

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Variance Requests by Koppy's Propane, Inc.

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

MINUTES OF HEARING

Name of Applicant	.	.	.	.	Koppy's Propane, Inc.
Location of Subject Property	.	.	.	.	South side State Route 4011 West of Good Spring Porter Township Schuylkill County Pennsylvania U.P.I. 22-03-003.000 and 13-12-0064.000
Owner of Property	.	.	.	.	Rausch Creek Land, LP
Zoning Classification	.	.	.	.	CM (Conservation Mining District)
Date of Hearing	.	.	.	.	August 19, 2015
Place of Hearing	.	.	.	.	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances (Applicant)	.	.	.	.	James G. Caravan, Esq.
Witnesses (Applicant)	Randy Witmer; Robert Feldman
Protestants	None

BEFORE THE ZONING HEARING BOARD
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RE: Request for Use Variance by Kopyy's Propane, Inc.

FINDINGS OF FACT

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

1. Kopyy's Propane, Inc. ("Applicant") desires to construct a Propane Rail Terminal for storage and distribution.
2. Rausch Creek Land, LP ("Owner") is the owner of the subject property and parcels ("Property") situated at the south side of State Route 4011 west of Good Spring, Porter Township, Schuylkill County, Pennsylvania, identified by UPI Nos. 22-03-003.000 and 13-12-0064.000.
3. Applicant has an option agreement with Owner to purchase the Property, which is unoccupied.
4. The Property is located in a CM – Conservation Mining District under the Schuylkill County Zoning Ordinance ("Ordinance").
5. Applicant seeks a Use Variance and Special Exception under Article 1, § 111.3 & 111.4 and Article 3, § 306 N & M, of the Ordinance.
6. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on August 3, 2015 and August 10, 2015.
7. Notice of the Hearing was given by mail to the parties; the notice being sent on July 31, 2015.
8. Notice was also posted on the property on August 3, 2015. Copies of the notice are being made part of the record, together with the original copy of the Application.
9. James G. Caravan, Esq., testified on behalf of Applicant and provided an overview regarding the nature of this application as it applies to the Ordinance. *See* Transcript, Official Court Reporter, 8/19/15 (7:30 p.m.).

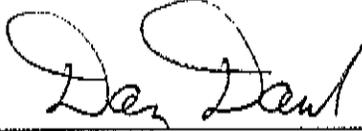
10. Randy Witmer, General Manager of Kopyy's Propane, testified on Applicant's behalf.
11. Mr. Witmer testified to the dimensions, landscape, proposed and current use of the Property.
12. Mr. Witmer offered into evidence three (3) exhibits (Plot Plan; Fire Safety Analysis Letter from Joliett Fire Company) all of which were accepted and made part of the record.
13. Robert Feldman, Land Use Director for Rausch Creek Land, LP ("Owner"), testified on Applicant's and Owner's behalf.
14. Mr. Feldman further testified as to the use of the property and surrounding land, as well as the hazards and cautionary measures relating to the railway and use of propane.
15. The application, Zoning Board file, and all exhibits provided at the hearing were accepted and made part of the record.
16. There were no objectors at the hearing and no comments or questions presented by the public.

CONCLUSIONS OF LAW

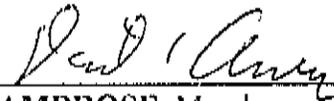
1. The Board may grant a variance if the Applicant satisfies the Standards and pertinent review criteria pursuant to Municipalities Planning Code (MPC) and the Ordinance. Ordinance, § 111(3).
2. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in Special Exception Use requests. Ordinance, § 116.
3. The Board finds that Applicant has satisfied all of the relevant Standards justifying a use variance under Section 111(3) of the Ordinance. Ordinance, § 111(3), i – v.
4. The Board finds that Applicant's proposed use is authorized as a special exception under the Ordinance. Ordinance, § 116.

DECISION

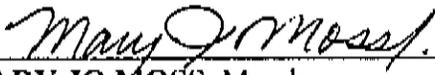
AND NOW, this 3rd day of September, 2015, the Board **GRANTS** the Variance request by Kopyy's Propane, Inc., and directs the Zoning Officer to approve a permit that is consistent with this decision and with Applicant's application.



DAN DAUB, Chairman



DAVE AMBROSE, Member



MARY JO MOSS, Member



ERIC SEITZINGER, Member