

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
 : No. 2017-12
APPLICATION OF TANGER PROPERTIES, :
LP :

DECISION

I. FINDINGS OF FACT

1. Applicant is Tanger Properties, LP (c/o Monica Trego), 311 Stanley K. Tanger Blvd, Lancaster, Pennsylvania 17602 ("Applicant").

2. The property which is the subject of the instant application is 311 Stanley K. Tanger Blvd, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. Applicant is the owner of the Property.

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

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 September 14, 2017.

7. Testimony at the hearing was stenographically recorded.

8. Monica Trego appeared at the hearing and testified on behalf of Applicant.

9. The Property is improved with a shopping center known as the Tanger Outlet Center.

10. Applicant desires to erect five (5) incidental directional signs, each containing 17.4 square feet of sign area, as more fully shown on the exhibits submitted by Applicant at the hearing.

11. The incidental signage will exceed 4 square feet, which is the maximum size for incidental signage as set forth in Section 22230.1 Table of the Zoning Ordinance.

12. Applicant has requested a variance from the terms of Section 22230.1 Table of the Zoning Ordinance in order to erect the incidental signage.

13. The incidental signage is directional in nature and has been designed as a site way-finding signage package.

14. The incidental signage will improve safe public circulation within Tanger Outlet Center.

15. No persons appeared in opposition to the application.

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); MPC §910.2.

2. A variance, if granted, must be the minimum that will afford relief and will represent the least modification of the zoning ordinance. Rogers v. Zoning Hearing Board of East Pikeland Township, 103 Pa. Commonwealth Ct. 478, 520 A.2d 922 (1987); MPC §910.2(a)(5).

3. An applicant is entitled to a variance if: there is unique hardship to the property; there will be no adverse effect on the public health, safety or general welfare; and the variance represents the minimum variance that will afford relief. See East Torresdale Civic Association v. Zoning Hearing Board of Adjustment of Philadelphia County, 639 A.2d 446 (1994).

4. Due to vehicle volume, pedestrian volume, Property size and Property configuration, the allowable sign area and height as applied to the Property do not provide adequate directional instruction.

5. The Property is subject to hardship.

6. There will be no adverse effect on the public health, safety or general welfare if the variance is granted.

7. The variance requested by Applicant is the minimum variances necessary to grant relief.

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 Tanger Properties, LP, for a variance from Section 22230.1 Table of the Zoning Ordinance in order to erect the incidental signage in accordance with the exhibits presented to the Board. The variance 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. 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 September 14, 2017.

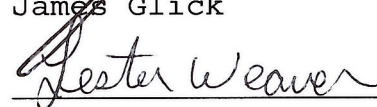
3. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall

be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

4. The foregoing Decision shall be binding upon the Applicant and its successors and assigns.

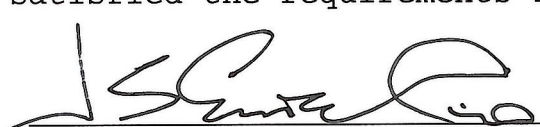
ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER


James Glick


Lester Weaver

DISSENT:

I hereby dissent from the foregoing Decision. I do not believe that the Applicant has satisfied the requirements for the requested variance.


J. Scott Enterline

Dated and filed September 28, 2017, after hearing held on September 14, 2017.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to August 13, 2017

