

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Application of Michelle A. Richards, Mini Miracles Group Daycare, for a Special Exception Use.

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

MINUTES OF HEARING

Name of Applicant	Michelle A. Richards 223 W. Main Street Girardville, Pa 17935
Location of Subject Property	223-225 W. Main Street Girardville Borough Schuylkill County, PA UPI Nos. 45-08-0085.000 and 45-08-0086.000
Owner of Property	Michelle A. Richards
Zoning Classification	R-3 High Density Residential
Date of Hearing	May 1, 2014
Place of Hearing	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances (for Board)	Shane H. Hobbs, Esq.
Appearances (Applicant)	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. Michelle A. Richards ("Applicant") is the owner of the subject property ("Property") situate 223-225 W. Main St. Girardville Borough, Schuylkill County, PA, UPI Nos. 45-08-0085.000 and 45-08-0086.000.
2. The Property is located in R-3 High Density Residential District under the Schuylkill County Zoning Ordinance ("Ordinance").
3. The Property contains two (2) attached residential dwellings.
4. The Applicant seeks a special exception applicable to Article III, § 306 G.2.d. of the Ordinance which, if granted, would allow Applicant to open a Day Care as accessory to a dwelling Group Day Care.
5. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on April 14, 2014 and April 21, 2014.
6. Notice of the Hearing was posted on the property on April 14, 2014.
7. 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.
8. The application, Zoning Board file, and all exhibits were accepted and made part of the record.
9. Applicant, Michelle A. Richards, testified that operating a Day Care business on the Property will not substantially change the character of the surrounding neighborhood.
10. Applicant testified that the Property's residential, exterior appearance will not change due to the Day Care business, and further stated that the welfare of the District where the Property is located will not be compromised.

11. Applicant testified that she desires to care for up to twelve (12) children at any one time, has received preliminary clearances from relevant Pennsylvania Agencies, and is not aware of any opposition to her plans.
12. Wade Richards, Girardville, testified to the facts in support of the application for a Special Exception.
13. Operating a Day Care as accessory to a dwelling Group Day Care is a Special Exception Use , and Applicant confirmed that the proposed use meets the criteria under the Ordinance.
14. Applicant's proposed use will not have any negative impact upon the values of properties in the District nor will 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 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 has satisfied the pertinent criteria outlined in the Ordinance to justify the award of a Special Exception.
4. The Board **GRANTS** the Applicant's request for a Special Exception consistent with her application.

DECISION

AND NOW, this 13th day of May 2014, the Board **GRANTS** the Special Exception request and directs the Zoning Officer to issue a Permit consistent with this decision¹.



DANIEL DAUB, Chairman



SCOTT THOMAS, Vice Chairman

¹ The Board voted to Grant the Special Exception application at the public hearing held on May 1, 2014.

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DANIEL DAUB, Chairman



SCOTT THOMAS, Vice Chairman

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