

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

IN RE: :
:
SPECIAL EXCEPTION APPLICATION: : **Docket No.: 2022-013**
OF GEORGE AND NOELLE :
ROMANACCE :
: **Hearing Date: December 13, 2022**
Applicant. :
_____ :

FINAL DECISION

AND NOW, this 13th day of December 2022, after consideration and a hearing upon the special exception application of George and Noelle Romanacce, the Zoning Hearing Board of Carroll Township hereby denies Applicant’s special exception application for a home occupation use (dance studio) at 46 Wooded Run Drive, Dillsburg, PA 17019.

FINDINGS OF FACT

1. The applicant for this special exception for a home occupation use (dance studio) is George and Noelle Romanacce (“Applicant”).
2. The Applicant owns and controls the real property situate at 46 Wooded Run Drive, Dillsburg, Pennsylvania 17019 (UPI #: 20-000-07-0002.00-00000) (“Property”).
3. Applicant’s Property is located in the Residential Suburban – 2 (“RS-2”) Zoning District of Carroll Township.
4. On November 8, 2022, Applicant submitted an application to the Township for a special exception home occupation use (dance studio), pursuant to § 450-204.B of the Zoning Ordinance of Carroll Township (“Zoning Ordinance”).
5. A hearing upon Application 2022-013 was held before the Zoning Hearing Board of Carroll Township (“Board”) on December 13, 2022, at approximately 6:45 P.M.

6. The Board conducted this hearing at the Carroll Township Municipal Building located at 555 Chestnut Grove Road, Dillsburg, PA 17019.

7. Chairman Reihart, Board Member Setlak, and Board Member Gensler were present to hear and vote on Applicant's request for a home occupation use (dance studio), and were joined by Alternate Members Weaver and Heishman (who did not vote on this application).

8. Brandon Slatt, Zoning Officer of Carroll Township ("Zoning Officer"), 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 Zoning Ordinance; and
- (c) the application fee was paid by the Applicant.

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

10. The following exhibits were introduced by the Applicant and, upon motion by the Board, admitted into the record:

- (a) Exhibit 1 – Current Schedule of Dance Lessons Offered;
- (b) Exhibit 2 – Letters in Support of Applicant's Use;
- (c) Exhibit 3 – Aerial Image of Proposed Parking on Property;
- (d) Exhibit 4 – Applicant's Narrative Accompanying Application;
- (e) Exhibit 5 – Applicant's Site Plan of the Property; and
- (f) Exhibit 6 – ArcGIS Image of Applicant's Property.

11. Applicant provided the following general testimony in relation to the proposed home occupation use (dance studio):

- (a) Applicant provides dance lessons out of the garage located on the Property and the name of her business is Proclaim Performing Arts;
- (b) The area used by Applicant for these dance lessons is less than five hundred (500) square feet;
- (c) Applicant occasionally keeps the garage door open during these lessons, but attempts to be considerate regarding the volume level of the music;
- (d) Applicant's proposed use would not entail any structural changes of the Property, nor the display of any signage or other markings;
- (e) Currently, Applicant provides dance lessons on Monday through Thursday afternoons/evenings, and a morning lesson on Tuesdays;
- (f) Applicant's students range between three to fifteen years of age;
- (g) Applicant's class sizes range between five to thirteen students per class (average class size is eight students);
- (h) Applicant's class duration is between forty-five minutes to one hour; and
- (i) Applicant acknowledges that the drop-off and pick-up of Applicant's dance students has impacted neighboring properties.

12. Applicant provided the following testimony specific to the parking and traffic impacts of Applicant's proposed use:

- (a) Applicant has received complaints from neighbors of the Property regarding the negative impacts of Applicant's dance studio on Wooded Run Drive;
- (b) Applicant has instructed parents of Applicant's students (1) to stay in their vehicles and only drop off or pick up their students – so cars are not parking; (2) to drop off and pick up students on Applicant's side of the street – so

students need not cross the road; and (3) to not stop in front of, and thereby block, neighboring driveways;

- (c) Wooded Run Drive is twenty-nine and a half feet (29.5') wide, and when cars are lined up during the drop-off and pick-up of Applicant's students, the width of the street permits traffic to comfortably flow in either direction;
- (d) To the extent that there is a line of cars on Applicant's side of Wooded Run Drive, that line of cars is only present for, at most, ten (10) minutes;
- (e) Applicant has implemented a new system in which the parent's cars begin forming a line along the street where Applicant's Property abuts the property at 48 Wooded Run Drive (owned by Scott and Lori Clark);
- (f) This new system provides space for up to eight vehicles at a time, even though this capacity is seldom needed and the average number of cars present at the Property at one time for pick-up/drop-off is typically three.

