

IN THE MATTER OF : BEFORE THE LOWER ALLEN TOWNSHIP  
THE APPLICATION OF : ZONING HEARING BOARD  
KACIE HENLEY : CUMBERLAND COUNTY, PENNSYLVANIA  
: DOCKET NO. 2019-02

**DECISION GRANTING A SPECIAL EXCEPTION**

The Applicant seeks a special exception to establish a pet grooming shop as a home occupation, with a sign. A hearing was held before the Board on April 18, 2019.

**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 Kacie Henley, who resides at 132 Yorkshire Drive, Mechanicsburg, PA 17055.
3. The subject property is owned by Tim Warzynski, who also resides there.
4. The subject property is a lot in an R-1 District, improved with a single family detached dwelling known as 132 Yorkshire Drive.
5. The Applicant wishes to establish as a home occupation a pet grooming shop in the basement of the dwelling.

6. The Applicant's approximate hours of operation shall be from 9 o'clock A.M. to 3 o'clock P.M. on Wednesday, and 9 o'clock A.M. to 2 o'clock P.M. on Saturday and Sunday.

7. The Applicant will make no changes to the exterior of the dwelling, and will have no employees. She does not anticipate having more than 5 customers a day, and does not expect any overlap in appointments.

8. The Applicant proposes to erect a sign, not exceeding 6 square feet in area, in a location permitted by township codes and ordinances. The sign will not be illuminated.

9. Two nearby residents expressed concerns about odor, noise, possible expansion, and signage.

#### **CONCLUSIONS OF LAW**

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

2. Because Applicant will have customers come to the 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. there shall not be more than one sign on the subject property;

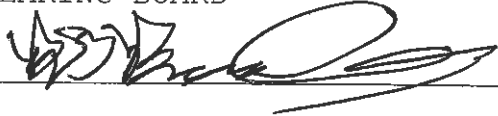
2. the Applicant shall not erect a sign until she has applied for and received a permit to do so;

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

Applicant is advised that the Lower Allen Authority may verify the quantity and quality of wastewater discharge from the subject property.

Dated: 5-1-2019

LOWER ALLEN TOWNSHIP ZONING  
HEARING BOARD



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Solicitor