

IN THE MATTER OF THE : BEFORE THE FAIRVIEW TOWNSHIP  
APPLICATION OF : ZONING HEARING BOARD  
MARVIN & ANNE MARIE BESHORE : YORK COUNTY, PENNSYLVANIA  
: DOCKET NO. 2019-04

**DECISION GRANTING THE REQUESTED VARIANCES TO SECTIONS 300-64  
THROUGH 300-68 AND SECTION 300-76.P. OF THE FAIRVIEW TOWNSHIP  
ZONING ORDINANCE TO PERMIT ERECTION OF SIGNS ALONG PLEASANT  
VIEW ROAD AND GURTNER ROAD RELATED TO APPLICANTS' ORGANIC  
PRODUCE/VEGETABLE BUSINESS AND ROADSIDE STAND**

The Applicants applied for variances to the Fairview Township Zoning Ordinance, Article IX, Exterior Signs and Outdoor Display Structures (§300-64 through §300-68) and to the Fairview Township Zoning Ordinance §300-76.P. – Roadside stand. The Applicants are requesting to place signs along Gurtner Road and Pleasant View Road directing customers to the farm stand which is located along Gurtner Road. A hearing on the application was held on April 18, 2019 at 7:00 p.m. at the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

**Findings of Fact**

1. The Applicants and owners of the subject property are Marvin and Anne Marie Beshore of at 411 Gurtner Road, New Cumberland, Fairview Township, Pennsylvania.
2. The subject property is located in the RS Single-Family Residential Zoning District.
3. The subject property contains approximately 23 acres and is improved with a single-family dwelling, a barn, a 100 feet long unheated food house, a heated propagation house, a caterpillar tunnel (also known as hoop house) and a farm stand.

13. As depicted in Exhibits A-1 through A-4, the sign along Gurtner Road has two sides, as do the changeable panels, so that they can be read by motorists traveling either direction on Gurtner Road.

14. Section 300-76.P. allows only signs affixed to the roadside stand itself, and limits the area to five (5) square feet.

15. Applicants are requesting a variance to permit the sign to be affixed to the fence rather than the roadside stand itself, and a variance of nineteen (19) square feet so that the total sign area on both sides of the sign and changeable panels does not exceed twenty-four (24) square feet.

16. The roadside stand has a banner sign on it now and Applicants are requesting a variance to place signage of not more than twelve (12) square feet on the roadside stand.

17. Exhibits A-5 through A-8 are computer images of the proposed signs to be placed along Pleasant View Drive on Applicants' property.

18. Applicants propose to attach the two signs to three posts in a triangular configuration at an angle to maximize visibility to motorists traveling either direction on Pleasant View Road.

19. Each of the two sign faces will be three (3) feet by four (4) feet, for a total sign area of 24 square feet.

20. No part of the sign is proposed to be located closer than twenty-seven (27) feet from the centerline of Pleasant View Road.

21. Applicants testified that the requested size of the signs on Pleasant View Road and on Gurtner Road are necessary in order to be safely viewed by motorists traveling at the posted speed limit. Using signs of the specified size would be a safety issue in that they would

not be easily read by passing motorists and there is no pull off area for motorists to stop to read a sign with smaller print.

22. Although the Applicants were requesting relief from the provisions of the Zoning Ordinance dealing with directional signs, Stephen M. Waller, Codes Administration Director, testified that he concurred with Applicants' characterization of the Township's sign ordinance as outdated. He said that the signs requested by Applicant along Pleasant View Road are not really directional signs in that they are on the premises of Applicant, as opposed to another property owner.

23. Mr. Waller stated that the sign is more appropriately classified as a rural occupation sign, permitted by Section 300-64.S. of the Zoning Ordinance which permits one rural occupation sign not to exceed four (4) square feet in all zoning districts.

24. In that Applicants' property is 23 acres of agricultural land, and is the largest parcel of agricultural land in the RS Single-Family Residential Zoning District, a sign of only four (4) square feet is unreasonably small to identify the permitted agricultural use of the property.

25. Applicants are requesting a variance of 20 square feet to permit the rural occupation signs on Pleasant View Road to be no greater than 24 square feet in area.

26. Section 300-67.C. of the Zoning Ordinance provides that no part of a sign shall be located within ten (10) feet of a public right-of-way.

27. Accordingly, the signs proposed for Pleasant View Road require a variance of eight (8) feet in that as proposed they are only 27 feet from the center line of Pleasant View Road.

