

EAST COCALICO TOWNSHIP

100 Hill Road, Denver, PA 17517
717-336-1720 · www.eastcocalicotownship.com

APR 14 2023

ZONING HEARING BOARD APPLICATION

1. APPLICANT:

Name: Liudviga Drobot

Address: 2 Pin Oak Drive, Denver, PA 17517

Phone: 717-617-9049 Cell: _____ Email: sergeydrobot76@gmail.com

2. OWNER (if other than applicant):

Name: _____

Address: _____

Phone: _____ Cell: _____ Email: _____

3. APPLICANT'S ATTORNEY/REPRESENTATIVE, IF APPLICABLE:

Name: Sheila V. O'Rourke, Esq.

Address: 2933 Lititz Pike, P.O. Box 5349 Lancaster, PA 17606

Phone: 717-291-1700 Cell: _____ Email: sorourke@gkh.com

4. PROPERTY INFORMATION:

Address/Location: 2 Pin Oak Drive, Denver, PA 17517

Lot Size: 1 acre Width: _____ Depth: _____

Zoning District: _____ Tax ID No. Tax ID No. 080-55275-0-0000

Present Use: Residential

Proposed Use/Purpose for Which Hearing is Sought: Home occupation

5. APPLICATION IS MADE FOR:

☐ A. Variance from Requirement(s) of the Zoning Ordinance - see page 2

☒ B. Special Exception under the Zoning Ordinance - see page 3

☐ C. Appeal Zoning Officer Determination or Enforcement Notice - see page 3

☐ D. Other Type of Appeal, as provided for by the PA Municipalities Planning Code - see page 3

FOR TOWNSHIP USE

ZHB Case No. 772-23 Date Complete Application Received: 4/14/23

Zoning Hearing Board Hearing Date(s): 6/14/23

Date of Zoning Hearing Board Decision: _____

Date of Written Decision: _____

Date Decision Mailed to Applicant(s): _____

A. VARIANCES - The following information shall be provided for variance applications:

1. Include:

- (a) The Zoning Ordinance section(s) from which relief is sought: _____
- (b) A written description of the requested variance, along with a description of the hardship that is being alleged, and reasons why the variance should be granted, and
- (c) A site plan with sufficient detail and accuracy so as to present the nature of the request and the unique site conditions that create hardship to strict compliance with the Zoning Ordinance.
- (d) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

2. Describe the unique physical circumstances or conditions of the property, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, that create an unnecessary hardship that prevents it from being used in a manner that is consistent with the Ordinance: _____

3. Describe how because of such unique physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the Ordinance, and therefore the granting of a variance is necessary to enable the reasonable use of the property: _____

4. Explain why the unnecessary hardship has not been created by the applicant: _____

5. Explain why the variance, if granted, will not alter the character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare: _____

6. Describe how the variance, if granted, will represent the minimum variance that will afford relief, and will represent the least modification possible of the relevant Ordinance provision(s): _____

(attach additional sheets of paper if necessary)

B. SPECIAL EXCEPTIONS – An application for a special exception must demonstrate compliance with the general requirements of Section 220-142.C(2) below, as well as any use-specific requirements.

1. Include:

- (a) Ground floor plans and elevations of proposed structures,
- (b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way,
- (c) A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance, and
- (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Zoning Ordinance.

- 2. The proposed use shall be consistent with the purpose and intent of this chapter;
- 3. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- 4. The proposed use will not substantially change the character of the subject property's neighborhood;
- 5. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, solid waste disposal, vehicular access, etc.)
- 6. The proposed use shall comply with those criteria specifically attached to it. In addition, the proposed use must comply with all other applicable regulations contained in this chapter;
- 7. The traffic generated by the proposed use shall be safely and adequately accommodated during peak and nonpeak periods, or improvements made by the applicant shall be made in order to effect the same;
- 8. The proposed use shall be in and of itself properly designed with regard to internal circulation, parking, buffering, screening, and all other elements of proper design, as required by this chapter and any other federal, state or local ordinance, law or regulation;
- 9. The proposed use will not have deleterious impact on adjoining properties or the neighborhood, due to impacts and/or by-products of the proposed use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.;
- 10. The proposed use will not substantially impair the integrity of the Comprehensive Plan; and
- 11. For development within the Floodplain Zone, the application shall comply with those requirements listed in § 220-19 of this chapter.

