

**ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Applicants: Richard & Lindsay Curtis
102 S. Shady Retreat Road
Doylestown, PA 18901

Owners: Same.

**Subject
Property:** Tax Parcel No. 09-008-008, which is located at the address of the Applicants set forth above.

**Requested
Relief:** Applicants seek a special exception, under §175-37.B.H-1 of the Doylestown Zoning Ordinance (“Ordinance”) to operate a home-based business, in the nature of a salon, subject to the specific provisions of §175-16(1) H-1 Use Regulations.

**Hearing
History:** The application was filed in Doylestown Township on October 8, 2020. The hearing was held on November 16, 2020 at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901.

Appearances: Applicants, Pro Se

Mailing Date: December 21, 2020

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Doylestown Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.

2. The Applicants are the Owners of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the R-1, Residential Zoning District of Doylestown Township. The property currently supports Applicants' single-family dwelling with a two car garage and driveway of considerable width and length.

4. Applicants seek a special exception, under §175-37.B.H-1 of the Doylestown Zoning Ordinance to operate a home-based business, in the nature of a salon, subject to the specific provisions of §175-16(1) H-1 Use Regulations.

5. Applicants described the proposed home-based business as a salon, with an emphasis on cutting, styling and treating hair. The scope of the use was described as a "single chair" salon taking place in the mudroom aspect of the single-family dwelling which is essentially between the garage and the primary single-family residential dwelling.

6. Applicants will continue to reside in the single-family dwelling with the family.

7. Applicants propose no signs advertising the home-based use, except for a business card placed in the window for directional guidance.

8. Applicants testified to adequate parking on the Subject Property for both the residential use and the single chair salon use.

9. Applicants would not be selling any retail products.

10. Applicants propose no employees.

11. The floor area devoted to the home-based business is limited to 171 square feet of the overall 3,000 square feet single-family dwelling.

12. There is no additional home-based business onsite.

13. Applicants are aware of the specific provisions for an accessory home-based business (Use H1) of the Doylestown Township Zoning Ordinance. Applicants indicated compliance with each of the specific provisions.

14. No one spoke in opposition to the application.

15. Doylestown Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used as a single-family residential dwelling, consistent with the requirements of the Ordinance.

2. Applicants seek a special exception pursuant to §175-37.B.H-1 to permit a one chair home-based salon business accessory to the primary single-family dwelling. The H-1 home-based business is permitted within the R-1, Residential Zoning District by special exception pursuant to §175-37.B.H-1.

3. A home-based business is further defined by §175-9 of the Doylestown Township Zoning Ordinance as follows:

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves some customer, client or patient traffic, whether vehicular or pedestrian, pickup, meeting location, delivery or removal functions to or from the premises, in excess of those normally associated with a residential use.

4. The Ordinance defines H-1 home-based accessory business use as follows:

H. Accessory uses.

- (1) H-1 Home-based business: a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves some customer, client or patient traffic, whether vehicular or pedestrian, pickup, meeting location, delivery or removal functions to or from the premises in excess of those normally associated with a residential use. The business or commercial activity must satisfy the following requirements:

[Amended 6-1-1993 by Ord. No. 227; 6-26-2001 by Ord. No. 301; 11-18-2008 by Ord. No. 345]

- (a) The home-based business shall be accessory to a residence and carried on wholly indoors and within a dwelling or other structure accessory thereto and shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

- (b) The business activity shall be compatible with the residential use of the property and surrounding residential uses and shall meet the minimum and maximum area, height and

dimensional requirements of the district in which the use is located.

