

**BEFORE THE ZONING HEARING BOARD OF CARROLL TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

IN RE:	:	
	:	
SPECIAL EXCEPTION APPLICATION :	:	Docket No.: 2022-006
OF DIANE AND ROY SWAISGOOD :	:	Hearing Date: June 27, 2022
	:	
<i>Applicant.</i>	:	
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FINAL DECISION

AND NOW, this 27th day of June, 2022, after consideration and a hearing upon the special exception application of Diane and Roy Swaisgood, the Zoning Hearing Board of Carroll Township hereby grants Applicant’s special exception application for a home occupation use (hair salon) at 25 Wooded Run Drive, Dillsburg, PA 17019.

FINDINGS OF FACT

1. The applicant for this special exception for a home occupation use (hair salon) is Diane and Roy Swaisgood (hereinafter, “Applicant”).
2. The Applicant owns and controls the real property situate at 25 Wooded Run Drive, Dillsburg, Pennsylvania 17019 (UPI #: 20-000-07-0031.00-00000) (hereinafter, “Property”).
3. Applicant’s Property is located in the Residential Suburban – 2 (“RS-2”) Zoning District of Carroll Township.
4. A hearing upon Application 2022-006 was held before the Zoning Hearing Board of Carroll Township (hereinafter, “Board”) on June 27, 2022, at approximately 6:15 P.M.
5. The Board conducted this hearing at the Carroll Township Municipal Building located at 555 Chestnut Grove Road.

6. A quorum of Board members were present to hear Applicant's request for a home occupation use (hair salon), which is permitted by special exception in the RS-2 Zoning District pursuant to §450-204.B of the Carroll Township Zoning Ordinance (hereinafter, "Ordinance").

7. Brandon Slatt, Zoning Officer of Carroll Township (hereinafter, "Slatt"), was duly sworn in and provided the following testimony:

- (a) the Property was posted and notice was provided to the appropriate parties in accordance with the law;
- (b) the hearing was advertised in accordance with the Ordinance; and
- (c) the application fee was paid by the Applicant.

8. The Applicant was not represented by counsel and was duly sworn in.

9. The following exhibits were introduced by Applicant and admitted by the Board:

- (a) Exhibit A-1 – proposed floor plan for hair salon; and
- (b) Exhibit A-2 – proposed floor plan for lavatory.

10. Applicant provided the following general testimony in relation to the proposed home occupation use (hair salon):

- (a) Applicant intends to convert approximately half of the two-car garage located at the Property into a hair salon.
- (b) Applicant intends to have a handicap-accessible lavatory constructed that is available for customer use.

11. Regarding the specific criteria for home occupation uses, the Applicant testified:

- (a) The primary use of the Property is as a dwelling for living purposes and that the proposed home occupation use would be incidental to this primary use.

- (b) The proposed hair salon would be approximately two hundred thirty-four (234) square feet, which is in excess of the amount requested in Applicant's application.
 - (c) Applicant would be the sole operator of the salon and would not have any other employees.
 - (d) The hair salon would not serve more than one or two customers at any time and the driveway of the Property contains adequate parking space for this clientele.
12. Regarding the general criteria for a special exception, the Applicant testified:
- (a) The proposed home occupation use would not detract from the use and enjoyment of adjoining or nearby properties, nor would it substantially change the character of the subject property's neighborhood.
 - (b) The proposed home occupation use will satisfy each of the general criteria outlined in §450-605.B of the Ordinance.
13. In response to questions posed by the Board, the Applicant testified as follows:
- (a) Applicant intends to obtain the necessary licensure from the State Board of Cosmetology necessary for operating a hair salon business and for rendering these types of services.
 - (b) Applicant intends to install a door and a window, which will not alter the appearance of the building as a dwelling unit.
 - (c) Applicant intends to sell merchandise, such as hair spray, shampoo, and conditioner, in relation to the proposed home occupation use, but only to the salon's customers and during the times Applicant provides said services.

- (d) The Property is not subject to any homeowners' association covenants or restrictions that might prohibit such a home occupation use.
- (e) The garage doors will be rendered inoperable during the home occupation use and the services being rendered will not be visible from the exterior of the Property.

14. Slatt testified that while no home occupation uses have been requested in the RS-2 Zoning District since 2014, similar applications for home occupation uses have been granted in the Residential Agricultural Zoning District in recent years.

15. Slatt testified that the Applicant would need to obtain a building permit prior to converting the Property's garage into a salon.

16. Slatt testified that the Applicant would need to obtain a permit for the Applicant's proposed sign, and that this signage approval needed to be addressed by a separate procedure.

17. Slatt testified that the Property is not located within the Township's flood plain.

CONCLUSIONS OF LAW

18. The Board finds that the Applicant has offered sufficient evidence and testimony to warrant the grant of the special exception in this case.

19. The Board finds that a home occupation use is permitted in the RS-2 Zoning District of Carroll Township by special exception, as set forth in §450-204.B of the Ordinance.

20. The Board finds that the Applicant has offered sufficient evidence and testimony to establish compliance with the specific criteria for home occupations, as set forth in §450-334 of the Ordinance.

21. The Board finds that the Applicant has offered sufficient evidence and testimony to establish compliance with the general criteria for all special exceptions, as set forth in §450-605.B of the Ordinance.

A motion was made and seconded to approve the special exception of §450-204.B of the Ordinance to allow a home occupation use (hair salon) at 25 Wooded Rune Drive, as per the testimony.

The motion passed unanimously with a vote of 3-0.

BOARD SIGNATURES:


Gary Reihart, Chairman


Richard Gensler, Vice-Chairman


Frank Setlak, Secretary

Dated: 8-1-22

Date of Mailing: 8-1-22

Note: Any party aggrieved by this decision may appeal to the Court of Common Pleas of York County within thirty (30) days of the date of this written decision.