C. APPEAL OF ZONING OFFICER DETERMINATION OR ENFORCEMENT NOTICE – These include, but are not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot. Attach copies of enforcement notices or other relevant documentation.

D. OTHER TYPE OF APPEAL – The PA Municipalities Code gives municipal Zoning Hearing Boards the jurisdiction to hear appeals and render decisions on the following matters:

- 1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 (landowner curative amendments) and 916.1(a)(2) (validity of ordinance).

2. Appeals from a determination by a Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
3. Appeals from the determination or any officer or agency charged with the administration of any transfers of development rights (TDRs) or performance density provisions of the Zoning Ordinance.
4. Appeals from the Zoning Officer's preliminary determination (MPC Section 916.2).
5. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not relating to land development or planned residential development.

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Please submit seven (7) copies of the application, plans, list of adjoining property owners, photographs, all other supporting documentation, and the correct application fee to the East Cocalico Township Office. Note the Township must receive a complete application package and correct fee to be scheduled for a hearing.

Zoning hearings are generally conducted the 2nd Wednesday of the month; the Zoning Hearing Board schedule can be confirmed on the Township calendar, available at the Township office or on the website. Return complete application and fee four (4) weeks in advance of the hearing.

THIS IS A LEGAL PROCEEDING; YOU MAY WANT TO CONSIDER HAVING AN ATTORNEY REPRESENT YOU AT THE HEARING.

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To the best of my/our knowledge and belief, all information submitted herein is true and complete. NOTE: The application MAY NOT be signed by an agent, but MUST be signed by the applicant(s) and/or owner(s).



 as Attorney for Applicant
 Applicant Signature(s)

4/13/2023

 Date

Sheila V. O'Rourke, Esq. as Attorney for Applicant

 Print Applicant Name(s)

 Owner Signature(s)

 Date

 Print Owner Name(s)

EAST COCALICO TOWNSHIP ZONING HEARING BOARD

In re: Application of
Liudviga Drobot

:
:
:
:
No. _____

SUPPLEMENT TO APPLICATION FOR SPECIAL EXCEPTION

Applicant Liudviga Drobot seeks special exception approval pursuant to § 220-14.C(8) of the East Cocalico Township Zoning Ordinance (“Ordinance”) to establish a beauty salon as a home occupation. In support thereof, Applicant provides:

I. BACKGROUND

1. Applicant owns the property at 2 Pin Oak Drive, Denver, PA 17517 (Tax ID No. 080-55275-0-0000) (“Property”).
2. A GIS map of the Property is attached as Exhibit “A,” and an aerial image of the Property is attached as Exhibit “B.”
3. The Property contains approximately 1 acre and is located in East Cocalico Township’s Rural Residential District.
4. The Property is improved with a single-family dwelling and pool. The dwelling unit has an attached two-car garage and daylight/walk-out basement.
5. The dwelling contains approximately 3,590 square feet of habitable floor area.
6. Applicant also has a building permit to construct a detached two-car garage.
7. Applicant and her husband live on the Property as their primary residence.
8. The Property utilizes an on-lot sewage system and private well.

II. PROPOSED USE

9. Applicant proposes to establish a beauty salon as a home occupation on the Property.

10. Mrs. Drobot is a licensed cosmetologist who specializes in hair, nails, and skin treatments (facials).

11. Mrs. Drobot would own and operate the salon and would like to have up to two (2) nonresident employees.

12. Clients would be seen by appointment only.

13. The salon would be located within a portion of the daylight basement of the dwelling and would utilize approximately 500 square feet of floor area.

14. No changes to the exterior of the dwelling are proposed.

III. PROPOSED RELIEF

Special Exception for Operation of a Home Occupation

15. A home occupation is permitted by special exception in the Rural Residential Zone pursuant to § 220-14.C(8).

16. The proposed beauty salon is consistent with the definition of home occupation in that it will be a business or commercial activity that is conducted as an accessory use in a detached dwelling unit. § 220-11.

17. Applicant meets each of the requirements of a home occupation as enumerated in § 220-96 of the Ordinance as set forth below:

- a. The proposed home occupation will be conducted within Applicant's single-family detached dwelling. § 220-96.A.
- b. Mrs. Drobot, a resident of the Property, and up to two (2) nonresident employees will work in the salon. § 220-96.B.

