

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Request for a Special Exception made by Jacque E. and Mae L. White.

BEFORE: Daniel Daub, ¹Scott Thomas, Mary Jo Moss, Dave Ambrose, and Eric Seitzinger,
Members of the Schuylkill County Zoning Hearing Board (“Board”).

MINUTES OF HEARING

Name of Applicants	Jacque E. & Mae L. White 114 Covered Bridge Road Pine Grove, PA 17963
Location of Subject Property	114 Covered Bridge Road Washington Township Schuylkill County UPI No. 33-14-0026.002
Owners of Property	Jacque E. & Mae L. White
Zoning Classification	A – Agricultural Zoning District
Date of Hearing	July 7, 2016
Place of Hearing	Commissioners Board Room Schuylkill County Courthouse Pottsville, Pennsylvania
Appearances (Board)	Shane H. Hobbs, Esquire
Witness (for Applicant)	Gary Hitzemann, Architect
Protestants	None

¹ Scott Thomas and Eric Seitzinger were present for the testimony provided on July 7, 2016, but were absent for the Decision made on August 4, 2016. The Board having a proper quorum on August 4, 2016, voted unanimously in favor of Applicants’ Special Exception request.

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FINDINGS OF FACT

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

1. Jacque E. & Mae L. White, husband and wife (hereinafter referred to as “Applicants”), are the owners of the subject parcel and property (“Property”) located at 114 Covered Bridge Rd., Washington Township, Schuylkill County, uniform parcel identification number 33-14-0026.002.
2. Applicants seek a Special Exception pursuant to Section 805.C.3 of the Schuylkill County Zoning Ordinance (“Ordinance”), where the Applicants propose to construct an addition to an existing building.
3. The Applicants’ proposed construction would exceed 100% floor area of the existing non-conforming building found within the Property.
4. The Property is currently operating as a valid Nonconforming, Non-Residential Use, pursuant to Section 805 of the Ordinance.
5. The Property is located in an Agricultural District (A) under the Ordinance.
6. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on June 20, 2016 and June 27, 2016.
7. Notice of the Hearing was posted on the Property on June 20, 2016.
8. Notice of the Hearing was given by mail to the last known primary owner of each lot that is abutting or immediately across the street from the Property; said notice being sent on June 17, 2016.
9. The application, Zoning Board file, and exhibits introduced during the Hearing were accepted and made part of the record.
10. Applicants testified that the present use of the Property is a machine shop with six parking spaces, and the Property also contains a single family residence and storage shed.

11. The proposed construction will allow Applicants' business operation to run more efficiently while maintaining the same work hours for employees.
12. There will be no change in the use of the Property; the new construction will include two extensions onto the existing building: a 15' X 50' addition for an expanded entrance, and a 100' X 150' addition to the building to hold new machines and equipment.
13. The existing structure is approximately 5000 square feet and the additions would total approximately 15,750 square feet, therefore requiring a special exception for these expansions which exceed 100% of the existing structure.
14. There will be no negative impact on traffic or parking in the surrounding neighborhood.
15. The new construction and additions will be consistent with surrounding neighborhood.
16. Gary Hitzemann, Architect, testified on behalf of the Applicants and confirmed the information presented in the application.
17. Mr. Hitzemann offered into evidence his building plans and specifications in relation to the Property, all of which were accepted by the Board and made part of the record.
18. No objectors appeared at the hearing.

CONCLUSIONS OF LAW

1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in Special Exception requests. Ordinance, § 116.
2. A Nonconforming Use proposed to be expanded more than 50% of its lot area may be permitted by Special Exception. Ordinance, § 805 C.3.
3. The Applicants have provided sufficient evidence proving that the Property's existing Nonconforming use is valid and legal. Ordinance, § 805 A.
4. The Board finds that the Applicants have satisfied the pertinent criteria outlined in the Ordinance to approve and grant a Special Exception.

DECISION

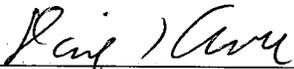
AND NOW, this 4th day of August, 2016, the Schuylkill County Zoning Hearing Board hereby grants and approves the Special Exception request made by Jacque E. & Mae L. White. This approval shall be consistent with the Application and the Findings of Fact.



DANIEL DAUB, Chairman



MARY JO MOSS, Member



DAVE AMBROSE, Member