

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP
THE APPLICATION OF : ZONING HEARING BOARD
CYNTHIA IRWIN : CUMBERLAND COUNTY, PENNSYLVANIA
: DOCKET NO. 2016-03

DECISION GRANTING A SPECIAL EXCEPTION

The Applicant seeks a special exception to establish a hair salon as a home occupation. A hearing was held before the Board on November 17, 2016.

FINDINGS OF FACT

1. Notice of the hearing was properly advertised, the subject property was posted, and all property owners required to be notified of the hearing were notified in accordance with the Codified Ordinances.

2. The Applicant is Cynthia Irwin, who resides at 310 Pinewood Drive, Shiremanstown, PA 17011.

3. The Applicant is an owner of the subject property, which is located in an R-1 Zoning District within an established residential neighborhood.

4. The subject property is a lot improved with a single family detached dwelling of approximately 2,500 square feet in area, known as 310 Pinewood Drive.

5. The Applicant wishes to establish a non-chemical hair salon as a home occupation. She intends to devote 311 square feet of space to the salon.

6. The Applicant will primarily serve customers at their place of residence, but is required to have a home-based shop. She estimates that she will have only 10 customers per month at her shop, one customer at a time, by appointment only.

7. The Applicant will make no changes to the exterior of the dwelling, and will have no employees.

8. Several nearby residents expressed concerns about commercial activity in the neighborhood, such as traffic and diminution of property values.

CONCLUSIONS OF LAW

1. The Board's jurisdictional authority to decide a request for a special exception is provided in Section 220-269(B)(6) and (D) of the Codified Ordinances.

2. Because Applicant will have customers come to her residence, her proposed use is not a "no impact home-based business", and can be established only by special exception under section 220-165(B) of the Codified Ordinances.

3. To establish such a special exception, the Applicant must satisfy the requirements of section 220-165(B), and demonstrate compliance with all applicable provisions of sections 220-165(A) and 220-269(D) of the Codified Ordinances.

4. The Applicant has established compliance with all of the standards and criteria for the requested special exception.

5. The proposed special exception will not be detrimental to the public health, safety or welfare.

DECISION

Based upon the foregoing findings and conclusions, and in consideration of the testimony and evidence presented to the Board, it is the decision of the Board that Applicant's request for a special exception be and is approved, subject to the following conditions:

1. the Applicant shall satisfy all requirements of the Lower Allen Township Authority; and

2. the Applicant shall maintain strict conformance with the testimony, evidence and plans submitted to the Board.

LOWER ALLEN TOWNSHIP ZONING
HEARING BOARD



Solicitor

Date: 11.29.2016