- c. The proposed salon will be incidental to the primary use of the premises as a residential dwelling. A beauty salon or barber shop is an occupation customarily conducted within a dwelling. § 220-96.C.
- d. The Property has a total of eight (8) off-street parking spaces to serve the home occupation and primary residential use. There are two (2) spaces within the attached garage, two (2) spaces within the proposed detached garage, and four (4) spaces available within the driveway. The parking spaces within the driveway are screened from the adjoining property by existing screening trees. § 220-96.D. A parking plan is attached as Exhibit "C."
- e. No goods will be visible from the outside of the dwelling. § 220-96.E.
- f. The salon will occupy approximately 500 square feet of the dwelling, which is less than 25% of the total habitable floor area of the dwelling unit (3,590 square feet total floor area * 0.25 = 897.5 square feet).¹ § 220-96.F. All salon activities will be conducted indoors.
- g. No manufacturing, repairing, or other mechanical work would occur on the premises. § 220-96.G.
- h. There will be no external storage of materials, and no salon materials would be stored in accessory structures or the attached garage. § 220-96.H.
- i. The dwelling and Property will continue to appear as a residential lot. § 220-96.I.

¹ The Zoning Ordinance defines "habitable floor area" as "[t]he sum of the floor areas of a dwelling unit, as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches." § 220-11. Applicant's dwelling contains a first floor with 1,795 square feet and a daylight basement with 1,795 square feet for a total of 3,590 square feet.

j. Any signs for the home occupation would comply with § 220-96.J.

18. Applicant also meets the general standards for special exceptions under § 220-142.C of the Ordinance as follows:

- a. The proposed salon is consistent with the purpose and intent of the Zoning Ordinance, inasmuch as home occupations are permitted by special exception in the Rural Residential Zoning District. § 220-142.C(2)(a). The proposed beauty salon is not detrimental to the health, safety or welfare of the neighborhood. § 340-121.C.2(a).
- b. The proposed salon shall not detract from the use and enjoyment of adjoining or nearby properties. The home occupation will have a very minimal impact on neighbors as the home occupation would be completely indoors, and clients would be seen by appointment. § 220-142.C(2)(b).
- c. The proposed salon will not change the character of the neighborhood within which the Property is located. § 220-142.C(2)(c).
- d. Adequate public facilities are available to serve the proposed use, as the home occupation will have a very minimal impact on the use of the Property as a residence. § 220-142.C(2)(d).
- e. The proposed home occupation complies with the specific criteria for home occupations and complies with all other applicable regulations contained in the Zoning Ordinance. § 220-142.C(2)(e).
- f. The traffic generated by the home occupation will be minimal and will be safely accommodated. § 220-142.C(2)(f).

- g. The proposed home occupation will be properly designed with regard to circulation, parking and buffering. § 220-142.C(2)(g).
 - h. There will be no deleterious impact on adjoining properties, and the proposed in-home beauty salon will not produce noise, dust, odor, smoke, litter, glare, heat, radiation, or electromagnetic interference. § 220-142.C(2)(h).
 - i. The proposed home occupation will not impair the integrity of the Township's Comprehensive Plan. § 220-142.C(2)(i).
 - j. There is no development within the Floodplain Zone. § 220-142.C(2)(j).
19. Consistent with the filing requirements for a special exception, a list of adjoining property owners is attached as Exhibit "D."

Wherefore, Applicant respectfully requests that the Zoning Hearing Board of East Cocalico Township grant zoning relief for Applicant to establish a beauty salon as a home occupation within her dwelling unit.

GIBBEL KRAYBILL & HESS LLP

Date: April 14, 2023


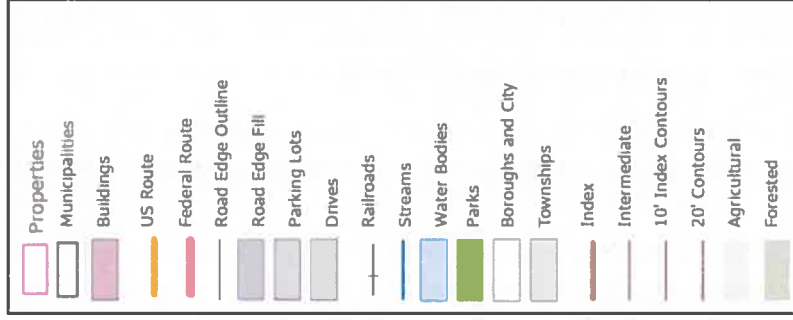
By: 
Sheila V. O'Rourke
Sup. Ct. Atty. I.D. # 313842
Attorneys for Applicant
2933 Lititz Pike, P.O. Box 5349
Lancaster, PA 17606
(717) 291-1700
sorourke@gkh.com

