

BEFORE THE ZONING HEARING BOARD

TOWNSHIP OF EAST LAMPETER

IN RE: :  
: No. 2014-01  
APPLICATION OF MERVIN B. KING :

DECISION

I. FINDINGS OF FACT

1. Applicant is Mervin B. King, 2360 South View Drive, Lancaster, Pennsylvania 17602 ("Applicant").
2. The property which is the subject of the instant application is 2360 South View Drive, East Lampeter Township, Lancaster County, Pennsylvania (the "Property").
3. Applicant is the owner of the Property.
4. The Property is located in the Residential District R-2 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 Revised Zoning Ordinance of East Lampeter Township - 1990 (the "Zoning Ordinance").

6. A public hearing was held before the Zoning Hearing Board of East Lampeter Township ("Board") on this application on January 9, 2014.

7. Testimony at the hearing was stenographically recorded.

8. Applicant appeared personally at the hearing.

9. Myron Bauman, of 2355 South View Drive, Lancaster, Pennsylvania 17602, completed an entry of appearance form and was recognized as a party.

10. The Property is currently improved with a single family detached dwelling.

11. Applicant resides in the dwelling located upon the Property.

12. The dwelling contains approximately 2,450 square feet of livable floor space.

13. Applicant desires to conduct a home occupation involving the sale of Shaklee products.

14. Shaklee products include food supplements, home cleaning products, and skin care products.

15. A 240 square foot area (12 x 20) of the dwelling will be used for the home occupation.

16. There would be no nonresident employees of the home occupation.

17. The proposed home occupation will be incidental or secondary to the use of the Property as a dwelling and is an occupation which is customarily conducted within a dwelling.

18. There may be one person per day who comes to the Property to pick-up products. Most times, Applicant mails the products directly to his customers (or makes deliveries himself by van).

19. UPS may make deliveries to the Property once or twice a month.

20. Applicant does not anticipate holding Shaklee parties at the Property. Parties may be held at customer locations.

21. No displays or alterations to the outside of the dwelling will indicate that the dwelling is being utilized for purposes other than a dwelling.

22. There will be no external storage of materials or products and there will be no storage of materials or products in accessory structures. Applicant stores the products within the 12 x 20 office area of the dwelling.

23. No manufacturing, repairing or other mechanical work will be performed in any open exterior area.

24. No goods will be visible from outside the dwelling.

25. There is adequate parking located on the Property for both the residential use and the home occupation use (6 spaces).

## 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 902.7 of the Zoning Ordinance permits home occupations by special exception within the Residential District R-2 subject to the provisions of Section 1916.

3. The proposed use fits within the definition of the term "home occupation" in Article IV of the Zoning Ordinance.

4. Applicant's application complies with the specific requirements of Section 1916 of the Zoning Ordinance.

5. Applicant has demonstrated compliance with the general requirements for all special exceptions set forth in Section 1901 of the Zoning Ordinance.

6. 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 Mervin B. King for a special exception pursuant to Section 902.7 of the Zoning Ordinance for the operation of a home occupation involving the sale of Shaklee products at property located at 2360 South View Drive, Lancaster, Pennsylvania. 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:

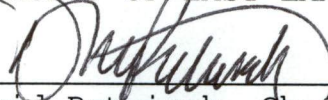
1. Applicant shall obtain all approvals and permits required by applicable federal, state and Township laws and regulations.

2. Applicant shall at all times comply with and adhere to the information and representations submitted with and contained in his application and the evidence presented to the Board at the hearing held on January 9, 2014.

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 his heirs and assigns.

ZONING HEARING BOARD OF THE  
TOWNSHIP OF EAST LAMPETER

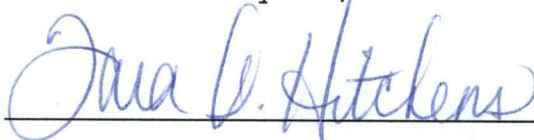
  
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David Petrisek, Chairman

  
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James Glick, Vice-Chairman

  
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Walter Siderio, Secretary

Dated and filed January 23, 2014, after hearing held on January 9, 2014.

The undersigned certifies that a copy of this Decision was served upon all parties on or prior to January 24, 2014.

  
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