28. Applicants testified that they cannot meet the additional ten (10) feet setback from the public right-of-way because of existing trees and vegetation along Pleasant View Road which would need to be removed in order for the signs to be visible.

29. Applicants' testimony as confirmed by the Codes Administration Director, demonstrate that the general criteria for grant of a variances were met.

30. The requested variances as to the placement of the signs at the roadside stand and the rural occupation signs are necessary to enable the reasonable use of the property to maintain the viability of the farm stand and agricultural operation.

31. The characteristics of the property are unique in that it is a large agricultural tract located within the RS Single-Family Residential Zoning District and has frontage on two public roads.

32. The proposed sizes of the signs and the proposed locations for the signs will enhance the visibility to motorists traveling in either direction on both Pleasant View Road and Gurtner Road. Further, the variance from the sign area limitations set forth in the Zoning Ordinance are necessary to enable motorists to see and read the signs while traveling within the speed limit.

### **Conclusions**

1. The Applicants have the burden of establishing their entitlement to the requested variances in accordance with the Fairview Township Zoning Ordinance Section 300-99.E.

2. On the basis of the testimony and documentary evidence presented, the Board concludes that the Applicants have established entitlement to the requested variances relating to the location and size of the roadside stand, sign and the rural occupation signs.

### **Decision**

On the basis of the foregoing findings and conclusions, and on the basis of all the testimony and evidence presented to the Board at the hearing, the following requested variances relating to the installation of signs are granted:

1. A variance is granted from the provisions of the roadside stand ordinance provisions in Section 300-76.P. to permit placement of the sign on the fence with a total sign area not to exceed twenty-four (24) square feet;

2. A variance is granted from the provisions of the roadside stand ordinance to permit signage of not more than twelve (12) square feet on the roadside stand.

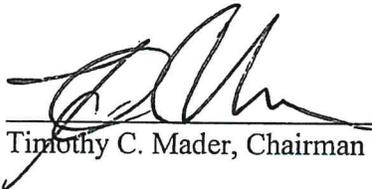
3. With respect to the proposed signs along Pleasant View Road, a variance is granted permitting a second rural occupation sign and a variance is granted to permit the total sign area of both signs not to exceed 24 square feet; and

4. A variance is granted from the provisions of the Zoning Ordinance which states that a sign can be no closer than ten (10) feet from a public right-of-way, in order for the signs to be only 27 feet from the centerline of Pleasant View Road.

The Application was granted as stated upon the motion of Mr. Perry, seconded by Mr. Bashore, and adopted 3-0 by the Board Members present and voting.

FAIRVIEW TOWNSHIP ZONING  
HEARING BOARD

DATE: May 28, 2019



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Timothy C. Mader, Chairman



ZONING HEARING BOARD APPLICATION  
MAY 19 2008 YORK COUNTY, PENNSYLVANIA

❖ Part 1:

**APPLICANT(S)/EQUITABLE OWNER**  
Name: Marvin and Anne Marie Beshore  
Address: 411 Gurtner RD.  
New Cumberland, PA 17070  
Phone: 717-991-9476

**EXISTING OWNER OF PROPERTY:**  
Name: Marvin and Anne Marie Beshore  
Address: 411 Gurtner Rd.  
New Cumberland, PA  
717-991-9476

**PROPERTY LOCATION:**  
Address: 411 Gurtner Rd.  
New Cumberland PA 17070  
Lot Size: 23.01 ac.  
Date Purchased: 1980; 2017  
Location: East of Pleasant View Rd.,  
South and West of Gurtner Rd.

**PRESENT USE OF PROPERTY:**  
Farm

**EXISTING ZONE:** R-S

❖ Part 2:

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

- ( ) SUBSTANTIVE CHALLENGE
- ( ) SPECIAL EXCEPTION
- ( X ) 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):**

Article IX. Exterior signs and outdoor display structures.  
Sections 300-64 -- 300-68; 300-76.P (Roadside stands).

❖ Part 3:

**DESCRIPTION OF REQUEST:**

Please see attached "Description."  
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Zoning hearing application – narrative:

**Sections of Zoning Ordinance which apply to this request:**

Article IX. Exterior signs and outdoor display structures. Sections 300-64 – 300-68; 300-76.P (Roadside stands).