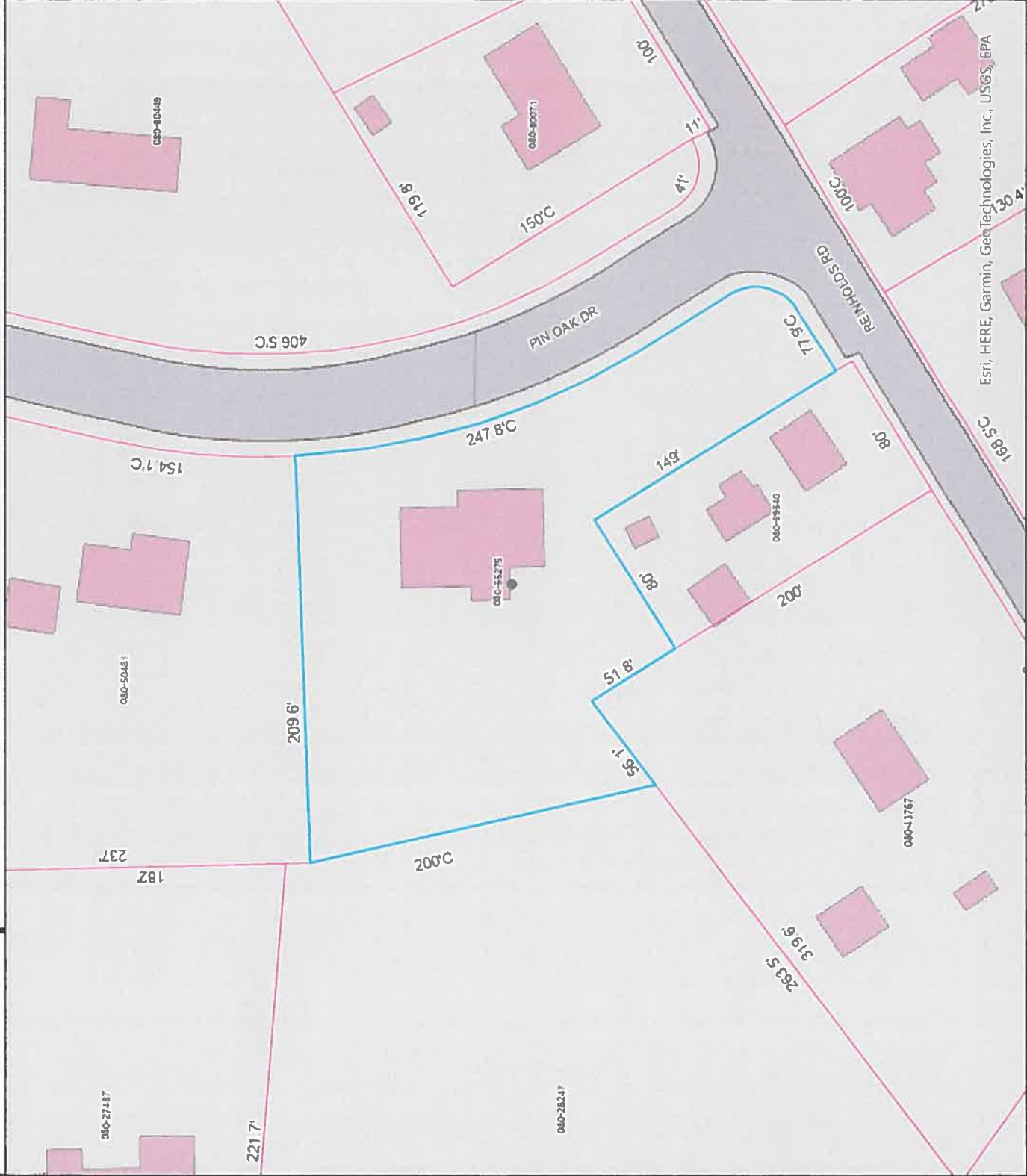
EXHIBIT A

LanCo View Map



1 inch equals 94 feet

Scale: 1:1,128



Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

