

**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**KOREY and BOBBI MANSBERGER** : **YORK COUNTY, PENNSYLVANIA**  
: **DOCKET NO. 2014-09**

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**DECISION GRANTING A SPECIAL EXCEPTION FOR A HOME OCCUPATION  
IN THE RESIDENTIAL SINGLE DISTRICT  
PURSUANT TO SECTION 402.C OF THE ZONING ORDINANCE**

The Applicants applied for a special exception for a home occupation pursuant to Section 402.C of the Fairview Township Zoning Ordinance for the purpose of Mrs. Mansberger operating a beauty salon at their residence located at 861 Moore's Mountain Road, Lewisberry, PA 17339, in the Rural Living Zoning District of the Township. The hearing on the application was held on January 22, 2015, at 7:00 p.m. at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

**FINDINGS OF FACT**

1. The Applicants are Korey and Bobbi Mansberger, 861 Moore's Mountain Road, Lewisberry, Pennsylvania, 17339. The premises, which is the subject of the application, is the Applicants' residence.
2. The Applicants' residence is in the Rural Living Zoning District of Fairview Township. It is 1.120 acres in area.
3. The proposed beauty salon will be operated by Mrs. Mansberger without employees. The salon will be open for business weekdays from 9:00 a.m. until 8:00 p.m and Saturdays from 9:00 a.m. until 2:00 p.m., offering hair and nail care services and supplies to the general public. It is anticipated that no more than two clients will be at the salon at any one time.

There is sufficient off-street, on-site parking for the beauty salon clientele and the parking area conforms with the requirements of the Ordinance.

4. The proposed area for the construction of the beauty salon is a 20' x 22' building situate between the existing residence and existing garage, along with a poured 3' x 20' concrete sidewalk for salon use. The beauty salon will be approximately 440 square feet in area, well within the limits prescribed by the Ordinance which requires that the business take up the lesser of 25% of the gross floor area of the dwelling or 500 square feet. The beauty salon and/or Mrs. Mansberger as the professional operator will be licensed by the State Board of Cosmetology and it is a requirement by the State Board that a sign be displayed indicating that the business is a cosmetology salon. The signage will conform with the requirements of the Township Ordinance.

5. Notice of the hearing was properly advertised; the property was properly posted; and all neighboring property owners required to be notified of the hearing were notified in accordance with the Township Ordinance and the Pennsylvania Municipalities Planning Code.

6. Home occupations require a special exception pursuant to Section 402.C of the Zoning Ordinance. The specific Ordinance requirements for home occupations are delineated in Section 1008.J and are applicable to this application. Each of the detailed specifications, 1008.J.1 through 1008.J.18, was addressed by Mrs. Mansberger in her testimony at the hearing and the applicants demonstrated that the proposed beauty salon will comply in all respects with these Ordinance requirements.

7. Furthermore, the Applicants demonstrated that the beauty salon will meet all the general requirements for special exceptions enumerated in the Fairview Township Zoning Ordinance Section 1216.E.3.

**CONCLUSIONS**

1. Pursuant to Section 402.C of the Zoning Ordinance, Home Occupations are permitted in the Rural Living Zoning District by special exception, subject to compliance with the criteria of Sections 1008.J and 1216.E.3 of the Zoning Ordinance.

2. The application meets all of the standards established under Section 1008.J of the Zoning Ordinance, and further meets all of the general criteria for special exceptions set forth in Section 1216.E.3 of the Zoning Ordinance. The proposed beauty salon should, therefore, be permitted.

**DECISION**

On the basis of the foregoing findings and conclusions and on the basis of all the testimony and evidence presented at the Hearing, the Zoning Hearing Board hereby grants the application for a special exception authorizing a beauty salon as a Home Occupation at the Applicants' residence, 861 Moore's Mountain Road, Lewisberry, PA 17339.

The application was approved upon the motion made by Mr. Guy, seconded by Mr. Shaffer and adopted 2-0 by the Board members present and voting.

FAIRVIEW TOWNSHIP ZONING HEARING  
BOARD

Dated: February 19, 2015

By:   
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David R. Guy, Chairman

Distribution:  
Applicants