

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Application of Mary Jane Mahal for a Dimensional Variance.

BEFORE: Daniel Daub and Scott Thomas, Members of the Schuylkill County Zoning Hearing Board (the "Board").

MINUTES OF HEARING

Name of Applicant	Mary Jane Mahal 104 South Fourth Street Minersville, PA 17954
Location of Subject Property	428 Sunbury Street Minersville Borough Schuylkill County, PA UPI No. 52-02-0840.000
Owner of Property	Mary Jane Mahal
Zoning Classification	C1 – Local Commercial
Date of Hearing	January 9, 2014
Place of Hearing	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances (for Board)	Shane H. Hobbs, Esq
Appearances (Applicant)	Pro Se ¹
Applicant's Land Surveyor	Diane Lenick P.L.S. 2068 Old Phoenix Road Pottsville, Pa.17901
Protestants	None

¹ Mark Mahal appeared on behalf of the Applicant for the hearing on January 9, 2014. Mr. Mahal is the Applicant's son and serves as the Applicant's Power of Attorney.

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FINDINGS OF FACT

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

1. Mary Jane Mahal ("Applicant") is the owner of the subject property ("Property") situate 428 Sunbury Street, Minersville Borough, Schuylkill County Pennsylvania, UPI No. 52-02-0840.000.
2. The Property is located in a C1 -Local Commercial Zoning District under the Schuylkill County Zoning Ordinance ("Ordinance").
3. The Property contains a dwelling and a garage, where Applicant desires to subdivide the Property into two (2) parcels: Lot 1 with the existing dwelling; Lot 2 with the existing garage.
4. The Property's garage fronts Lewis Street, which is an alley with a right-of-way width of 40 feet.
5. Article III, Section 307.C.4.of the Ordinance permits a vehicle garage to exist on a separate lot, without a principal use, if the garage has its only vehicle access onto an alley with a right of way of 20 feet or less.
6. The Applicant applied for a variance to Article III, Section 307.C.4. which, if granted, would allow Applicant to subdivide the Property and permit an accessory vehicle garage to exist on a separate lot where the width of the alley used for vehicle access is 40 feet.
7. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper.
8. Notice of the Hearing was posted on the property.
9. 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.

10. The application, Zoning Board file, and all exhibits were accepted and made part of the record.
11. Applicant's Power of Attorney, Mark Mahal, testified that the garage on the Property is used exclusively for vehicle parking, and that its only vehicle access is onto a one-way alley.
12. The alley's width, which fronts the garage, causes the Applicant a hardship that it did not create and cannot be cured but by granting the variance which will not negatively impact surrounding properties.
13. If the dimensional variance is approved, the nature and character of the district where the Property is located will not be harmed.
14. If the dimensional variance is approved, no new construction will begin on the Property.
15. If the dimensional variance is approved, the health, safety, and welfare of the District where the property is located will not be compromised.
16. Diane Lenick, a Registered Land Surveyor, testified 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 on an Applicant for a dimensional variance is less than that of a use variance.
3. The Applicant has satisfied the pertinent criteria outlined in the Ordinance to justify the award of the Variance.

DECISION

AND NOW, this ^{6th} day of February 2014, the Board **GRANTS** the variance request and directs the Zoning Officer to issue a Permit consistent with this decision.



DANIEL DAUB, Chairman



SCOTT THOMAS, Vice Chairman