

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :
: No. 2017-20
APPLICATION OF JASON LECH AND :
JENNIFER LECH :

DECISION

I. FINDINGS OF FACT

1. Applicants are Jason Lech and Jennifer Lech, 569 Millcross Road, Lancaster, Pennsylvania 17602 ("Applicants").

2. The property which is the subject of the instant application is 569 Millcross Road, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").

3. The Property is located in the Low Density Residential (R-1) District as shown on the Official Zoning Map of East Lampeter Township.

4. Applicants are the owners 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 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 November 9, 2017.

7. Testimony at the hearing was stenographically recorded.

8. Applicants appeared personally at the hearing.

9. Applicants have requested a special exception pursuant to Section 5020.C.4 and Section 23370 of the Zoning Ordinance.

10. Section 5020.C.4 of the Zoning Ordinance permits minimal impact home occupations by special exception subject to the provisions of Section 23370 of the Zoning Ordinance.

11. The Property is improved with a single family dwelling.

12. Applicants reside within the dwelling.

13. The dwelling contains approximately 1,376 square feet of floor space.

14. Applicants propose to provide percussion music lessons within a portion of the dwelling.

15. The area of the dwelling to be used for the music lessons contains 144 square feet of area and is located within the basement.

16. Applicants have installed sufficient sound attenuating materials so that sound from the percussion instruments will not disturb neighbors.

17. The Property is be served by public sewer service and an on-lot well. Both are sufficient for Applicants' proposed use.

18. There will be no nonresident employees of the home occupation.

19. There will be no retail sales at the Property.

20. The exterior appearance of the dwelling shall be maintained as a residence.

21. There will be no storage or display of goods which will be visible from outside the dwelling.

22. There will be no external storage of materials or products.

23. No explosive or highly combustible materials will be stored on the premises.

24. There are no deliveries of materials and goods associated by with the use.

25. The proposed use will not generate waste products or material of a quality or quantity not normally associated with a residential use.

26. There is sufficient parking on the Property for the dwelling and the music lesson use.

27. There will be no more than student on the Property at a time.

28. The days and hours of operation are as follows: By appointment, Monday through Friday, 2:00 p.m. to 8:00 p.m.

29. No persons appeared in opposition to the application.

II. CONCLUSIONS OF LAW

1. An applicant for a special exception has the burden of persuasion as to the specific criteria and standards of the zoning ordinance. Abbey v. Zoning Hearing Board of the Borough of East Stroudsburg, 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).

2. Section 5020.C.4 of the Zoning Ordinance permits minimal impact home occupations by special exception subject to the provisions of Section 23370 of the Zoning Ordinance.

3. Applicants have satisfied the requirements for a special exception pursuant to Section 5020.C.4 and Section 23370 of the Zoning Ordinance.

4. Conditions must be imposed on the granting of the special exception in order to preserve and protect the surrounding neighborhood and the purposes 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 grants the application of Jason Lech and Jennifer Lech for a special exception pursuant to Section 5020.C.4 and Section 23370 of the Zoning Ordinance. This special exception 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. Applicants shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicants 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 November 9, 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.

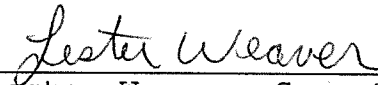
4. The approval granted by this Decision shall expire in accordance with the terms of Section 25070 of the Zoning Ordinance.

5. The foregoing Decision shall be binding upon the Applicants and their heirs, personal representatives, successors and assigns.

ZONING HEARING BOARD OF THE
TOWNSHIP OF EAST LAMPETER


James Glick, Chairman


J. Scott Enterline, Vice-Chairman


Lester Weaver, Secretary

Dated and filed December 14, 2017, after hearing held on
November 9, 2017.

The undersigned certifies that a copy of this Decision was
served upon all parties on or prior to December 15, 2017.

