

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

**RE:** Request for a Special Exception by the Mahanoy Area School District.

**BEFORE:** David Ambrose, Daniel Daub, Mary Jo Moss, Eric Seitzinger, and Scott Thomas, Members of the Schuylkill County Zoning Hearing Board (the "Board").

**MINUTES OF HEARING**

Name of Applicant	Mahanoy Area School District c/o John G. Dean, Esq. Solicitor, Mahanoy Area School District 39 Public Square, Suite 1000 Wilkes-Barre, PA 18701
Location of Subject Property	0 W. Center St. Mahanoy City Borough Schuylkill County Pennsylvania U.P.I. 48-07-0091.000
Owner of Property	Mahanoy Area School District, Applicant
Zoning Classification	C-1 Local Commercial District
Date of Hearing.	June 4, 2014
Place of Hearing	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances (for Board)	Shane H. Hobbs, Esq.
Appearances (Applicant)	John G. Dean, Esq., Solicitor Jack Hurst, Business Administrator
Protestants	None

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**RE:** Request for a Special Exception by the Mahanoy Area School District.

**FINDINGS OF FACT**

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

1. Mahanoy Area School District ("Applicant") is the owner of the subject property ("Property") situate 0 Center Street, Mahanoy City Borough, Schuylkill County, Pennsylvania, UPI no. 48-07-0091.000.
2. The Property is located in C-1 Local Commercial District under the Schuylkill County Zoning Ordinance ("Ordinance").
3. The Property is a former church with a lot area measuring approximately 33,906 square feet.
4. The Applicant is seeking relief from Article IV, Section 402.A.1, of the Schuylkill County Zoning Ordinance ("Ordinance"): Adaptive Reuse of a Former School, Place of Worship or Industrial Building.
5. The Applicant's request, if granted, will allow the Applicant to use the structure as a Storage Facility.
6. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on May 12, 2014 and May 19, 2014.
7. Notice of the Hearing was posted on the property.
8. Notice of the Hearing was given by mail to the primary last known owner of each lot that is abutting or immediately across the street from the property.
9. The application, Zoning Board file, and all exhibits were accepted and made part of the record.

10. The Applicant's Solicitor and Business Administrator testified that the proposed use of the storage facility will not change the character of the surrounding neighborhood.
11. The Applicant's Solicitor and Business Administrator testified that the proposed use of the storage facility will not substantially alter the Property's exterior appearance, and further stated that the welfare of the District where the Property is located will not be compromised.
12. The Applicant's Solicitor and Business Administrator testified that the proposed use of the storage facility would comply with the requirements established in Article IV, Section 402 of the Ordinance.
13. The testimony of the Applicant's Solicitor and Business Administrator, along with the application and exhibits, evidence that the proposed use of the facility meets the criteria and does not present any conflicts under Article I, Section 116 of the Ordinance.
14. No opposition appeared to contest the Applicant's request.

#### CONCLUSIONS OF LAW

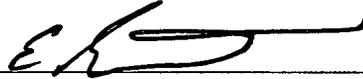
1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in Special Exception requests.
2. The Applicant's burden is to prove by a preponderance of the evidence that the proposed use satisfies the criteria for a Special Exception Use under the Ordinance.
3. The Applicant is seeking relief from Article IV, Section 402.A.1, of the Schuylkill County Zoning Ordinance ("Ordinance"): Adaptive Reuse of a Former School, Place of Worship or Industrial Building.
4. The Applicant is not required to show proof of hardship to gain approval under Section 402.A.1 of the Ordinance.
5. The Applicant has satisfied the pertinent criteria outlined in the Ordinance to justify the award of a Special Exception.

**DECISION**

AND NOW, this 10<sup>th</sup> day of July 2014, the Board **GRANTS** the Special Exception request by the Mahanoy City School District and directs the Zoning Officer to approve its application consistent with this decision.



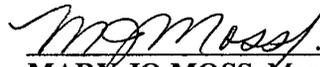
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DANIEL DAUB, Chairman



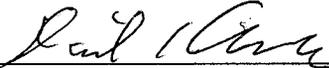
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RICK SEITZINGER, Member  
ERIC



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SCOTT THOMAS, Vice Chairman



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MARY JO MOSS, Member



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DAVID AMBROSE, Member