**DESCRIPTION OF REQUEST:**

This request is for a variance, or variances, to allow signs for our organic produce/vegetable stand to be both along Gurtner Road and along Pleasant View Road, with the sizes and configuration described below and shown on the picture and drawings submitted; and that signage on the stand itself also be allowed.

Our parcel of 23 acres is one of a small number of 20+ acre parcels in the R-S district in the Township. The parcel has frontage on both Pleasant View Road and Gurtner Road. The use for vegetable farming is a permitted agricultural operation. We are growing fresh, USDA-certified organic vegetables for direct sale to consumers, as well as sale to restaurants, stores, and some limited wholesale sales. Direct sales to consumers on site is from the farm stand located at 411 Gurtner Road, adjacent to the primary produce fields, hoophouse, barn and our residence. The farm stand is a permitted accessory structure and it is located at a permitted location off Gurtner Road.

We are requesting approval of signage along Pleasant View Road and Gurtner Road to direct customers to the farm stand. The proposed signage along Pleasant View Road is depicted on the attachment. It is proposed to be two-sided, 3 feet x 4 feet in area, visible to traffic traveling both north and south on Pleasant View Road. The signage along Gurtner Road is pictured and affixed to the deer fencing around the vegetable fields. The signage on the farm stand is not affixed to the building, excepting the organic certification sign.

The roadside stand ordinance, 300-76.P, allows only signs which are affixed to the stand itself. The general sign ordinance sections (300-64 to 300-68) allow directional signs for nonresidential uses to be in the R-L District only. Our request for variances from these limitations is based on the following considerations:

- The large – 23 acre + parcel – is one of only a few such sized parcels in the R-S district; therefore the ordinance uniquely applies to our parcel.
- The parcel has frontage on 2 roads.
- The proposed signs will not be hazardous to traffic in any respect.
- The proposed signs are reasonable accessory uses, necessary for the viability of the farm stand.

❖ Part 4

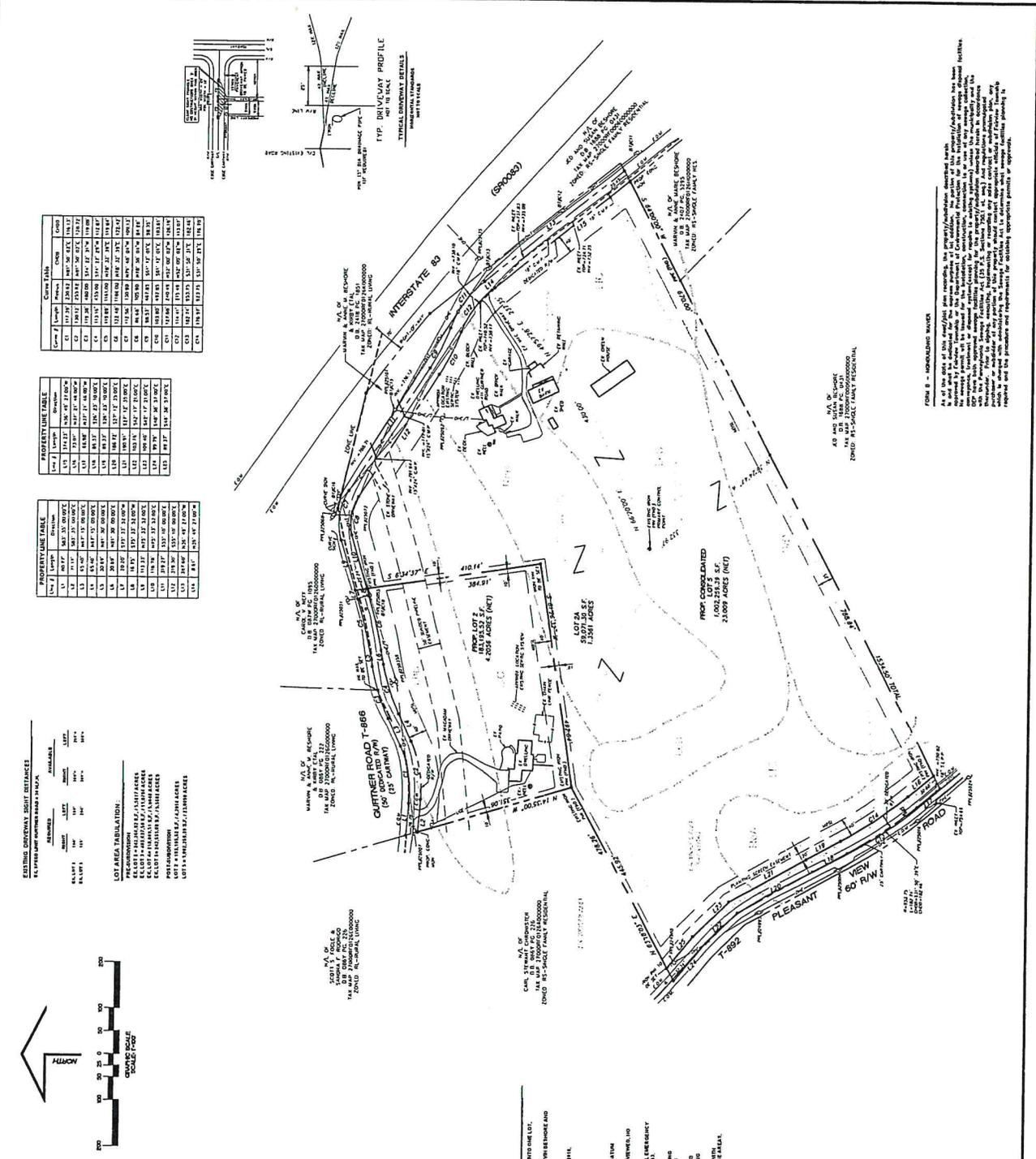
LIST ALL INDIVIDUAL PROPERTY OWNERS WITHIN 200 FEET OF THE PERIMETER OF THE ENTIRE PROPERTY.

