

**BEFORE THE BOROUGH OF MILLERSVILLE ZONING HEARING BOARD**

IN RE: :  
: :  
APPLICATION OF : Case No. 15-02  
CHERYL A. KEIPER :  
FOR SPECIAL EXCEPTION :

**DECISION OF THE ZONING HEARING BOARD**

**A. FINDINGS OF FACT**

1. Applicant is Cheryl A. Keiper, 2001 Wabank Road, Lancaster, PA 17603.
2. The property which is the subject of this application is located at 2001 Wabank Road in Millersville Borough, Lancaster County, Pennsylvania.
3. Applicant is the owner of the property.
4. On August 10, 2015, Applicant filed a request for a special exception to operate a full time dog grooming business as a home occupation. The application also requested permission for limited retail sales of grooming products to customers.
5. The application was advertised, the property was posted, and adjoining property owners were notified.
6. A zoning hearing was held October 22, 2015, at which time Applicant appeared and testified.
7. The zoning hearing board members present were James A. Kirk, Jr., Chairman, Karen Eckert, Vicki Usciak, and James R. Sanchez. The hearing was stenographically recorded.

8. At the outset of the hearing, Mike Tuscan, the Zoning Officer, testified that the application had been properly advertised and posted. The proofs of publication were admitted as Board Exhibit 1.

9. Ms. Keiper submitted Applicant's Exhibit 1, a two-page document showing proposed improvements on the property and proposed changes in the garage.

10. Ms. Keiper testified that she resides in a single family house comprising 1,454 square feet. Of the floor area, 288 square feet comprises the attached garage. It is Ms. Keiper's intention to convert the garage into an area for a dog grooming business.

11. Ms. Keiper indicated that she intends to widen the driveway to add 2 additional parking spaces plus an area for customers to turn around, as indicated on the first page of Applicant's Exhibit 1.

12. Applicant testified that 4 parking spaces could be provided.

13. Applicant requested permission to have 1 employee in addition to herself in the business. The employee would not be a resident.

14. Applicant stated that her hours of operation would be 8:30 a.m. to 6:00 p.m., Mondays through Fridays. There would be no Sunday hours. She indicated she might be open no longer than a one-half day on Saturdays.

15. Applicant also stated that due to the that fact Wabank Road is a busy road, no dogs would ever be allowed off the leash while on her property.

16. Applicant agreed to a condition suggested by the Borough Planning Commission, that no dogs, other than her own, would remain on the property overnight.

17. No one testified in opposition to the application. Applicant stated that she had consulted with all of her adjoining neighbors and none of them were opposed. Mr. Tuscan testified that a neighbor across the street had called him and that, after Mr. Tuscan answered the neighbor's questions, the neighbor stated that he had no objection

18. Applicant stated that she desires to offer limited selection of brushes, combs and possibly a brand of animal shampoo, for sale to customers. It was explained to Applicant that this permission would not allow her to operate a retail store and that sales were intended to be incidental to her primary business of dog grooming as a convenience to existing customers.

19. Applicant stated that she intended to display a standard home occupation sign on Wabank Road and was not asking for a signage larger than allowed by the ordinance.

20. Following the conclusion of testimony, the board deliberated in public session and voted unanimously to grant the special exception, subject to certain conditions.

## **B. CONCLUSIONS OF LAW**

1. The property is zoned R1-Residential.
2. A dog grooming business is allowed as a home occupation in the R1 District by a special exception.
3. Applicant has met the requirements for a special exception.



### **C. DISCUSSION**

In enacting Section 380.35D.8, Borough Council expressed an intent to allow home occupations in the R-1 District, so long as they comply with the special exception requirements. The board has carefully reviewed the ordinance and finds that Applicant's testimony has met all of the general and specific requirements. In particular, board finds that the parking arrangements are adequate. In addition to two parking spaces for the residents, Applicant will provide a parking space for her contract employee and a parking space for customers. Given the appointment-driven nature of a dog grooming business, we cannot think it likely that more than one customer would be present on the property on a regular basis. We also note that Applicant has provided a turn-around area so that cars will not have to back out on to Wabank Avenue, even though this is not, strictly speaking, required by the ordinance.

The area of Applicant's use, being 288 square feet out of 1,454 square feet is within the 25% gross floor area allowed for a home occupation.

The board also notes that no one testified in opposition to the application, and that Applicant agreed with the only condition suggested by the Borough Planning Commission respecting dogs of customers remaining overnight.

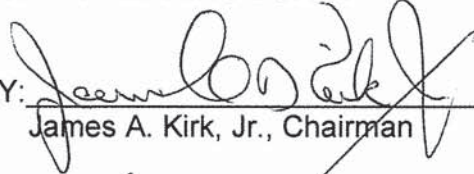
### **D. DECISION**

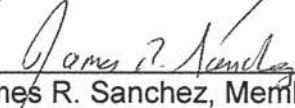
AND NOW, this 22<sup>nd</sup> day of October 2015, Applicant's request to operate a fulltime dog grooming business on the property as a home occupation is granted subject to the following conditions:

1. No dogs of customers will be allowed to remain on the property overnight.
2. Applicant should be entitled to have one full time non-residential employee.

3. Applicant's normal business hours of operation shall be 8:30 a.m. to 6:00 p.m., with half days on Saturdays.
4. Applicant shall be allowed limited retail sales to the extent that she will be allowed to sell grooming supplies to customers as a secondary part of her dog grooming business.
5. All customers' dogs on the property shall be kept on the leash at any time when they are not inside the grooming facility.
6. Applicant shall provide four parking spaces and a turn-around area as indicated on Applicant's Exhibit 1.
7. Applicant shall comply with other rules and regulations for the Borough of Millersville and shall operate her business in conformity with the testimony offered and exhibits presented at the hearing.

THE MILLERSVILLE BOROUGH  
ZONING HEARING BOARD

BY:   
James A. Kirk, Jr., Chairman

By:   
James R. Sanchez, Member

By:   
Karen Eckert, Member

By:   
Vickie Usciak, Member