

**IN THE MATTER OF** : **BEFORE THE FAIRVIEW TOWNSHIP**  
**THE APPLICATION OF** : **ZONING HEARING BOARD**  
**RONALD AND HEIDI BELL** : **YORK COUNTY, PENNSYLVANIA**  
: **DOCKET NO. 2018-02**

**DECISION GRANTING A SPECIAL EXCEPTION**  
**PURSUANT TO SECTION 300-20 OF THE ZONING ORDINANCE**

The Applicants applied for a special exception to Section 300-20 of the Fairview Township Zoning Ordinance for the purpose of conducting a personal training studio at their residence located at 764 Old Quaker Road, Lewisberry, PA 17339, which is located in the Rural Living Zoning District of the Township. The hearing on the application was held on May 23, 2018, 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 Ronald and Heidi Bell, 764 Old Quaker Road, Lewisberry, Pennsylvania 17339. The premises, which is the subject of the application, is the Applicants' residence. The Applicants' residence is located in the Rural Living Zoning District of Fairview Township on a 1.02 acre lot.
2. The Applicants have been operating a personal training studio within the garage at their residence for some period of time without the benefit of a zoning permit. This application requests that they be granted a special exception recognizing and permitting their business as a home occupation as allowed in the Rural Living Zoning District under Fairview Township Zoning Ordinance Section 300-20, Table 5-2, provided the home occupation complies with the criteria set forth in Fairview Township Zoning Ordinance Sections 300-76.J and 300.99.E.3.

3. 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.

4. The proposed personal training studio will be operated by Mr. Bell without employees. The business will be conducted during the evening hours offering in-home personal and small group training to his clientele. On average, six (6) to eight (8) clients will be serviced at any one time; however, as many as 10 clients could participate in a single training session which would last approximately 45 minutes. There is sufficient parking available on-site for the Applicants' clientele to conform to the parking requirements of the Ordinance.

5. The proposed area to be dedicated to the training studio will be less than 500 square feet and is less than 25% of the gross floor area of the 2,056 square feet dwelling as required under the Ordinance.

6. The special exception requirements for a home occupation are enumerated in Section 300-76.J, subparts (1) – (18). Each of these requirements were addressed by Mr. Bell in his testimony and through that testimony, supported by written materials, pictures and a plot plan in Applicants' Exhibits 1 and 2, the Applicants demonstrated that the proposed personal training studio will comply with these Ordinance requirements. The Applicants' testimony further explained that the proposed personal training studio will satisfy the general requirements for all special exceptions enumerated in Ordinance Section 300-99.E.3.

7. Testimony was received from three neighboring property owners. Vicky Wickwire, 797 Old Quaker Road, Lewisberry, PA, testified to opposition to any business activities in the neighborhood because it is a residential area. She did, nevertheless, acknowledge that the Ordinance allows special exceptions for home occupations. Eric Yingling, 795 Old

Quaker Road, Lewisberry, PA, also testified. Mr. Yingling indicated concern with increased traffic on a road where there are a number of driveways with limited visibility. He also was concerned with the potential for expansion of the proposed business in the future. Lisa Long, 761 Old Quaker Road, Lewisberry, PA, also testified. She pointed out that the requested personal training activities are less objectionable than an auto repair business which previously existed at the Applicants' premises.

8. Stephen M. Waller, Codes Administration Director for Fairview Township, testified that this application was triggered by a Notice of Violation (Township Exhibit 1) which the Township sent to the Applicants when his investigation established that the business had been started and was operating without the required permit. Mr. Waller requested that the Board consider the practical enforceability of any conditions which the Board might attach to a special exception, if granted.

9. With respect to on site septic system impacts, if any, Mr. Waller further testified that the Township Sewage Enforcement Officer could not express an opinion about whether the on-site septic system was adequate without knowing the number of people to be present each day. The Applicants testified that because sessions would be limited to 45 minutes, there would be very limited use of the bathroom facilities on-site and shower facilities will not be included in the business facilities.

## CONCLUSIONS

1. Pursuant to Section 300-20 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 300-76.J and 300-99.E.3 of the Zoning Ordinance.

2. The Applicants demonstrated that the proposed personal training studio will comply with all of the standards established under Section 300-76.J of the Zoning Ordinance, and further established all of the general criteria for special exceptions set forth in Section 300-99.E.3 of the Zoning Ordinance will be satisfied. Therefore, on the basis of the hearing testimony and documentary evidence, the requested special exception for the proposed personal training studio should be granted, subject to the following condition.

3. A home occupation is not intended to be a full time, clientele-servicing business at a residential location. It must “remain . . . secondary and clearly incidental to and compatible with the residential dwelling.” Fairview Township Zoning Ordinance Section 300.J.(1). Therefore, the personal training studio shall not be operated more than 4 days per week, with hours of operation between the hours of 4:00 pm and 8:00 pm on weekdays and 8:00 am to 8:00 pm on weekends.

**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 personal training studio as a home occupation at the Applicants' residence, 764 Old Quaker Road, Lewisberry, PA 17339, subject to the condition that it be operated no more than 4 days per week with the hours of operation limited to weekdays from 4:00 p.m. until 8:00 p.m and weekends from 8:00 a.m. until 8:00 p.m.

The application was approved upon the motion made by Mr. Mader, seconded by Mr. Bashore and adopted 3-0 by the Board members present and voting.

FAIRVIEW TOWNSHIP ZONING HEARING  
BOARD

Dated: June 27, 2018

By:   
\_\_\_\_\_  
Timothy C. Mader, Chairman

Distribution:  
*Applicants*



ZONING HEARING BOARD APPLICATION

YORK COUNTY, PENNSYLVANIA

❖ Part 1:

APPLICANT(S)/EQUITABLE OWNER

Name: Ronald Bell Heiar-Bell  
Address: 764 Old Quaker Rd  
Lewisberry PA 17339  
Phone: 717 495-0469 / 717 487-9242

EXISTING OWNER OF PROPERTY:

Name: Same  
Address: 764 Old Quaker Rd  
Lewisberry Pa 17339

PROPERTY LOCATION:

Address: 764 Old Quaker Rd  
Lewisberry PA 17339  
Lot Size: 1 acre  
Date Purchased: 7/7/17  
Location:

PRESENT USE OF PROPERTY:

Primary Residence

EXISTING ZONE: RL

❖ Part 2:

ZONING REQUEST (Identification of the applicable request(s)):

- SUBSTANTIVE CHALLENGE
- SPECIAL EXCEPTION
- VARIANCE
- APPEAL OF THE ZONING OFFICERS DECISION

SECTION(S) OF ZONING ORDINANCE WHICH APPLY TO THIS REQUEST - Please identify the specific section(s) of the Zoning Ordinance involved in the request:

Ord 2014-5 Art. X 300-15 Permitted uses in RL Zoning  
Home occupation SE criteria noted in 300-76 Section J

❖ Part 3:

DESCRIPTION OF REQUEST:

We are seeking a special exception to operate a home business at our home