NAME	ADDRESS	USE TYPE
Dougherty, Joy	401 Gurtner Rd., New Cumberland	R
Chronister, Carl	390 Pleasant View ERd., New Cumberland	R
Benyou, Timothy	393 Pleasant View Rd., New Cumberland	R
Benyou, John M. and Eileen	Pleasant View Rd., New Cumberland	R vacant
Benyou, John Melvin and Eileen	Pleasant View Rd., New Cumberland	R vacant
Benyou, John M. and Eileen	407 Pleasant View Rd., New Cumberland	R
Benyou, John Melvin and Eileen	Lot 1 ALG Pleasant View Rd., New Cumberland	R vacant
Benyou, John M. and Eileen	411 Pleasant View Rd., New Cumberland	R
Beshore, Marvin and Anne Marie et al	Gurtner Rd., next to I-83	R vacant
Beshore, Jed and Susan S.	396 Old York Rd., New Cumberland	F
Neff, Carol V.	398 Gurtner Rd., New Cumberland	R

PRELIMINARY/FINAL SUBDIVISION PLAN  
OF  
401 AND 411 GUTNER ROAD

DESIGN: C.A.H.  
DRAWN: J.S.S.  
DATE: 1/23/2018  
SCALE: 1"=100'  
FILE: 215104  
DWC: SUB-2518

NO.	DATE	DESCRIPTION
1	2-21-18	REVISED PER TOWNSHIP-ENGINEER COMMENTS
2	4-1-18	REVISED PER TOWNSHIP-ENGINEER COMMENTS



**LEGEND**

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- MEDIUM BUILDING SETBACK LINE
- 1/4" CONTOUR INTERVAL
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC
- UTILITY POLE
- TREELINE
- SOIL BOUNDARY LINE
- PROPOSED CONCRETE MONUMENT

**SOIL LINE INFORMATION:**

BOC - BREVINCOR CHERRYBELT CLAY TO SIX TILES  
 POC - BREVINCOR CHERRYBELT CLAY TO SIX TILES  
 LOP - LORVILLE LOAM, 10 TO 15 TILES, VERY STONY  
 LAC - LORVILLE LOAM, 10 TO 15 TILES  
 PAC - PLEASANT CLAY TO SIX TILES  
 POC - PLEASANT CLAY TO SIX TILES  
 POC - PLEASANT CLAY TO SIX TILES

**ZONING INFORMATION: LOTS 2 THROUGH 5**  
 ZONE: R-1 - SINGLE FAMILY RESIDENTIAL  
 MINIMUM LOT AREA: 10,000 SQ. FT.  
 MINIMUM FRONT YARD SETBACK: 10 FT.  
 MINIMUM SIDE YARD SETBACK: 5 FT.  
 MINIMUM REAR YARD SETBACK: 5 FT.  
 MINIMUM FRONT SETBACK: 5 FT.  
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 MINIMUM SIDE SETBACK: 5 FT.  
 MINIMUM FRONT SETBACK: 5 FT.  
 MINIMUM REAR SETBACK: 5 FT.  
 MINIMUM SIDE SETBACK: 5 FT.

