

**MINUTES – ZONING HEARING BOARD  
MAY 19, 2016**

**CALL TO ORDER**

Vice-Chairman Quatchak called the meeting to order at 7:35 p.m. with the following member in attendance: Mr. Cuccinelli. Solicitor Alan Shuckrow, Councilman Walkauskas, Land Use Administrator, Bruce Betty and Mrs. Lopus, Secretary, were also present.

It was determined that since this is a continuation from the April 28, 2016 meeting there will be no testimony given so no one was sworn in.

**CONTINUATION OF: APPEAL #1851  
GEORGE RINGEISEN & JACQUELINE RIZZO  
187 PINE CREEK ROAD**

Vice-Chairman Quatchak reported that the applicant is George Ringeisen and Jacqueline Rizzo. The property is located at 187 Pine Creek Road and is zoned R-2 (One and Two Family Residential), the lot measures 38927.13 square feet and contains a single family residence. The proposal is to open a beauty salon in the home. The request is a variance from Section 1317.05(b) of the Town of McCandless Codified Ordinances which states no one living outside the home may be employed nor any commodity sold or warehoused. This is an appeal of the determination of the Zoning Officer to deny this request in an R-2 zoned district.

Solicitor Shuckrow said that last month the board had some concerns not so much for this use but perhaps that this would set a precedent for other situations. The board wanted to make sure that we had specific findings that if this were granted it would distinguish this from other potential future similar applications. Mr. Shuckrow went over some of the finding of facts that are attached to these minutes. Mr. Shuckrow also provided a copy of the decision to the applicants.

Motion was made by Mr. Cuccinelli to approve Appeal #1851 to allow for a beauty salon in the home contingent upon all the findings of facts and conclusion of law and decision presented here tonight. Motion was seconded by Mr. Quatchak and unanimously granted. Please see the attached findings of fact and conclusion of law.

**MINUTES APPROVAL**

Motion was made by Mr. Cuccinelli and seconded by Mr. Quatchak to approve the minutes of the April 28, 2016 Zoning Hearing Board meeting. The minutes were unanimously approved.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully,



Gregory P. Quatchak  
Vice-Chairman Zoning Hearing Board  
GPQ/ml



8. The hours of operation will be normal business hours Monday-Friday.
9. The salon will sell commodities limited to those similar to a typical salon (shampoo, conditioner etc . . .) and limited to their salon customers.
10. Nobody appeared to oppose this application.
11. Home occupations are permitted in the R-2 district—the variance requested is due to having an employee not living in the home. However, in this case, there will only be one employee totally. Therefore, there will not be any additional (in number) employees if this variance is granted.
12. Ms. Rizzo agreed that granting this variance for the Property would not serve in any way as a precedent in favor of granting variances for the property at 177 Pine Creek Road. In fact, Ms. Rizzo agreed no home occupations or commercial business would take place on 177 Pine Creek Road.
13. The Board finds that granting this variance will have minimal, if any, impact on the neighboring area which is largely commercial. The use of the basement of the Property for a one-person beauty salon is not inconsistent with a typical home occupation, particularly where, as here, it borders a C-7 zoning district.
14. By granting this variance the board does so conditioned upon the salon only having one employee/person working at the salon. Further, the hours of operation are limited to normal business hours Monday-Friday. Sales of products must be limited to typical salon products being sold to the customers of the salon.

## **DECISION**

The Zoning Hearing Board hereby grants the requested use variance subject to the findings and conditions set forth herein.