

BEFORE THE ZONING HEARING BOARD OF EAST LAMPETER TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

IN RE: :
APPLICATION OF THOMAS WRIGHT, III & : CASE # 2026-13
DAISY R. WRIGHT :

DECISION

I. FINDINGS OF FACT.

1. Applicants are Thomas Wright, III and Daisy R. Wright, 1945 Millport Road, Lancaster, Pennsylvania 17602 (collectively “Applicant”).
2. Applicant is the owner of the subject property located at 1945 Millport Road (the “Property”).
3. The Property is located within the Medium Density (R-2) Zoning District as shown on the Official Zoning Map of East Lampeter Township.
4. A public hearing was held before the Zoning Hearing Board of East Lampeter Township (the “Board”) on September 10, 2026 at approximately 7:00 p.m. at the Township Office located at 2250 Old Philadelphia Pike, Lancaster, Pennsylvania 17602.
5. Board members J. Scott Enterline, Jordan Good, and Ted Kennett participated in the hearing and decision.
6. Notice of the date, time and place of the hearing was duly posted on the Property and mailed to Applicant and the neighboring property owners as required by the East Lampeter Township Zoning Ordinance (the “Zoning Ordinance”) and published in a newspaper of general circulation in East Lampeter Township.

7. Thomas Wright, III and Brian Cooley, a landscape architect employed by D.C. Gohn Associates, Inc., testified on behalf of Applicant.

8. Testimony at the hearing was stenographically recorded.

9. Applicant was represented at the hearing by Aaron Zeamer, Esquire, of Russell, Krafft & Gruber, LLP

10. East Lampeter Township was represented by its Solicitor, Alexa P. Martin, Esquire, of Appel Yost LLP.

The Property

11. The Property contains approximately 3.4 acres and is improved with a residential home which contains office space, a paved parking area, a barn with an attached structure for storage, a greenhouse, and open space dedicated for equipment and material storage.

12. The Property is used as a residence for Applicant and for the operation of Applicant's landscaping business, Season's Image (the "Business"), which engages in, among other things, lawn maintenance, landscape and hardscape installation, and snow removal.

13. The Property, and more specifically the areas of the Property used by the Business, is surrounded by large, mature trees and other landscaping features on the west and east side.

14. The Property has farmland immediately to the north and the east, and Millport Road borders the Property to the south.

15. Pursuant to a Decision dated September 10, 2015, in Case No. 2015-24 (the "2015 Decision"), the Board determined that the Business is a valid, existing, non-conforming use of the Property.

16. Pursuant to the 2015 Decision, the total area originally devoted to the non-conforming use at the Property was 24,191 square feet.

17. The 2015 Decision included in its calculation the buildings/structure areas used by the Business, storage areas used by the Business, and some impervious areas that were used by the Business.

18. The 2015 Decision did not count all impervious areas as dedicated to the Business.

19. Since 2015, the Business has relocated or expanded some of the areas used by the Business and has added some impervious areas which are dedicated for use by the Business.

20. More specifically, the following areas have changed use or size since the 2015 Decision:

- i. The "Soil Storage" area was relocated to the northeast corner of the Property, and Mr. Wright testified that the area to remain in use for soil storage will be no greater than 400 square feet.
- ii. The area formerly used for soil storage is now impervious surface used for equipment storage/parking.
- iii. The parking area to the north of the framed storage building has been expanded to accommodate additional parking for the Business. As a result of this increased parking area, the Business has added an additional 2,445 square feet of parking area.
- iv. The area along the northern boundary of the Property which was previously identified for "Equipment Storage" has been increased by 3,950 square feet to accommodate the storage of additional trailers and equipment.
- v. The shed formally used for straw storage is no longer used for the Business.

21. Considering the foregoing changes and adjustments above to the areas used by the Business since the 2015 Decision, the following buildings/areas are currently dedicated to

Business use:

2½ story dwelling	340 sq. ft. of office space
Barn	1,720 sq. ft.
Frame Storage Building (attached to barn)	2,825 sq. ft.
Greenhouse Structure	3,360 sq. ft.
Material Storage Area	6,229 sq. ft.
Equipment Storage Area	10,700 sq. ft.
Parking Area	3,825 sq. ft.
New Soil Storage Area	400 sq. ft.
Total	29,399 sq. ft.