**GENERAL NOTES:**

- THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT 1 AND LOT 2 INTO ONE LOT.
- A REVIEW SHALL BE PREPARED BY THE TOWNSHIP ENGINEER AND COMPLETED BY JANUARY 1, 2018.
- NOT COMPLETED BY THE TOWNSHIP ENGINEER AND COMPLETED BY JANUARY 1, 2018.
- PERMITS FOR THE SUBJECT TRACT SHALL BE OBTAINED BY THE OWNER AND MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
- THESE NOTES SHALL BE READ IN CONJUNCTION WITH THE PLANS AND SPECIFICATIONS AND SHALL BE CONSIDERED PART OF THE CONTRACT.
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**PROPERTY LINE TABLE**

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EXHIBIT  
A-1  
4/18/19 ONK

Beshore Hill FARM

SPINACH  
BEETS  
SWEET POTATOES

EXHIBIT

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EXHIBIT  
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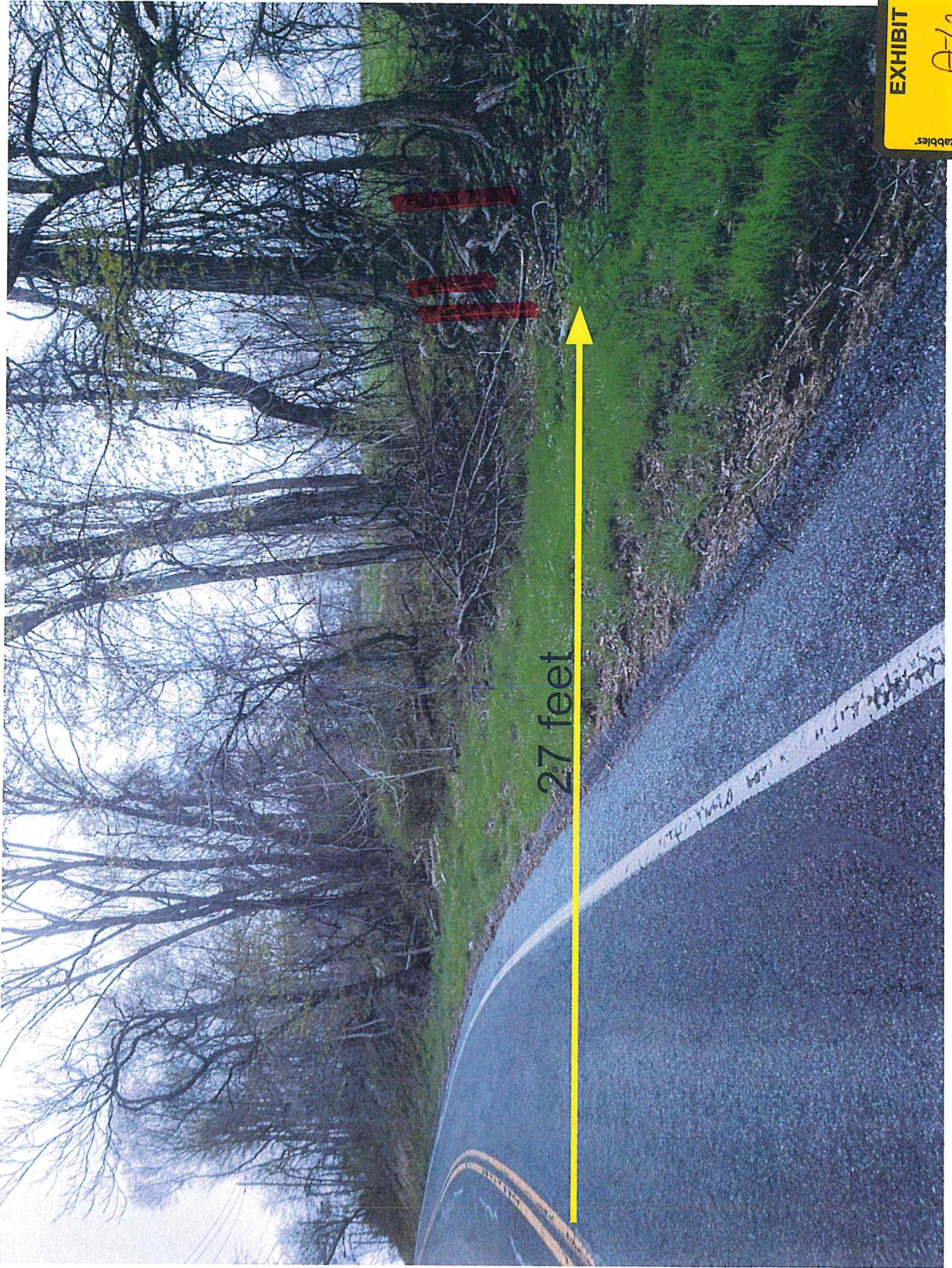


