

**No minutes available  
for Special Exception  
12-02**

IN RE: : BEFORE THE LOWER PAXTON  
: TOWNSHIP ZONING HEARING BOARD  
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA  
:  
ANDREA LEIGH O'HAMILL : DOCKET NO. SE 12-02

**DECISION DENYING SPECIAL EXCEPTION**

The applicant seeks a special exception to conduct a pet grooming business in the R-1 zoning district. A hearing on the application was held on May 24, 2012.

**Facts**

1. The applicant and owner of the property in question is Andrea Leigh O'Hamill of 5613 Devon Drive, Harrisburg, Pennsylvania 17112.
2. The property in question is located at 5613 Devon Drive and consists of a residential property with an attached one car garage. A single width driveway provides access to the garage.
3. The applicant has established, without obtaining any Township permits, a pet grooming business located in the lower level of the residence. The applicant grooms approximately two to four dogs per day and schedules only one dog at a time. At the time of the application, parking as provided in the single width driveway and on street.
4. There are no employees associated with the business and hours are limited to 9:00 a.m. to 8:00 p.m.
5. In addition to the applicant, a number of neighbors appeared to testify with regard to the application. John Foltz, of 5611 Devon Drive, the adjoining property owner, appeared to express concerns about the lack of parking on the site. He has witnessed patrons parking on street and blocking his driveway. Patricia Stull-Fontaine, another neighbor, testified in favor of the application. She testified that it is not intrusive and that it does not generate traffic problems. Other individuals testified with regard to the character of the business; however, they did not live in the immediate neighborhood.

6. Notice of the hearing was posted and advertisement made as required by the ordinance.

**Conclusions**

1. Section 306.B.1 of the ordinance establishes major home occupations as a special exception in the Residential zoning district.

2. Section 403(a)(16) empowers the Zoning Hearing Board to deny or limit a major home occupation where it is determined that the proposed use would be too intense for the property. Further, Section 116 outlines the factors to be considered in granting a special exception.

3. The Board finds that the business as presently conducted would represent a significant intrusion into the neighborhood. This is particularly true because of the lack of parking on the site. Even though the business has only been operating for a short period of time, it has resulted in parking problems for neighbors who should not have to contend with a business in an R-1 district.

**Decision**

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the special exception should be and is hereby denied.

Date:

6/28/12

LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD

[Signature]  
Richard E. Freeburn

[Signature]  
Sarah Jane Cate

[Signature]  
Gregory P. Sims

[Signature]  
Jeffrey W. Staub

Board member Dowling dissents from the decision of the Board.