

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: REQUEST FOR DIMENSIONAL VARIANCE BY OMAR MESHAL

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

MINUTES OF HEARING

Name of Applicant	Omar Meshal
Location of Subject Property	320 E. Mahanoy St. Mahanoy City Borough Schuylkill County, PA UPI No. 48-04-0354.000
Owner of Property	Omar Meshal 1 Brandon Drive Lincroff, NJ 07738
Zoning Classification	R3 – High Density Residential
Date of Hearing	August 6, 2015
Place of Hearing	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances for Board	Shane H. Hobbs, Esq
Objectors	None

BEFORE THE ZONING HEARING BOARD
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SCHUYLKILL COUNTY

RE: Request for Dimensional Variances by Omar Meshal.

FINDINGS OF FACT

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

1. Omar Meshal (“Applicant”) is the owner of a parcel located at 320 E. Mahanoy St., Mahanoy City Borough, Schuylkill County, UPI 48-04-0354.000 (“Property”).
2. Applicant desires to sub-divide the existing Property into two (2) separate parcels.
3. The Property is located in a R-3 High Density Residential District under the Schuylkill County Zoning Ordinance (“Ordinance”).
4. The Applicant seeks relief under Article 3, § 306 G.3.(a)(b) (d) of the Ordinance, requesting a lot area of 741.4 square feet, lot width of 16.67 feet, and rear yard set-back of 13.00 feet.
5. The Applicant’s requests for Dimensional Variances, if granted, will allow the Applicant to subdivide the Property into two (2) separate parcels.
6. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on July 20, 2015 and July 27, 2015.
7. Notice of the Hearing was given by mail to adjacent landowners; the notice being sent on July 20, 2015.
8. The Applicant provided testimony before the Board and offered into evidence sketch drawings and exhibits; all exhibits were accepted and made part of the record.
9. Mr. Raymond Harris testified on behalf of the Applicant.
10. Applicant offered documents and drawings produced by Stephen A. Higgins, III, Professional Land Surveyor, business address of 1911A West Market Street, Pottsville, PA 17901.

11. The application, Zoning Board file, and all exhibits provided at the hearing were accepted and made part of the record.
12. The Property's dimensions and overall size create a hardship that cannot be cured but by granting the variances, in that, the proposed subdivision cannot conform to the dimensional requirements outlined in the Ordinance.
13. If the dimensional variances are approved, the nature and character of the district where the Property is located will not be harmed.
14. 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 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 dimensional variances.
4. The Board Grants Applicant's request for relief pursuant to Article 3, § 306 G.3.(a)(b)(d).

