

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Application of Renee and Andrew Studlack, Jr. for a Special Exception.

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

MINUTES OF HEARING

Names of Applicants	Renee and Andrew Studlack, Jr. 32 Woodside Road Pottsville, Pa
Location of Property	32 Woodside Road Cass Township Schuylkill County, Pa UPI No. 05-16-0004 & 05-16-0005
Owners of Property	Applicants
Zoning Classification	R-3 (High Density Residential)
Date of Hearing	March 7, 2013
Place of Hearing	Commissioner's Board Room Schuylkill County Courthouse Pottsville, Pa
Appearances (for Board)	Christopher W. Hobbs, Esq.
Appearances (for Applicants)	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. Renee and Andrew Studlack, Jr., ("Applicants") are the owners of the subject property ("Property") situate at 32 Woodside Road, Cass Township, Schuylkill County, Pennsylvania and identified by UPI Nos. 05-16-0004 & 05-16-0005.
2. The Property is located in a High Density Residential (R-3) District under the Zoning Ordinance for Schuylkill County ("Ordinance").
3. The Applicants' home exists on the Property.
4. The Applicants' submitted a request for special exception that, if granted, would allow the Property to be used by Applicants for a Major Home Occupation as defined under the Ordinance; specifically, for retail sales of country-craft primitive goods which use will be traded as "Kountry Klutter".
5. The subject application replaces or amends an application submitted on February 4, 2013 by Michelle Rizzardi, Renee Studlack's sister.
6. Public notice of the hearing scheduled for the application submitted by Michelle Rizzardi was given by advertisement in the Pottsville Republican Newspaper on February 18, 2013. Public notice of the amended application submitted by the Applicants was given by advertisement in the Pottsville Republican Newspaper on February 21, 2013 and February 25, 2013.
7. Notice of the amended application was given by mail to the parties; the notice being sent on February 20, 2013.
8. Notice was posted on the Property on February 21, 2013.
9. Renee Studlack testified on behalf of the Applicants that she and her sister, Michelle Rizzardi, have been operating a niche retail business making unique craft products and selling them to the general public.
10. Ms. Studlack and Ms. Rizzardi's business has grown to the point where they would like to expand to allow the general public to come to a specific place, view the merchandise, and to conduct retail sales.
11. To save on the costs and expenses of renting a store with the uncertainty of volume, Mrs. Studlack and Ms. Rizzardi propose to use the basement of Mrs. Studlack's home for such space.

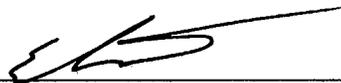
12. Mrs. Studlack's home has ample space inside for the proposed use and the Property contains sufficient space for parking.
13. Mrs. Studlack confirmed that major home occupations of retail sales are permitted special exception uses in an R-3 District and confirmed that the use meets the criteria of a Major Home Occupation as defined in the Ordinance.
14. The proposed use will not have any negative impact upon the values of the properties in the District where the Property is located nor shall the proposed use cause any type of public nuisance.

CONCLUSIONS OF LAW

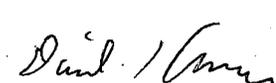
1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in special exception requests.
2. The burden is upon the applicants to prove by a preponderance of the evidence that the proposed use satisfies the criteria for a special exception under the Ordinance.
3. The Applicant has satisfied the required criteria to justify the award of a special exception.
4. The Board **GRANTS** the Applicants' request for a special exception consistent with their application.

DECISION

AND NOW, this 3rd day of April, 2013, after consideration of all evidence presented, the Board **GRANTS** the special exception request and directs the Zoning Officer to issue a permit consistent with this decision.¹



ERIC SEITZINGER, Chairman



DAVID AMBROSE, Member



DANIEL DAUB, Member

¹ Upon request of the Applicant, the Board voted to grant the special exception request at its meeting held on March 7, 2013 and provided Applicants with a warning regarding appellants rights.