

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Application by Jane Stoppi and Tyler Jesse Swantek 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

Names of Applicants	Jane Stoppi 433 West Pine Street Frackville, Pa and Tyler Jesse Swantek 413 West Walnut Street Frackville, Pa
Location of Property	413 West Walnut Street Frackville Schuylkill County, Pa UPI No. 43-03-00017.001
Owners of Property	Jane and Joseph Stoppi
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.
Applicants' Engineer	Charles J. Yourshaw P.E. 2520 West Norwegian Street Pottsville, Pa 17901
Appearances (for Applicant)	pro se
Protestants	None

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RE: Application by Jane Stoppi and Tyler Jesse Swantek for a Dimensional Variance.

FINDINGS OF FACT

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

1. Joseph and Jane Stoppi are the recorded owners of the subject property ("Property") situate at 413 West Walnut Street, Frackville, Schuylkill County, Pennsylvania and identified by UPI No. 43-03-00017.001.
2. The Property is currently comprised of two (2) separate lot descriptions.
3. The Property is located in a High Density Residential (R-3) District under the Zoning Ordinance for Schuylkill County ("Ordinance").
4. Minimum lot size in an R-3 District under the Ordinance is 2,500 square feet.
5. Tyler Jesse Swantek ("Applicant") is the owner of the property situate at 413 West Walnut Street, Frackville, Schuylkill County, Pennsylvania and identified by UPI No. 43-03-0017.
6. The Applicant's home exists on his property which is located on the corner of West Walnut Street and North Third Street, Frackville.
7. The Applicant and the owners have agreed to a subdivision plan to divide the Property and to then annex the northern portion of the Property to Applicants' current parcel.
8. The Applicant has filed a request for dimensional variance that, if approved, will permit the proposed subdivision of the Property which would then create a non-conforming lot.
9. If approved, the proposed subdivision will create a residue lot of 1,950 square feet which would be non-conforming to the 2,500 square feet requirement under the Ordinance.
10. The owners gave permission for the Application by way of Jane Stoppi's signature on the Application dated January 25, 2013.

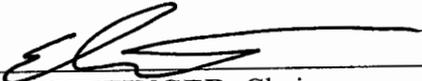
11. Public notice of the hearing was given by advertisement in the Pottsville Republican Newspaper on February 18, 2013 and February 25, 2013.
12. Notice was given by mail to the parties; the notice being sent on February 20, 2013.
13. Notice was posted on the Property on February 21, 2013.
14. If the dimensional variance request is approved, no new construction would ensue.
15. If the dimensional variance is approved, the nature and character of the district where the Property is located will not be harmed.
16. If the dimensional variance is approved, the health, safety, and welfare of the District will not be compromised.
17. The Property is uniquely small which causes the Applicants a hardship they did not create.
18. The Applicant presented his Professional Engineer, Charles J. Yourshaw, to testify to the facts in support of the dimensional variance application.

CONCLUSIONS OF LAW

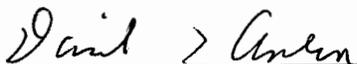
1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in variance requests.
2. The burden upon an applicant for a dimensional variance is less than that of a use variance.
3. The Applicant has satisfied the pertinent review criteria to justify the award of a variance.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

DECISION

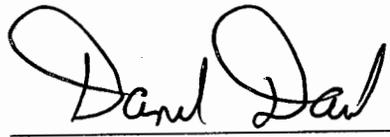
AND NOW, this 3rd day of April, 2013, after consideration of all evidence presented, the Board **GRANTS** the variance request and directs the Zoning Officer to issue a permit consistent with this decision.¹



ERIC SEITZINGER, Chairman



DAVID AMBROSE, Member



DANIEL DAUB, Member

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