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EXHIBIT B

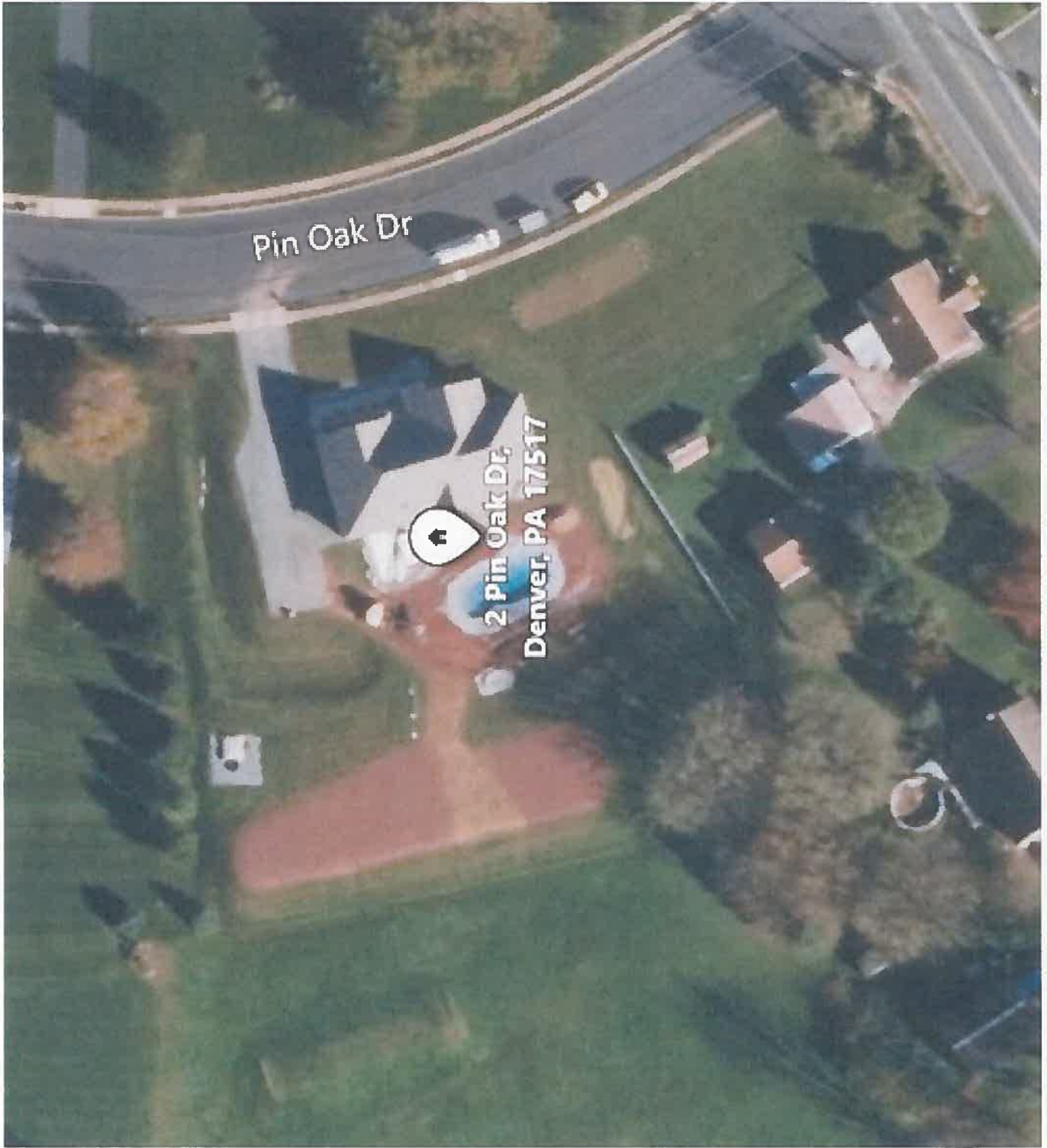
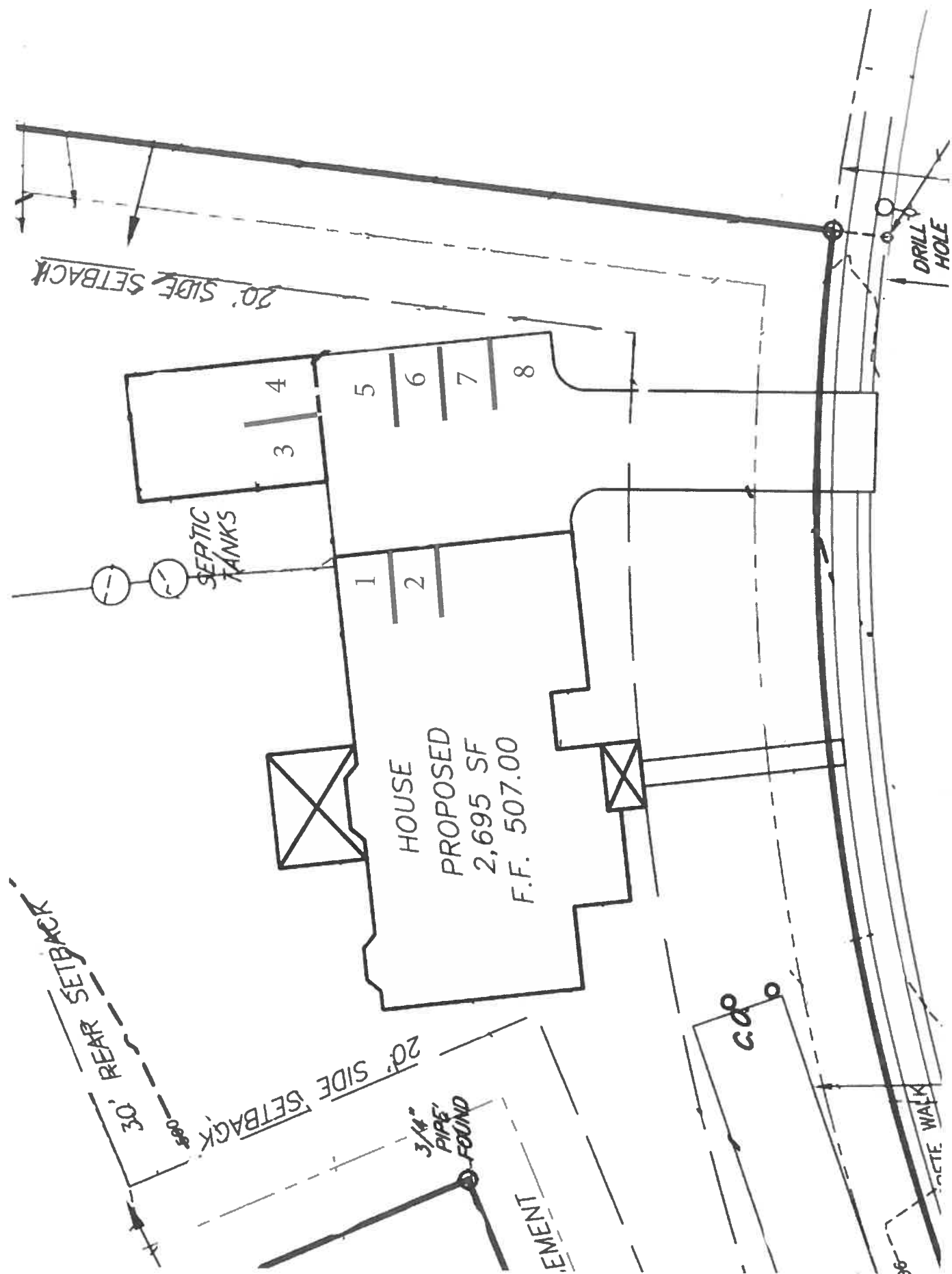


