed Use 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 Township 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 December 11, 2025.

7. Testimony at the hearing was stenographically recorded.

8. Applicant was represented at the hearing by John Mateyak, Esquire.

9. Michael Bergstrom and Steven Shenk appeared and testified on behalf of Applicant.

10. The Township of East Lampeter appeared at the hearing and was represented by its solicitor, Susan P. Peipher, Esquire.

11. Applicant initially: (i) appealed a determination of the Township Zoning Officer, dated September 18, 2025; and, in the alternative, (ii) requested a variance from the terms of Section 375-15020 of the Zoning Ordinance regarding permitted uses in the Mixed Use District.

12. At the hearing, Applicant withdrew its appeal of the Zoning Officer's determination.

13. The Property contains approximately 0.83 acre and is improved with a building.

14. The building contains approximately 5,664 square feet of floor area.

15. The building contains: (i) a warehouse area containing approximately 3,800 square which is not heated and is not air-conditioned; and (ii) a former retail area containing approximately 1,800 square feet.

16. The building has been vacant for approximately ten to twelve years.

17. Applicant purchased the Property in June of 2024 and has been unsuccessful finding a tenant to lease the Property for a use permitted in the Mixed Use District.

18. The building is not desirable for a normal commercial use.

19. The Property is located adjacent to a carwash and a daycare.

20. Applicant proposes to lease the Property to a small scale wholesale and distribution facility.

21. The proposed tenant is known as Soup R Salads ("SRS").

22. SRS is a wholesale distributor of locally produced soups and salads to regional farmer's markets in Pennsylvania and surrounding states within a 200 mile radius.

23. SRS connects, on a weekly basis, the primarily Old Order Amish stand holders with the kitchens that manufacture the prepared soups and salads sold at these stands.

24. The volume of product presently handled by SRS is approximately 20,000 pounds per week.

25. In addition to the owner, there are 2 full-time employees and 1 part-time employee.

26. SRS typically uses 2 refrigerated box trucks for pick up and deliveries, but owns 4 in total (2 serve as backups).

27. Typically, there are only 2 SRS trucks in operation each day.

28. SRS currently receives one delivery from a third party on Monday via a box truck.

29. There are a few customers that will pick up re-supply orders on Saturday mornings, when necessary, in their own vehicles.

30. Tractor trailers are not utilized for pickups or deliveries.

31. Generally, product is received and shipped out in the same week. Little waste is generated.

32. SRS intends to add a dock and raise the roof of the portion of the building closest to Lincoln highway to accommodate indoor truck parking, as more fully shown on the plans submitted by Applicant.

33. The Property is served by public sewer and has on-lot water.

34. There is sufficient parking available on the Property for Applicant's proposed uses.

## **II. CONCLUSIONS OF LAW**

1. 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.

2. 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).

3. Applicant has satisfied the requirements for a variance from Section 375-15020 of the Zoning Ordinance as requested.

4. Conditions must be attached to the grant of the variance 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 Professional Real Estate Holdings LLC for a variance from the terms of Section 375-15020 of the Zoning Ordinance regarding permitted uses in the Mixed Use District. The variances 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 December 11, 2025.

3. Applicant and its tenant shall be bound by all testimony and exhibits presented to the Board. Any modification to the proposed use shall require a new zoning application.

4. Applicant and its tenant shall not conduct any retail sales from the Property as part of the proposed operation.

5. To the extent within the control of Applicant or its tenant, deliveries of goods and materials as part of the proposed operation shall not be made via tractor trailer.

6. Applicant and its tenant shall not permit the idling of delivery trucks upon the Property for periods in excess of five (5) consecutive minutes. This restriction shall not apply to refrigeration units, providing that if the operation of the refrigeration unit will extend beyond the actual loading and unloading of product, the refrigeration unit shall be stored indoors and connected to an electric source of power.

7. Applicant and its tenant shall park all trucks indoors overnight at the Property, provided that Applicant may park up to two (2) trucks overnight at the docks on the Property, if such trucks' refrigeration units are not utilized overnight.

8. Applicant and its tenant shall not receive deliveries prior to 6 AM or after 7 PM Monday through Saturday. Delivery trucks may leave the property at any time of the day. Deliveries shall NOT be sent or received on Sunday.

9. Applicant and its tenant shall limit all truck traffic to and from the Property to no more than 20 trips per day. Ordinary

package delivery vehicles (e.g. USPS, UPS, FedEx, Amazon and similar services) shall not be considered "trucks".

10. Applicant and its tenant shall obtain all permits and approvals required by the East Lampeter Township Subdivision and Land Development Ordinance, Stormwater Management Ordinance, and any other applicable Township ordinances, regulations, and specifications.

11. 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.

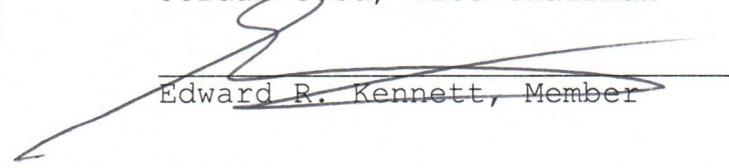
12. The approval granted by this Decision shall expire in accordance with the terms of Section 375-25060 of the Zoning Ordinance.

13. The foregoing Decision shall be binding upon the Applicant, its tenant, and their successors and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

  
J. Scott Enterline, Chairman

  
Jordan Good, Vice-Chairman

  
Edward R. Kennett, Member

Dated and filed January, 7, 2026, after hearing held on December 11, 2025.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January, 8, 2026.

A handwritten signature in black ink, appearing to read "J. M. S.", is written over a horizontal line.