

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2026-04
 APPLICATION OF LAPP REAL ESTATE, :
 LLC :

DECISION

I. FINDINGS OF FACT

1. Applicant is Lapp Real Estate, LLC, 2220 Horseshoe Road, Lancaster, Pennsylvania, 17601 ("Applicant").

2. The property which is the subject of the instant application is located at 2220 Horseshoe 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. Notice of the hearing on the within application was duly advertised and posted in accordance with the provisions of the Pennsylvania Municipalities Planning Code and The East Lampeter Township Zoning Ordinance of 2016 (the "Zoning Ordinance").

5. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on May 28, 2026.

6. Testimony at the hearing was stenographically recorded.

7. John Lapp appeared at the hearing and testified on behalf of Applicant.

8. The following person completed an entry of appearance form and was recognized as a party to the hearing:

MJ Feirick, 2204 Horseshoe Road, Lancaster, PA 17601

9. The Property is a lot which contains approximately 91,476 square feet.

10. Applicant purchased the Property in 2012 and began operating a toy manufacturing and sales business on the Property.

11. Prior to Applicant's purchase, the Property was used by a millworking/woodworking business use known as Kreider Millwork.

12. Applicant did not know the date when Kreider Millwork began its business on the Property. However, the Township Assistant Zoning Officer testified that Township records reflect it being in business since 1988 and that the business was considered a nonconforming use.

13. Applicant did not know the amount of building floor area used by Kreider Millwork when it first became nonconforming, although Applicant thought that there were at least two building / floor area expansions during operation by Kreider Millwork.

14. The Board is not able to determine the amount of building floor area of the nonconforming millwork business when it first became nonconforming.

15. Applicant testified that it currently uses multiple buildings for warehouse space associated with the toy business

(with an aggregate floor area of approximately 12,000 square feet), as more fully shown on the plans ("Plans") submitted by Applicant.

16. Applicant testified that it also uses other buildings for a manufacturing shop and existing store, as more fully shown on the Plans.

17. Applicant desires to expand the toy business by constructing a second floor on an existing building, as shown on the Plans.

18. The second floor will contain approximately 2,000 square feet of floor area.

19. Applicant desires to use the additional floor area for business storage.

20. Applicant testified that he must carry more inventory in stock because he is offering same day shipping to customers.

21. MJ Feirick, owner and occupant of an adjacent residential property, testified that a delivery truck using one of two access drives to the Applicant's business and the Property hit Applicant's house chimney and damaged it. Applicant refused to agree to prohibit delivery vehicles from using that particular access drive.

22. MJ Feirick also testified that she has complained to Mr. Lapp at least seven times regarding smoke generated by Applicant's business filling her house. Smoke is caused when the engines for the business are started.

II. CONCLUSIONS OF LAW

1. Section 375-24030.A.1 of the Zoning Ordinance permits expansion of lawful nonconforming uses by special exception.

2. Section 375-24030.A.2 of the Zoning Ordinance states, in pertinent part, that the expansion of a nonconforming use shall be limited to an area equal to fifty (50%) percent of the total usable floor area of the building used for the nonconforming use.

3. Section 375-24040.B of the Zoning Ordinance states, in pertinent part, that in the event that a nonconforming use was previously expanded to a portion of the limits of expansion authorized, additional expansion, if permitted by the Zoning Ordinance, shall only be authorized to the amount of expansion not previously utilized.

4. An applicant for a special exception bears the burden of presenting evidence that the proposed use is one allowed by special exception and that the proposed use complies with all of the objective requirements contained in the zoning ordinance. Abbey v. Zoning Hearing Board of East Stroudsburg Borough, 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).

5. Applicant did not provide credible testimony regarding the size of the original nonconforming use when it initially became nonconforming. Applicant further did not provide credible

testimony regarding previous expansions made to the original nonconforming use.

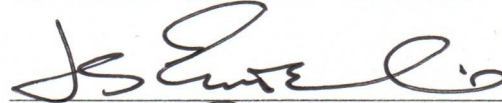
6. The Board is unable to determine whether further expansion will comply with / fall within the fifty (50%) maximum aggregate expansion limitation.

7. Applicant has failed to meet its burden of proof for the special exception as requested.

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 of Lapp Real Estate, LLC, for a special exception under Section 375-24030.A.1 of the Zoning Ordinance.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



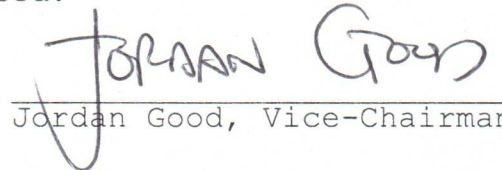
J. Scott Enterline, Chairman



Edward R. Kennett, Member

DISSENT:

I hereby dissent from the foregoing Decision. I would grant the special exception as requested.



Jordan Good, Vice-Chairman

Dated and filed June 11, 2026, after hearing held on May 28, 2026.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to June 12, 2026.