The Proposed Building

22. Applicant has requested a special exception pursuant to Section 24030.A of the Zoning Ordinance in order to permit the expansion of a non-conforming structure or use.

23. Applicant specifically seeks to add a 124 feet by 84 feet, two story building (the "Proposed Building") to further support the Business operations on the Property.

24. The Proposed Building measures 124 feet by 84 feet on the ground floor, with the center 36 feet of the structure proposed as two stories and 38 feet in height.

25. The two story center area of the Proposed Building is open space, except for a walkway around the perimeter of the second floor, which is 3 feet wide and totals 708 square feet of storage space.

26. The second story storage area will be used for storage of small equipment parts and other items used by the Business.

27. The Proposed Building will have a total of 11,124 square feet of floor area dedicated for use by the Business.

28. Of the foregoing floor space, only 1,952 of square feet of space is "new" area which is not already in use by the Business.

29. The additional 1,952 square feet is comprised of 1,100 square feet of new impervious coverage and 708 square feet of additional storage space on the second floor of the building.

30. The Proposed Building will be constructed substantially in the area of the existing greenhouse structure and the material storage areas that are currently dedicated for use by the Business.

31. Mr. Wright testified that the Proposed Building will be used to store various equipment and materials which are currently stored outside and will also be used to service and maintain the equipment and vehicles used by the Business.

32. Mr. Wright also testified that the height of the Proposed Building (38 feet) is necessary to allow for service to the trucks and equipment used by the Business, which may be placed on a lift for service. Additionally, some of those vehicles and equipment contain dump beds which at times need to be raised inside the building while being serviced. The open two story center portion of the Proposed Building is necessary to accommodate the service needs of the Business.

33. Mr. Wright indicated that much of the service and maintenance of the equipment and vehicles used by the Business is currently done outside, which presents challenges when they are undergoing repairs or maintenance for extended periods.

34. Mr. Cooley testified that D.C. Gohn Associates, Inc. prepared the site plan, which was included as Applicant's Exhibit D to the zoning application. In preparing the site plan, D.C. Gohn Associates, Inc. conducted a field survey of the entire Property.

35. Mr. Cooley testified that the Property, after considering the Proposed Building, met the requirements of the Zoning Ordinance pertaining to lot coverage, building coverage, required landscaped areas, and setbacks.

36. More specifically, Mr. Cooley noted the existing lot coverage at the Property is 56,789 square feet, or 29.8%, and the existing building coverage is 7,337 square feet, or 3.8%.

37. With the addition of the Proposed Building, the total lot coverage is 57,889 square feet, or 30.4%, of the Property and the building coverage is 17,753 square feet, or 9.3%, of the Property.

38. The Proposed Building will not expand the current area used by the Business more than 150 feet from any existing area and will mostly replace existing areas used by the Business.

39. After the addition of the Proposed Building, the total area devoted to the non-conforming use will be 31,351 square feet.

II. CONCLUSIONS OF LAW.

A. SPECIAL EXCEPTION PURSUANT TO SECTION 375-24030.A AND SECTION 375-24030.J.

1. Applicant has requested a special exception pursuant to Section 375-24030.A of the Zoning Ordinance.

2. Section 375-24030.A of the Zoning Ordinance permits the expansion of a non-conforming use by special exception if Applicant shows that the expansion of a non-conforming use is limited to a distance of one hundred fifty (150) feet in any direction from the existing non-conforming use and to an area equal to fifty (50) percent of the existing non-conforming use, whichever is the lesser, or in the case of a building, expansion shall be limited to an area equal to fifty (50) percent of the existing total usable floor area of the building.

3. Furthermore, Applicant must demonstrate compliance with Section 375-24030.J of the Zoning Ordinance.

4. The Property has been used by non-conforming uses continually since approximately 1856.

5. The area of the Property originally devoted to the non-conforming use is 24,191 square feet.

6. Pursuant to the 2015 Decision, Applicant was granted a special exception to expand the non-conforming use by 2,750 square feet.

7. Applicant's expansion of the non-conforming use following the 2015 Decision was approximately 11% of the original non-conforming use.

8. Following the 2015 Decision, 39% of the allowable expansion of the original non-conforming use remained available at the Property.

