

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

**RE:** Request for a Special Exception by Charles Snukis.

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

**MINUTES OF HEARING**

Name of Applicant	Charles Snukis 2 Main Street Middleport, PA 17953
Location of Subject Property	0 Wiggan Street New Philadelphia, PA Schuylkill County Pennsylvania U.P.I. 54-02-0052.000
Owner of Property	Charles Snukis
Zoning Classification	R-3 High Density Residential District
Date of Hearing.	December 4, 2014
Place of Hearing	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances (for Board)	Shane H. Hobbs, Esq.
Appearances (Applicant)	Charles Snukis
Protestants	None

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**RE:** Request for a Special Exception by Charles Snukis.

**FINDINGS OF FACT**

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

1. Charles Snukis (“Applicant”) initiated this hearing after his application for a zoning permit was denied by the Zoning Officer.
2. Applicant is the owner of the subject property (“Property”), situate 0 Wiggan Street, New Philadelphia Borough, Schuylkill County, Pennsylvania, identified by UPI No. 54-02-0052.000.
3. Applicant desires to erect 60’ x 40’ pole building for a garage/warehouse.
4. The Property is located in a R-3 High Density Residential District under the Schuylkill County Zoning Ordinance (“Ordinance”).
5. Applicant’s proposed structure would be larger than 100% of the existing building’s square footage.
6. The Applicant is seeking special exception relief from Article 8, Section 805 of the Ordinance.
7. The relief, if granted, will allow Applicant to expand the Non-Conforming Non-Residential Use by adding an Accessory Structure – a garage/warehouse - that is larger than 100% of the existing building on the Property.
8. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on November 17, 2014 and November 24, 2014.
9. Notice of the Hearing was given by mail to adjacent landowners parties; the notice being sent on November 17, 2014.
10. Notice was also posted on the property on November 15, 2014. Copies of the notice are being made part of the record, together with the original copy of the Application.

11. Applicant testified extensively to the Board as to the building and proposed use of the accessory structure.
12. Applicant offered into evidence a sketch drawing of the Property along with a sketch of the proposed Accessory Structure. Said drawings were accepted and made part of Applicant's hearing record.
13. Applicant further testified that his proposed garage/warehouse will not alter the essential character of the zoning area, nor will it create any problems with safety or traffic. The expansion of the Non Conforming Use, according to the Applicant, will meet the required setbacks and other requirement of the Ordinance.

**CONCLUSIONS OF LAW**

1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in Special Exception requests.
2. Applicant's burden is to prove by a preponderance of the evidence that the proposed use satisfies the criteria for a Special Exception under the Ordinance.
3. The testimony and supporting documentation are consistent with the Applicant's application.
4. The Applicant's has satisfied the pertinent criteria outlined in the Ordinance to justify the award of a Special Exception.

**DECISION**

AND NOW, this 4th<sup>1</sup> day of December, 2014, the Board **GRANTS** the Special Exception request by Charles Snukis and directs the Zoning Officer to approve a permit that is consistent with this decision and Applicant's application.



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**DANIEL DAUB, Chairman**



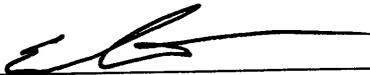
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**MARY JO MOSS, Member**



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**SCOTT THOMAS, Vice Chairman**



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**DAVE AMBROSE, Member**



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**ERIC SEITZINGER, Member**

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<sup>1</sup> The Board voted unanimously during its hearing on December 4, 2014, to approve Applicant's request. This written decision was drafted and executed on a date following the hearing.