EXHIBIT C



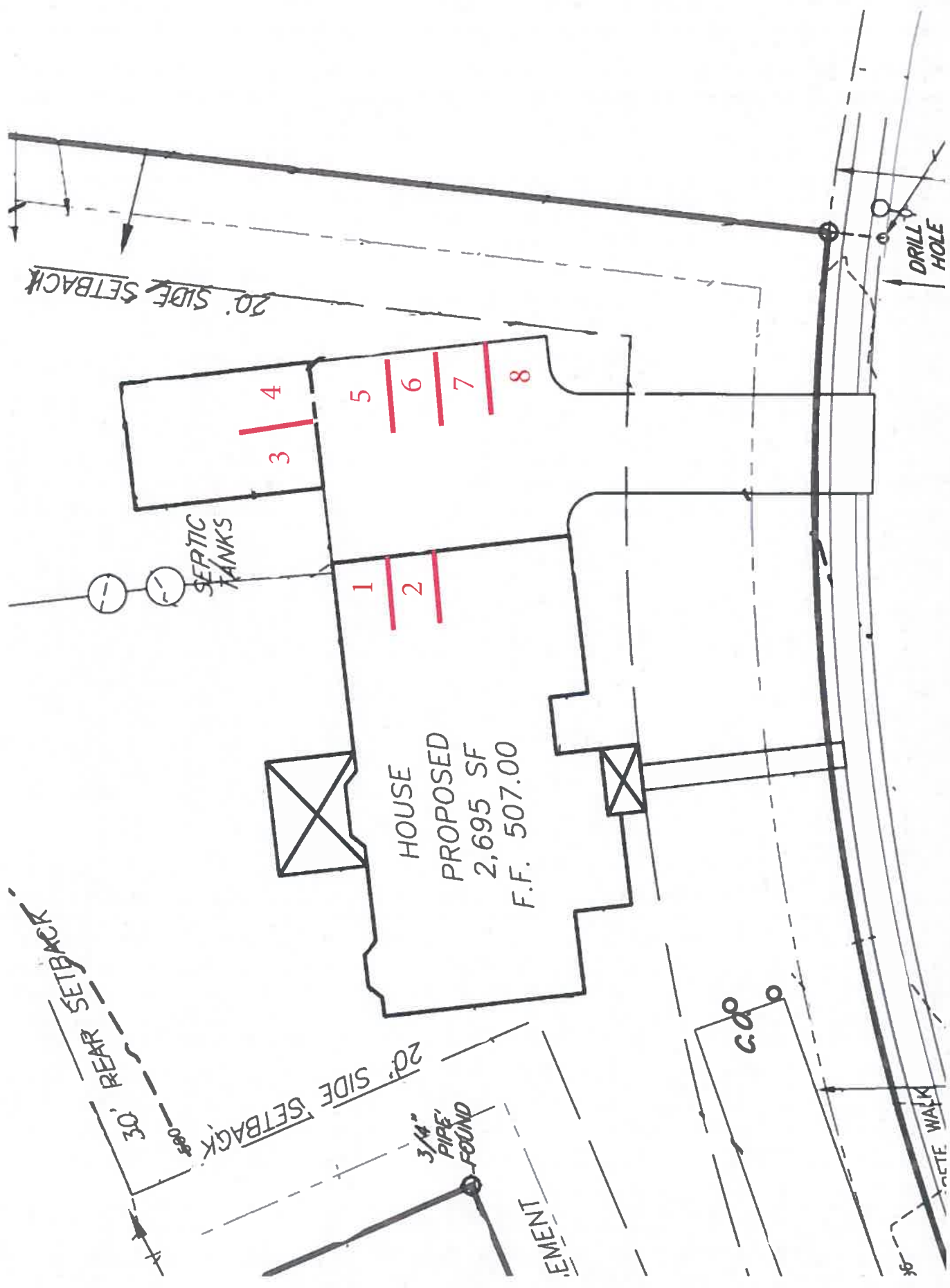
