

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2026-02
APPLICATION OF BREW TEAM GROUP, :
LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Brew Team Group, LLC, 3108 Vestal Parkway E, Vestal, NY 13850 ("Applicant").

2. The property which is the subject of the instant application is located at 2209 Lincoln Highway East, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the lessee of the Property, or portion thereof.

4. The Property is owned by Samual Brothers Realty, LP, 53 Cooper Avenue, Landisville, Pennsylvania 17538 ("Landowner").

5. The Property is located in the C-3 Commercial District as shown on the Official Zoning Map of East Lampeter Township.

6. 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").

7. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on April 9, 2026.

8. Testimony at the hearing was stenographically recorded.

9. Applicant was represented at the hearing by Reilly Noetzel, Esquire.

10. Matt Peters, Applicant's Director of Operations for Pennsylvania, appeared at the hearing and testified on behalf of Applicant.

11. The Township of East Lampeter was represented at the hearing by Alexa Martin, Esquire.

12. Jacob Bowen, Director of Planning/Zoning Officer for East Lampeter Township, appeared at the hearing and testified on behalf of the Township.

13. The Property contains 6.58 acres.

14. The Property is being developed by Landowner in accordance with a lot consolidation and land development plan (Applicant's Exhibit No. 1). This plan proposes a furniture store, multi-tenant retail building, and drive-through coffee store.

15. Applicant proposes to operate a drive-through coffee shop on the Property.

16. Applicant's business model serves beverages, but no food other than prepackaged muffin tops. Beverages include coffee, tea, Italian sodas, smoothies, shakes, energy drinks and hot chocolate.

17. Applicant's business model is drive-through only with two drive-through lanes. There is no interior or exterior seating available.

18. There is no pre-ordering/app service and no Doordash or catering.

19. Employees greet customers at their vehicles with iPads and then drinks are delivered directly to the vehicles. There are no speaker boxes and all interactions are person to person.

20. Days and hours of operation are as follows: Sunday through Thursday, 5:30 a.m. to 10:00 p.m., and from 5:30 a.m. to 11:00 p.m. on Friday and Saturday.

21. The average number of daily customers on a weekday is between 200 and 400 customers.

22. The average number of daily customers on a weekend is between 300 and 500 customers.

23. Normally, there are not more than 20 cars in the drive-through lanes at any one time.

24. Applicant has requested a variance from Section 375-10020.A.16 of the Zoning Ordinance to permit two drive-through service lanes.

25. Section 375-10020.A.16 of the Zoning Ordinance states that restaurants with a maximum of one drive-through service lane are permitted within the C-3 Commercial District.

26. Applicant testified that two drive-through lanes makes their service more efficient and enables them to accommodate more business.

27. Applicant proposes to change the bypass / emergency access lane as shown on the approved land development plan to a second drive-through lane.

28. The two drive-through lanes will have no bypass area.

29. With both lanes used as drive-through lanes, there will be insufficient access around the coffee shop building for emergency vehicles.

30. Fire Chief Jeffrey Keens, from Lafayette Fire Company, provided a written statement as follows regarding two drive-through lanes:

From a fire rescue standpoint we have grave concerns over this proposed traffic flow. Access is very restrictive and there is no easy way for vehicles to exit easily in th event of an emergency. With approaching/entering fire rescue apparatus this only compounds the concerns. Compare to chick fil a site - while two lanes, the area is open with multiple egress points.

31. Stephen B. Zerbe, Chief of Police for the East Lampeter Police Department, provided a written statement as follows regarding two drive-through lanes:

I have to agree with Chief Keens. The proposed plan should not be permitted due to potential inaccessibility for responding emergency service and the inevitable safety concerns for all vehicle occupants who will be landlocked/gridlocked by first responder vehicles, attending to access the scene, regardless of type of emergency.

32. Jacob Bowen testified that other businesses within the Township, such as Starbucks, Panera, and Oola Bowls, operate with one drive-through lane and have bypass lanes for general and emergency vehicles. Chick-fil-A has two drive-through lanes, but has an emergency access lane.

II. CONCLUSIONS OF LAW

1. Applicant has requested a variance from the terms of Section 375-10020.A.16 of the Zoning Ordinance.

2. In order to qualify for a variance, an applicant must establish that: (i) an unnecessary hardship stemming from unique physical circumstances or conditions of the property will result if the variance is denied; (ii) because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and a variance is necessary to enable the reasonable use of the property; (iii) the hardship has not been created by the applicant; (iv) granting the variance will not alter the essential character of the neighborhood nor be detrimental to the public welfare; and (v) the variance sought is the minimum variance that will afford relief. Worthington v. Zoning Hearing Board of New Britain Township, _____ Pa. Commonwealth Ct. _____, 669 A.2d 497 (1996), citing Laurento v. v. Zoning Hearing Board of the Borough of West Chester, 162 Pa. Commonwealth Ct. 226, 638 A.2d 437 (1994).

3. The Court further noted in Laurento that in order for an applicant to demonstrate an unnecessary hardship, the applicant must prove that either:

(i) the physical characteristics of the property are such that it could not in any case be used for any permitted purpose or that it could only be arranged for such purposes at prohibitive expense, or

(ii) the characteristics of the property are such that the lot has either no value or only distress value for any purpose permitted by the ordinance The applicant must show that the hardship is unique or peculiar to the property as distinguished from a hardship arising from the impact of zoning regulations on the entire district.

4. Circumstances unique to the user of a property and not the property itself do not constitute unnecessary hardship. See, e.g. Chrin v. Zoning Hearing Board of the Borough of Nazareth, 127 Pa. Commonwealth Ct. 279, 561 A.2d 833 (1989).

5. The Property itself is not subject to unnecessary hardship. Simply because Applicant's business model utilizes more than one drive-through lane does not support the grant of a variance.

6. A variance is not necessary to allow reasonable use of the Property.

7. Moreover, Applicant's proposal would contravene the requirements of Section 375-22020.B of the Zoning Ordinance which states as follows:

All buildings and structures shall be so located on the lots in such a manner to provide safe and convenient access for emergency vehicles and off-street parking.

8. Applicant has failed to present evidence sufficient to satisfy the requirements for a variance from the terms of Section 375-10020.A.16 of the Zoning Ordinance.

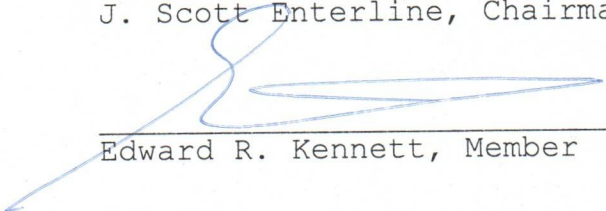
III. DECISION

Based upon the foregoing findings of fact and conclusions of law, the Zoning Hearing Board of the Township of East Lampeter hereby denies the application for a variance from Section 375-10020.A.16 of the Zoning Ordinance.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



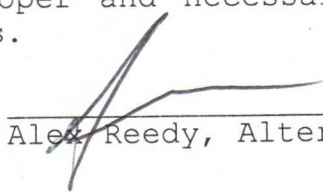
J. Scott Enterline, Chairman



Edward R. Kennett, Member

DISSENTING OPINION:

I hereby dissent from the foregoing Decision. I would grant the application, subject to proper and necessary conditions to adequately address safety issues.



Alex Reedy, Alternate

Dated and filed April 21, 2026, after hearing held on April 9, 2026.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to April 22, 2026.