EXHIBIT  
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407 Pleasant View Rd  
New Cumberland, Pennsylvania  
Google  
Street View - Aug 2011

**Beshore Hill**  
FARM  
Organic Vegetables  
Turn on Gurtner Rd



Google

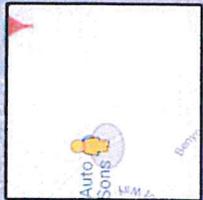


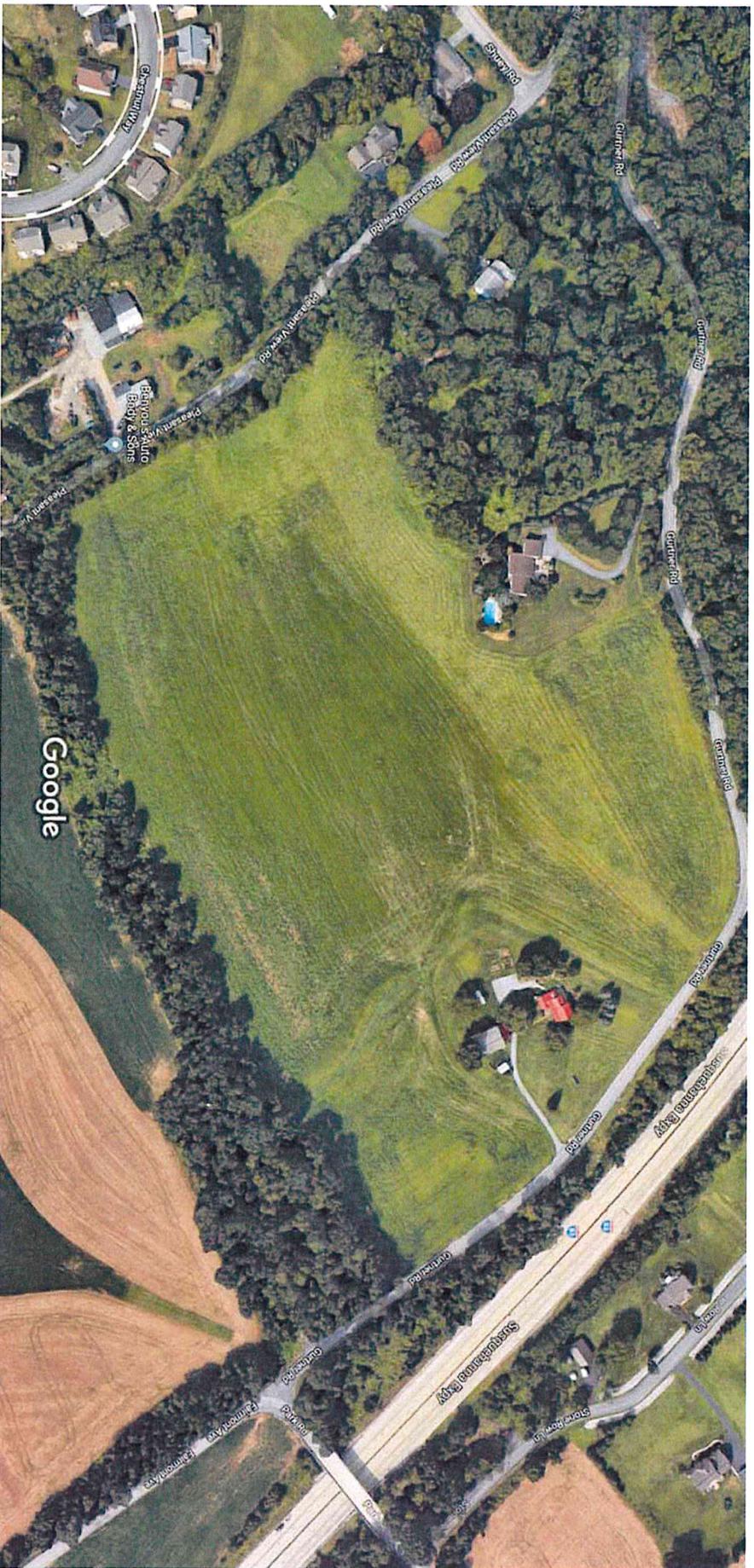
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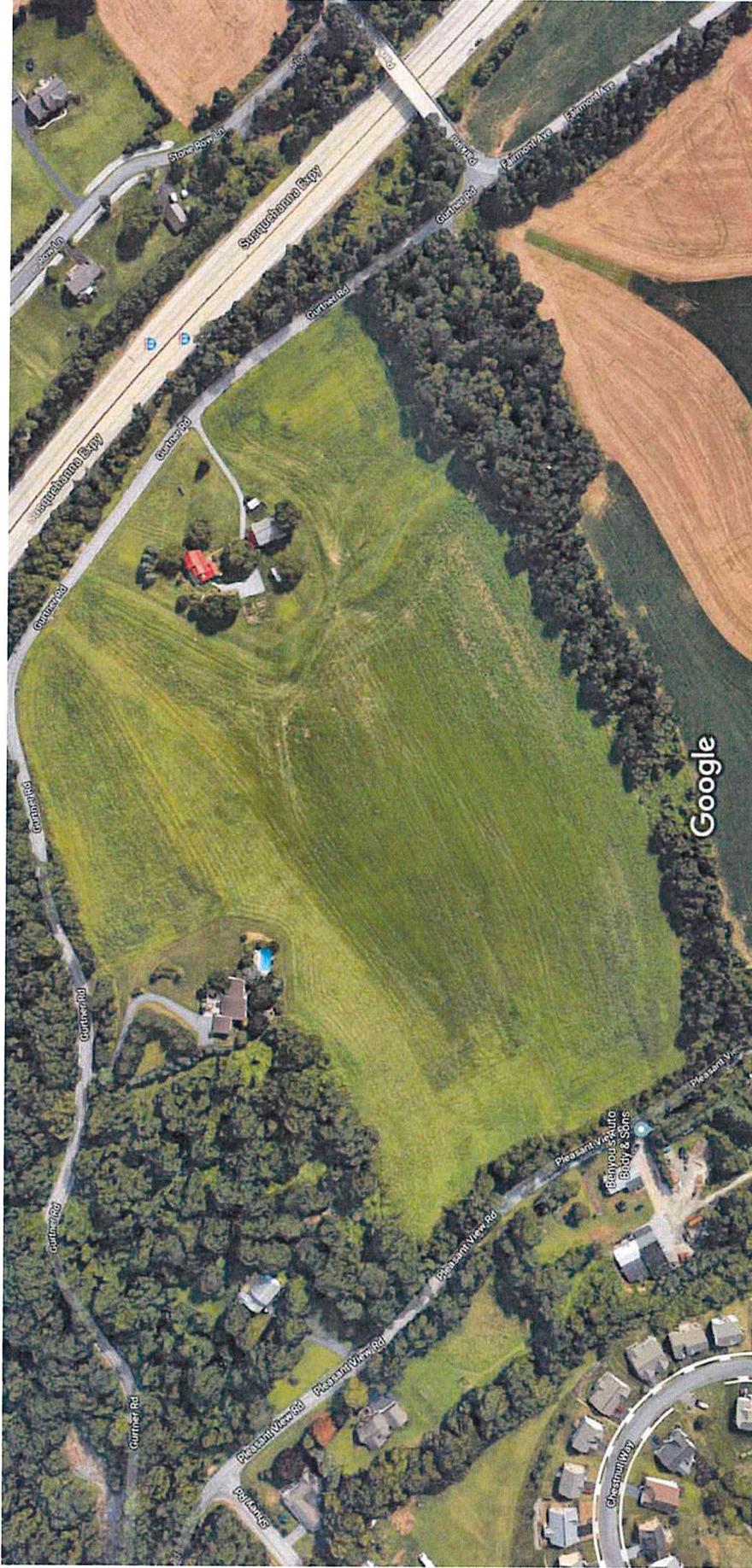
EXHIBIT  
A-8  
L118/19 OK

Google





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