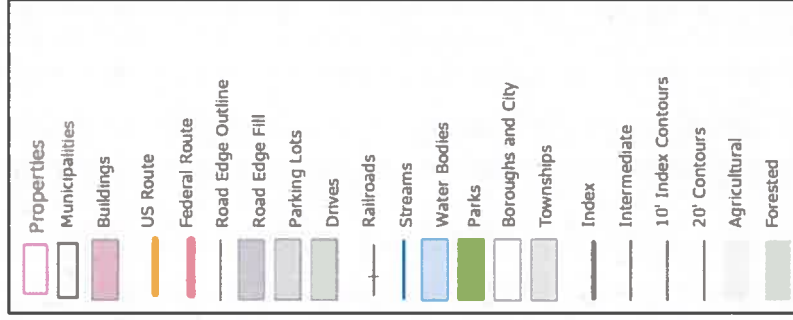
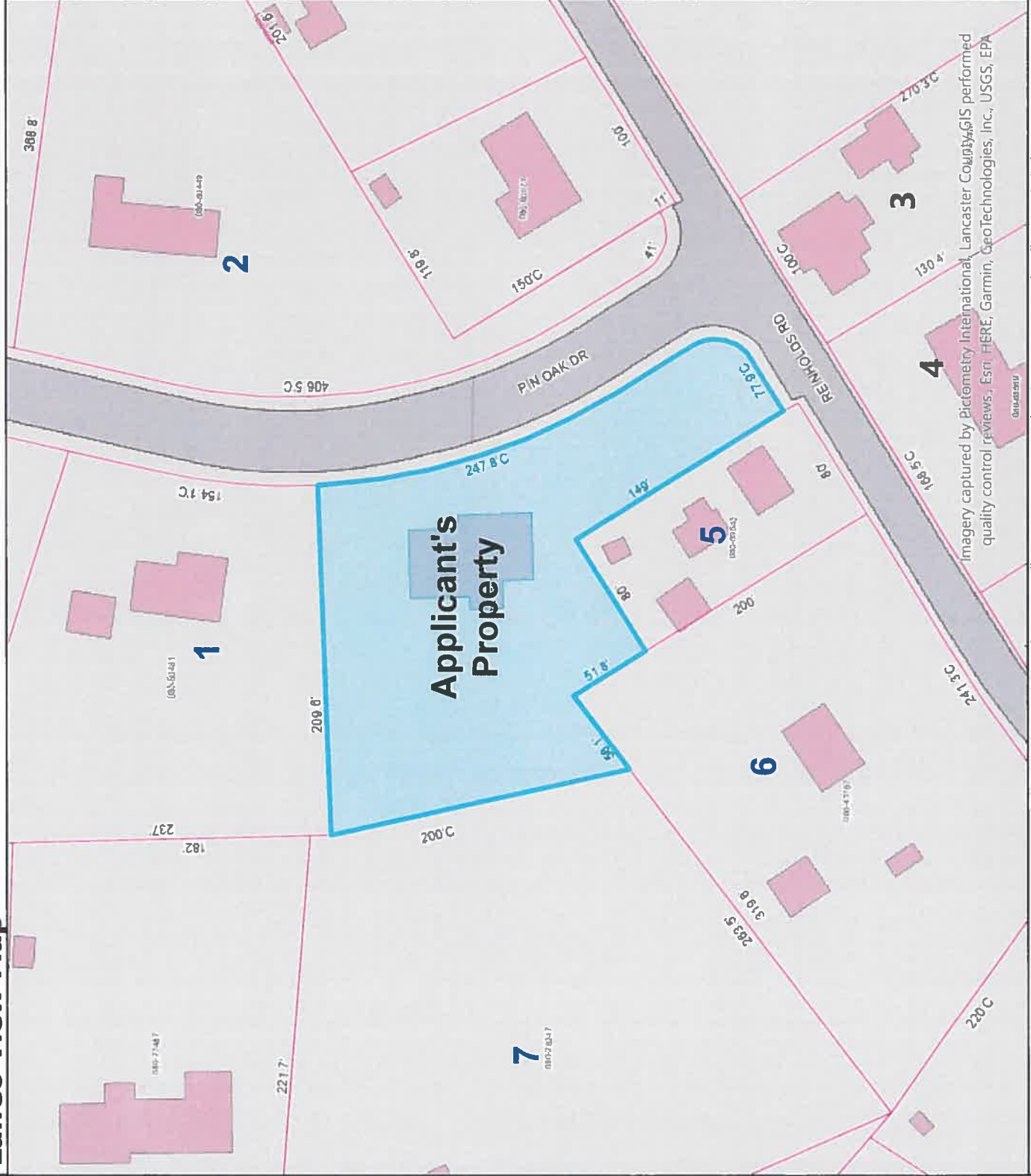