- (c) Such use shall be limited to single-family detached dwellings.
- (d) There shall be no use of show windows, display or advertising visible outside the premises, except as provided for signs herein.
- (e) There shall be no exterior storage of material or building material.
- (f) There shall be no parking of commercial vehicles, except that parking of not more than one commercial vehicle exceeding a one-ton loading capacity and with no more than two axles or four wheels, whichever is less, including any construction or landscaping vehicles and trailers used for their transportation (i.e., front-end loaders, cranes, cement mixers, riding lawn mowers, etc.) shall be permitted only within a completely enclosed building.
- (g) The appearance of the residential structure shall not be altered or the home-based business within the residence be conducted in a manner which would cause the premises to differ from the residential character by the use of colors, materials, construction, lighting, show windows or advertising visible on the premises to attract customers or clients, other than an identification sign not exceeding two square feet, notwithstanding any other provisions of this chapter.
- (h) A sign displaying the name and address of the home-based business may be permitted, subject to the following requirements: no more than one such sign shall be erected on the lot; the area of the sign shall not exceed two square feet in size; and the sign shall be either fixed flat on the main wall of the building or may be erected in the front yard, but not within 10 feet of the cartway.
- (i) No articles shall be sold or offered for sale except such as may be produced on the premises.
- (j) There shall be no stockpiling, storage or inventory of products of a substantial nature.
- (k) There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods or equipment by other than passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

- (l) The home-based business shall be carried on only by inhabitants of the dwelling and not more than two additional employees.
- (m) The floor area devoted to a home-based business shall not occupy more than 25% of the ground floor of the principal residential structure or 500 square feet, whichever is less; all portions of the floor area to be used for the home-based business shall be accessible to employees and clients without having to enter or walk through the areas of the residence devoted to solely residential use, and all areas to be used for employees and client visits shall be in one location and not separated by rooms or hallways which are used for residential purposes.
- (n) No equipment or process shall be used in a home-based business which creates discernible noise, vibration, glare, fumes, odors or electrical interference at the property line, and no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the lot or causes fluctuations in line voltage off the lot.
- (o) No manufacturing, repairing or other mechanical work shall be performed in any open area. All such activities shall be conducted in such a manner that they are not detectable or noticeable at or beyond the property line.
- (p) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (q) The maximum number of off-street parking spaces shall be limited to six parking spaces, which shall not include any garage spaces and shall be designed to comply with the appropriate provisions of Article V of this chapter.
- (r) No more than one home-based business shall be permitted per residential dwelling.
- (s) The hours of operation shall be limited to Monday through Saturday, and activities shall occur between the hours of 8:00 a.m. to 9:00 p.m.
- (t) Parking spaces required by the home-based business in addition to those required for the residential use must be located to the side or to the rear of the principal residence and must be separated from adjoining properties by a ten-foot-wide planted buffer.
- (u) The business may not involve any illegal activity.

5. §913 of the Municipalities Planning Code provides that,

Where the government body in the zoning ordinance, has stated special exceptions to be granted or denied by the board pursuant to express standards and criteria, the zoning hearing board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the MPC and zoning ordinance. (Pennsylvania Municipalities §913, 53 P.S. Section 10913).

6. In addition to the specific provisions of §175-16(1)H-1, the Doylestown Township Zoning Ordinance provides for special exceptions under §175-137 and §175-138 respectively.

7. The Zoning Hearing Board has considered the factors and criteria and concludes that the Applicants have met the standard for a special exception, and that the special exception shall be granted subject to certain conditions which follow.

8. Accordingly, the Doylestown Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for a special exception, subject to conditions, as set forth hereafter.

ORDER

Upon consideration and after hearing, the Zoning Hearing Board of Doylestown Township hereby GRANTS Applicants' request for a special exception to operate a home-based salon business, pursuant to §175-37.B.H-1 of the Doylestown Township Zoning Ordinance and further consistent with §175-16(1)H-1 and §175-138, subject to the following conditions:

1. The home-based business salon shall be limited to 171 square feet of the interior of the existing single-family dwelling.
2. The home-based salon business shall be limited to "one chair", meaning one client or customer at a time with no overlapping appointments.
3. There shall be no additional home-based business at the Subject Property and no increase in the proposed salon business.
4. Applicants shall comply in all respects with the specific conditions which define Use H16 as contained within the Doylestown Township Zoning Ordinance.
5. Compliance with all other applicable governmental ordinances and regulations.

ZONING HEARING BOARD OF DOYLESTOWN TOWNSHIP

By: /s/ William J. Lahr
William J. Lahr, Chairman

/s/ Mitchell Aglow
Mitchell Aglow, Vice Chairman

/s/ Samuel Costanzo
Samuel Costanzo, Secretary

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Doylestown Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.