

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Request for a Use Variance made by Drew and Stephanie Jacobs.

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

MINUTES OF HEARING

Name of Applicants	.	.	.	.	Drew and Stephanie Jacobs 498 Hillside Drive Mountville, PA 17554
Location of Subject Property	.	.	.	.	20 Beecher Street Pine Grove Borough Schuylkill County UPI No. 58-07-0259.000
Owners of Property	.	.	.	.	Drew and Stephanie Jacobs
Zoning Classification	.	.	.	.	R2-Medium Density Residential
Date of Hearing.	.	.	.	.	August 4, 2016
Place of Hearing	Commissioners Board Room Schuylkill County Courthouse Pottsville, Pennsylvania
Appearances (Board)	Shane H. Hobbs, Esquire
Protestants	None

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RE: Request for a Variance by Drew and Stephanie Jacobs.

FINDINGS OF FACT

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

1. Drew and Stephanie Jacobs, husband and wife (hereinafter referred to as “Applicants”), are the owners of the subject parcel and property (“Property”) located at 20 Beecher Street, Pine Grove Borough, Schuylkill County, uniform parcel identification number 58-07-0259.000.
2. Applicants seek a Variance pursuant to Section 801.C of the Schuylkill County Zoning Ordinance (“Ordinance”), where the Applicants propose to construct a new mobile home.
3. The Applicants’ proposed construction would be 304 square feet.
4. The Property currently has a house and a shed.
5. The Property is located in a Medium Density Residential (R2) under the Ordinance.
6. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on July 18, 2016 and July 25, 2016.
7. Notice of the Hearing was posted on the Property on July 18, 2016.
8. The application, Zoning Board file, and exhibits introduced during the Hearing were accepted and made part of the record.
9. Applicants testified that the present use of the Property is residential and a dilapidated house and a shed currently sit on the lot.
10. Pursuant to the Ordinance, Section 801.C requires a minimum size for dwellings to be 500 square feet.
11. The proposed construction will allow for a new mobile home to be 304 square feet.

12. The new construction and additions will be consistent with surrounding neighborhood.
13. The Property is located in a secluded area and the new construction, finished, will enhance the quality of the district.

CONCLUSIONS OF LAW

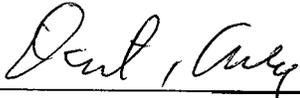
1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in variance requests.
2. The Applicant's burden in requesting a dimensional variance is less stringent than that of a use variance. *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43 (Pa. 1998).
3. The Board may grant a variance provided that the Applicant satisfies all relevant criteria pursuant to the Municipalities Planning Code and the Ordinance. Ordinance § 111, D. 3.
4. The Board finds that the Applicant has satisfied the pertinent criteria outlined in the Ordinance to justify the award of Applicant's requests.

DECISION

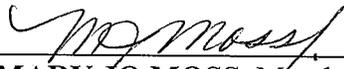
AND NOW, this 1st day of September, 2016, the Schuylkill County Zoning Hearing Board hereby **GRANTS** and **APPROVES** the Variance request made by Drew and Stephanie Jacobs providing relief under § 801 C. of the Ordinance which reduces the minimum dwelling size requirement from 500 square feet to 304 square feet for parcel no. 58-07-0259.000.



DANIEL DAUB, Chairman



DAVE AMBROSE, Member



MARY JO MOSS, Member