

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Request for a Dimensional Variance by West End Fire and Rescue, Mahanoy City.

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	West End Fire and Rescue c/o Louis David Truskowsky, President 320 West Centre Street Mahanoy City, PA 17948
Location of Subject Property	Intersection of West Mahanoy Street & South D Street Mahanoy City Borough Schuylkill County Pennsylvania U.P.I. 48-07-0136.000
Owner of Property	West End Fire and Rescue
Zoning Classification	R-3 High Density Residential
Date of Hearing	July 10, 2014
Place of Hearing	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances (for Board)	Shane H. Hobbs, Esq.
Appearances (Applicant)	Eric Lieberman, Esq. Louis David Truskowsky
Applicant's Land Surveyor	Diane Lenick P.L.S. 2068 Old Phoenix Road Pottsville, Pa.17901
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. West End Fire and Rescue ("Applicant") is the owner of the subject property ("Property") situate at the intersection of West Mahanoy Street and South D Street, Mahanoy City Borough, Schuylkill County, U.P.I. 48-07-0136.000.
2. The Property is located in a R-3 High Density Residential Zoning District under the Schuylkill County Zoning Ordinance ("Ordinance").
3. The Property contains an existing fire truck garage, banquet facility, and a macadam parking lot and drive way. The lot area of the Property is approximately 29,924 square feet.
4. The Applicant proposes to subdivide its existing Property into two lots.
5. The Applicant applied for a five (5) separate dimensional variances to Articles III & VIII of the Ordinance which, if granted, would permit relief under Sections 306 & 803 and allow Applicant to subdivide the Property.
6. The Applicant desires to create a single lot for the purpose of constructing a fire truck garage.
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. Diane Lenick, a licensed land surveyor, testified to Applicant's proposed subdivision plan stating that the Property contains unique physical conditions with no possibility that it can be developed in strict conformity of the Ordinance.
12. Diane Lenick further testified that the variances, if granted, will not alter the essential character of the district in which the Property is located.
13. Eric Lieberman, Attorney for Applicant, motioned to admit documentary evidence on behalf of Applicant. Said evidence was admitted and made part of the record as Exhibit "1".
14. The President of West End Fire and Rescue, Louis David Truskowsky, testified that the variances, if granted, would represent the least possible modification to existing set-backs and lot size requirements at issue.
15. If the dimensional variances are approved, the health, safety, and welfare of the District where the property is located will not be compromised.

CONCLUSIONS OF LAW

1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in Dimensional 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 and the Pennsylvania Municipalities Planning Code to justify the award of the Variances.

DECISION

AND NOW, this 7th day of August 2014, the Board **GRANTS** Applicant's requests and directs the Zoning Officer to issue a Permit consistent with the application and with this decision.



DANIEL DAUB, Chairman

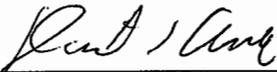


ERIC SEITZINGER, Member

SCOTT THOMAS, Vice Chairman



MARY JO MOSS, Member



DAVID AMBROSE, Member