9. Applicant has satisfied all of the specific and general requirements for a Special Exception, as set forth in Section 24030.J of the Zoning Ordinance, in that:

- i. Applicant, taking into account the present areas of the Property used by the Business (including those which have increased since 2015) and the Proposed Building, has expanded the non-conforming use to 31,351 square feet, which is less than 50% of the original area used by the non-conforming use at the Property.
- ii. Vehicular access, off-street parking, and off-street loading are adequately provided for at the Property.
- iii. Yards and building area are consistent with the standards required for permitted uses in the R-2 Zoning District. Applicant has separately requested a variance to exceed the maximum building height and allow the Proposed

Building to be 38 feet.

- iv. The appearance of the Proposed Building is harmonious with other buildings on the Property and the surrounding properties.
- v. Buffers and screens are in place at the Property to adequately protect neighboring properties.
- vi. The addition of the Proposed Building shall not create any new nonconformities. The Proposed Building, along with the prior areas expanded for Business use, have/will increase the existing area used by the Business in an amount that is less than 50% of the original non-conforming area used by the Business as established in the 2015 Decision.
- vii. The Proposed Building is not located within the Floodplain Overlay District.

10. Applicant is granted a special exception to expand the existing non-conforming use, as the Applicant's request is limited to a distance of 150 feet in any direction from the existing non-conforming use and to an area equal to 50% of the existing non-conforming use, whichever is the lesser.

11. If Applicant seeks special exception relief to expand the non-conforming use on the Property in the future, 4,935 square feet, or approximately 20% of the original non-conforming use, remains available for expansion pursuant to the limits established by Section 375-24030.A of the Zoning Ordinance.

B. VARIANCE FROM SECTION 375-6030(E).

1. Applicant requests a variance from Section 375-6030(E) of the Zoning Ordinance to allow for a height of the Proposed Building of 38 feet.

2. Section 375-6030(E) of the Zoning Ordinance establishes a maximum allowable height of 25 feet for buildings in excess of 120 square feet in the R-2 Zoning District.

3. Under the law, an applicant may be granted a variance where the following conditions are met: (1) unique physical characteristics of the property, rather than the operation of the zoning ordinance create an unnecessary hardship; (2) because of the unique physical characteristics of the property, the property cannot be developed in conformity with the provisions of the zoning ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property; (3) the applicant hasn't created the hardship; (4) that the variance, if authorized, will not alter the character of the neighborhood or adversely affect possible future development of adjacent property; and (5) that the variance, if approved, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue. *Twp. of Northampton v. Zoning Hearing Bd.*, 969 A.2d 24, 27 (Pa. Commw. Ct. 2009).

4. In *Hertzberg v. Zoning Bd. of Adj. of the City of Pittsburgh*, 721 A.2d 432, 47-48 (Pa. 1998), the Pennsylvania Supreme Court held that, "[w]hen seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations" and, as a result, "the quantum of proof required to establish unnecessary hardship is . . . lesser when a dimensional variance, as opposed to a use variance, is sought."

5. Applicant has demonstrated that, given the existing non-conforming use of the property as a landscaping business, the existing structures and development of the Property, and the needs of the Business operating at the Property, strict compliance with the provisions of the Zoning Ordinance constitutes a hardship. As a result, the Zoning Hearing Board is justified in its grant of the variance above.

6. Applicant is granted a variance from Section 375-6030(E) of the Zoning Ordinance to allow for a height of the Proposed Building of 38 feet.

III. DECISION.

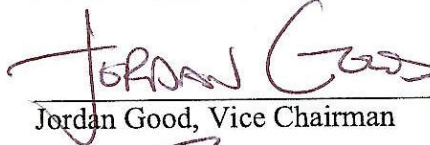
Based upon the foregoing Findings of Fact and Conclusions of Law, the Zoning Hearing Board of East Lampeter Township hereby GRANTS the Application for: (i) a special exception pursuant to Section 375-24030.A of the Zoning Ordinance, and (ii) a variance from the terms of Section 375-6030(E) of the Zoning Ordinance.

Decision made this 8th day of October, 2026, by a vote of 3-0.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER



J. Scott Enterline, Chairman



Jordan Good, Vice Chairman



Ted Kennett

The undersigned certifies that a copy of this Decision has been served, personally or by First Class Mail, postage prepaid, upon the following individuals:

Thomas Wright, III and Daisy R. Wright
c/o Aaron Zeamer, Esquire
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East Lampeter Township
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Date: 10/8/2016

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