

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

**RE:** Request for a Variance made by Michael G. Deibert.

**MINUTES OF HEARING**

Name of Applicant .....	Michael G. Deibert
Location of Subject Property .....	Klingerstown, PA
Owner of Property .....	Michael G. Deibert
Zoning Classification .....	A-Agricultural
Date of Hearing .....	July 7, 2016
Place of Hearing .....	Commissioner's Board Room Schuylkill County Courthouse Pottsville, PA
Appearances (for Board) .....	Shane H. Hobbs, Esquire
Appearances (for Applicant) .....	James P. Diehl, Esquire
Witness (for Applicant) .....	Michael G. Deibert
Protestants .....	None





5. The Applicant is requesting a variance from the dimensional requirements set forth at Section 306(c)(3) to permit the subdivision of a lot with a garage erected thereon, which garage has been recognized as a pre-existing nonconforming use by the Schuylkill County Zoning officer by letter dated June 13, 2016.

6. The garage and the Premises is located in a floodplain, and the property cannot be developed for residential or other uses. A septic system cannot be located on the Premises.

7. The Premises is located in an agricultural district subject to the requirements of Section 306C of the SCZO.

8. The Residence is located on a portion of tax parcel 31-06-0035 which is adjacent to Main Street and is exceedingly steep and it is extremely difficult to place a garage upon this property.

9. If a garage were placed upon the property of the Residence, it will result in a hazard because of the difficulty of accessing onto Main Street and because setback requirements could not be met.

10. The garage located on the Premises has been in existence for in excess of 50 years and its existence predates the SCZO and is therefore a nonconforming use.

11. The proposed variance merely acknowledges the existence of a property line which to a great degree is defined by the pre-existing non-conforming use of the Premises as a garage associated with the Residence and located directly across the street from the Premises.

12. The Schuylkill County Zoning Hearing Board has jurisdiction to rule upon the request for variance submitted by the applicant, and in accordance with the standards set forth in Section 111 (D)(3), the Board makes the following findings:

(a) There are unique physical circumstances and conditions that affect the premises because the property is located in a floodplain and because of the existence of a stream on the property, there is limited available land to be used for any purpose adjacent to the roadway.

(b) Because of the narrowness of the property and because it is located in a floodplain, and because the Premises has a pre-existing nonconforming use which has been associated with the residence across the street, the property cannot be developed in accordance with in conformity with the provisions of the SCZO and a variance is necessary in order to enable the reasonable use of the Premises.

(c) The hardship has not been created by the applicant nor has it been caused in any way by the Applicant.

(c) The variance will not alter the character of the neighborhood in which the premises is located and will not substantially or permanently impair the proper use of development of adjacent property.

(d) The variance requested and granted represents the minimum variance that will afford relief and represent the least modification possible of the regulations and issue.

(e) Properties adjacent to the Premises and in the neighborhood are vacant open land or residential uses which are consistent with the current and proposed use of the Premises.

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DECISION

AND NOW THIS 7<sup>th</sup> day of July, 2016, the Zoning Hearing

Board hereby grants and approves a variance from the minimum lot size requirements of the SCZO, in particular the requirement for minimum lot size as set forth in Section 306(C)(3). This approval shall be consistent with the Application and the Finding of Facts.

**SCHUYLKILL COUNTY ZONING HEARING BOARD**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: Dan DeLoe  
Chairman

BY: Scott R. [Signature]  
Member

BY: [Signature]  
Member

[Signature]

[Signature]