BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Application of Christopher Carestia for a Variance.

BEFORE: Eric Seitzinger, David Ambrose, and Daniel Daub, Members of the Schuylkill County Zoning Hearing Board (the "Board").

MINUTES OF HEARING

Name of Applicant	Christopher Carestia 162 Cadbury Street Pottsville, PA 17901
Location of Subject Property	162 Cadbury Street Palo Alto Borough Schuylkill County, Pa UPI No. 57-05-0231.005
Owners of Property	Ronald Carestia, Jr. and Christopher Carestia
Zoning Classification	R-3 (High Density Residential)
Date of Hearing	November 7, 2013
Place of Hearing	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearance (for Board)	Christopher W. Hobbs, Esq.
Appearance (for Applicant)	Pro-Se
Protestants	None

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FINDINGS OF FACT

After hearing all interested parties and consideration of the evidence presented, the Board finds as follows:

1. Christopher Carestia ("Applicant") and his brother, Ronald J. Carestia, Jr, are the owners of the subject property ("Property") situate at 162 Cadbury Street, Palo Alto Borough, Schuylkill County, Pennsylvania and identified by UPI No.57-05-0231.005.

2. The Property is located in a R-3 (High Density Residential) District under the Schuylkill County Zoning Ordinance ("Ordinance").

3. The Applicant applied for a variance from Article 2, Section 202 of the Ordinance which requires that a primary structure exists on any lot where an accessory use is proposed.

4. If approved, the proposed variance will permit the Applicant to construct an accessory structure, namely a 40' x 40' garage pole building on the Property which does not contain a primary structure.

5. A hearing on the variance request was scheduled for and held on November 7, 2013 in Courtroom #5, Schuylkill County Courthouse, Pottsville, PA.

6. Public notice of the hearing was given by advertisement in the Pottsville Republican Newspaper on October 21, 2013 and October 28, 2013.

7. Notice was given by mail to the parties; the Notice being sent on October 21, 2013.

8. Notice was also posted on the Property on October 21, 2013.

9. The Applicant testified that the Property is currently vacant having previously housed a structure that was severely damaged by fire and razed.

10. Applicant confirmed that the physical characteristics of the Property prevent the reasonable use and development for residential purposes which cause him a hardship he did not create and cannot be cured but for the award of a variance.

11. If approved, the proposed variance will not diminish the value of other properties in the neighborhood nor be detrimental to the health, safety, and welfare of the District where the Property is located.

CONCLUSIONS OF LAW

1. The Board is empowered with jurisdiction to hear and render final adjudications in variance requests.

2. The Applicant has the burden of satisfying the pertinent review criteria to justify the award of a variance.

3. The Applicant has satisfied the elements to justify the award of a variance and thus the Board ***GRANTS*** the Applicant's request consistent with his application.

4. Consistent with the Applicant's testimony, the approval is subject to the condition that the proposed structure be used for residential purposes only.

DECISION

AND NOW, this 5th day of December, 2013, the Board ***GRANTS*** the Applicant's variance request consistent with his application and directs the Zoning Officer to issue a permit consistent with this decision.[1]

ERIC SEITZINGER, Chairman

DAVID AMBROSE, Member

DANIEL DAUB, Member

[1] The Board voted to approve the variance request at its November 7, 2013 hearing.