13. John Wilson, Solicitor for the Board ("Solicitor"), asked several questions of the Applicant, who provided the following information in response:

- (a) Some of Applicant's classes are back-to-back, but due to students participating in multiple classes and Applicant's instructions to certain classes regarding early drop-off/pick-up, these factors have prevented a situation where class drop-off and pick-up overlaps in a manner that negatively impacts traffic on Wooded Run Drive;
- (b) Applicant satisfies each of the general standards for a special exception outlined in § 450-605.B(2) of the Zoning Ordinance;

- (c) Applicant satisfies each of the criteria for a home occupation use outlined in § 450-334 of the Zoning Ordinance;

14. Board Member Gensler confirmed that the speed limit on Wooded Run Drive was twenty-five (25) mile per hour and that street parking was not prohibited on Wooded Run Drive.

15. Alternate Weaver highlighted the fact that while the daily number of trips allocated to each residence is ten (10) per day, Applicant's dance studio contributes an additional 96 trips on Mondays, 80 on Tuesday, 64 on Wednesdays, and 64 on Thursdays.

16. At the end of the hearing, hearing attendees provided public comments regarding the Application as follows:

- (a) Lori Clark of 48 Wooded Run Drive provided comments generally in support of Applicant's request for a special exception and noted the improvement in the traffic impacts of Applicant's dance studio;
- (b) Susan Baumgardner of 24 Wooded Run Drive provided comments in opposition to Applicant's request for a special exception. Specifically, Ms. Baumgardner is concerned regarding the traffic impacts (speeding and volume) of Applicant's dance studio. Ms. Baumgardner stated that the traffic impacts of Applicant's dance studio almost resulted in her cat being struck by a vehicle, and Ms. Baumgardner fears for the safety of her three children. Ms. Baumgardner reports that she has seen as many as fourteen vehicles lining up outside Applicant's Property;
- (c) Otto Monroy of 190 Stoney Run Road provided comments generally in support of Applicant's request for a special exception and noted Applicant's diligent communications to parents regarding the traffic impacts;

- (d) Heather Oyler of 44 Wooded Run Drive provided comments in opposition to Applicant's request for a special exception. Ms. Oyler indicated that her mailbox has repeatedly been blocked by parked cars, which has resulted in her not receiving her mail;
- (e) Jessica Winters, a resident of Carroll Township, provided comments generally in support of Applicant's request for a special exception and indicated that she, as a parent of a child in the dance studio, has changed her behavior with respect to dropping off and picking up her student;

17. Upon conclusion of Applicant's testimony and public comments, the Board deliberated on Applicant's special exception application.

CONCLUSIONS OF LAW

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

19. The Board finds that the Applicant must demonstrate compliance with each of the general criteria outlined in § 450-605.B(2) of the Zoning Ordinance.

20. The Board finds that the Applicant failed to demonstrate compliance with § 450-605.B(2)(b), which requires that Applicant's proposed use "shall not detract from the use and enjoyment of adjoining or nearby properties."

21. The Board finds that the Applicant failed to demonstrate compliance with § 450-605.B(2)(k), which requires that Applicant's proposed use "will not adversely affect transportation."


A motion was made by Board Member Setlak to deny Applicant's request for a special exception pursuant to § 450-204.B. This motion was seconded by Chairman Reihart.

Prior to voting on this motion, the Board entertained discussion regarding the possibility (and viability) of imposing conditions on Applicant's proposed use. Discussions commenced regarding the imposition of a "cap" on Applicant's class sizes. These discussions were timely concluded and the Board voted upon the outstanding motion.

The motion was passed 2-1, with Chairman Reihart and Board Member Setlak voting in favor of the motion, and Board Member Gensler voting in opposition.

A motion was made by Board Member Setlak to adjourn the hearing, which was seconded by Board Member Gensler. The motion passed unanimously, at which time, the hearing was concluded and the Board's regular business meeting resumed.

BOARD SIGNATURES:



Gary Reihart, Chairman



Richard Gensler, Vice-Chairman



Frank Setlak, Secretary

Dated: 1-4-2023

Date of Mailing: 1-4-2023

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.