EXHIBIT D



1 inch equals 109 feet
Scale: 1:1,310



Imagery captured by Pictometry International, Lancaster County GIS performed quality control reviews, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

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Adjoining Property Owners

1. 080-50481-0-0000 – 4 Pin Oak Drive
Douglas R. & Debbie L. Bender
4 Pin Oak Drive
Denver, PA 17517
2. 080-80449-0-0000 – 3 Pin Oak Drive
Jeremy L. & Kelly Yeager
3 Pin Oak Drive
Denver, PA 17517
3. 080-83800-0-0000 – 230 Reinholds Road
Vicki L. Fasnacht
Susan C. Walmer
Cynthia C. Shaub
David S. Paul
230 Reinholds Road
Denver, PA 17517
4. 080-68569-0-0000 – 240 Reinholds Road
Luann F. Heck
240 Reinholds Road
Denver, PA 17517
5. 080-59540-0-0000 – 241 Reinholds Road
Gary K. Frederick
241 Reinholds Road
Denver, PA 17517
6. 080-43767-0-0000 – 255 Reinholds Road
Douglas F. & Cathy E. Schwenk
255 Reinholds Road
Denver, PA 17517
7. 080-28247-0-0000 – 8 Red Oak Court
David A. & Sherryn L. Hart
8 Red Oak Court
Denver, PA 17517