

**BEFORE THE ZONING HEARING BOARD**  
**OF**  
**SCHUYLKILL COUNTY**

**RE:** Application of Kenneth K. Witmer for a Dimensional 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 . . . . .	Kenneth K. Witmer 200 Hill Road Hegins, Pa 17938
Location of Property . . . . .	Route 602 Barry Township Schuylkill County, Pa UPI No. 01-10-0050
Owner of Property . . . . .	Applicant
Zoning Classification . . . . .	A (Agricultural)
Date of Hearing . . . . .	January 3, 2013
Place of Hearing . . . . .	Commissioner's Board Room Schuylkill County Courthouse Pottsville, Pa
Appearances (for Board) . . . . .	Christopher W. Hobbs, Esq.
Appearances (for Applicant) . . . . .	pro se
Protestants . . . . .	None

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**RE:** Application of Kenneth K. Witmer for a Dimensional Variance.

**FINDINGS OF FACT**

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

1. Kenneth K. Witmer ("Applicant") filed a request for dimensional variance that, if granted, will permit the subdivision of the subject property ("Property") into two (2) parcels with parcel number 1 only having road frontage for a length of 134.93 feet or 15.07 feet less than the required road frontage for an A District.
2. The Property is owned by the Applicant.
3. The Property is located in an A District.
4. The Property is located along Route 602, Barry Township, Schuylkill County, Pennsylvania and identified by UPI No. 01-10-0050.
5. The required road frontage for an A District is 150 feet.
6. Without the award of a dimensional variance, the Applicant will not be able to subdivide the Property.
7. Public notice of the hearing was given by advertisement in the Pottsville Republican Newspaper on Monday, December 17, 2012 and Monday, December 24, 2012.
8. Notice was given by mail to the parties; the notice being sent on Monday, December 17, 2012.
9. Notice was posted on the property on Monday, December 17, 2012.
10. The Applicant has not made any changes to the dimensions of the Property since becoming the owner.
11. If approved, the dimensional variance request will not negatively impact property values or the health, safety, and welfare of the district where the Property is located.
12. Opposition did not appear to contest the application.

CONCLUSIONS OF LAW

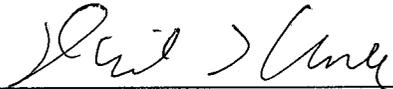
1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in variance requests.
2. The burden upon an applicant for a dimensional variance is less than that of a use variance.
3. The Applicant has satisfied the pertinent review criteria to justify the award of a variance.
4. The Board **GRANTS** the Applicant's request for a dimensional variance consistent with his application.

DECISION

AND NOW, this 7<sup>th</sup> day of February, 2013, after consideration of all evidence presented, the Board **GRANTS** the variance request and directs the Zoning Officer to issue a permit consistent with this decision.<sup>1</sup>



ERIC SEITZINGER, Chairman



DAVID AMBROSE, Member



DANIEL DAUB, Member

<sup>1</sup> Upon request of the Applicant, the Board voted to grant the variance request at its meeting held on January 3, 2013 and provided Applicant with a warning regarding appellant rights.