

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Application of Mahanoy City Borough for Dimensional Variances.

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

MINUTES OF HEARING

Name of Applicant	Mahanoy City Borough 239 East Pine Street Mahanoy City, Pa 17948
Location of Properties.	704-714 West Centre Street Mahanoy City Schuylkill County, Pa UPI Nos. 48-07-0072; 48-07-0073; 48-07-0074; 48-07-0075; 48-07-0076; and 48-07-0077
Owner of Property	Mahanoy City Borough
Zoning Classification	C-1 (Local Commercial)
Date of Hearing	December 6, 2012
Place of Hearing	Commissioner's Board Room Schuylkill County Courthouse Pottsville, Pa
Appearances (for Board)	Christopher W. Hobbs, Esq.
Appearances (for Applicant)	pro se
Protestants	None

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FINDINGS OF FACT

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

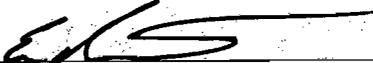
1. Mahanoy City Borough ("Applicant") filed a request for dimensional variances that, if granted, will facilitate the annexation of six (6) vacant parcels to construct a three-unit apartment building upon the subject property ("Property") situate at 704-714 West Centre Street, Mahanoy City Borough, Schuylkill County, Pennsylvania and identified by UPI Nos. 48-07-007248-07-0073; 48-07-0074; 48-07-0075; 48-07-0076; and 48-07-0077.
2. The Property is owned by the Applicant.
3. The Property is located in a C-1 (Local Commercial) District under the Zoning Ordinance for Schuylkill County ("Ordinance").
4. The Property has been vacant since a fire ravaged the residential homes located on the site.
5. If constructed, the proposed three-unit apartment building will restore the residential nature to the neighborhood, fill the vacant hole that currently exists, and provide for affordable housing.
6. To construct the dwellings as proposed, the Applicant requires dimensional variances to the side setback areas to 7.5'.
7. Notice of the application was duly accomplished by publication in the Republican Herald on November 19, 2012 and November 26, 2012.
8. Notice of the request was posted and sent to adjoining property owners and the municipality by way of mail.
9. Approving the dimensional variance request will not have any negative impact on the health, safety, and welfare of the district where the Property is located.
10. The requested variance is the minimum variance that will afford relief.

CONCLUSIONS OF LAW

1. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in variance requests.
2. The burden upon an applicant for a dimensional variance is less than that of a use variance.
3. The Applicant has satisfied the pertinent review criteria to justify the award of a variance.
4. The Board **GRANTS** the Applicant's request for dimensional variances consistent with its application.

DECISION

AND NOW, this 3rd day of January, 2013, after consideration of all evidence presented, the Board **GRANTS** the variance requests and directs the Zoning Officer to issue a permit consistent with this decision.¹



ERIC SEITZINGER, Chairman



DAVID AMBROSE, Member



DANIEL DAUB, Member

¹ Upon request of the Applicant, the Board voted to grant the variance request at its meeting held on December 6, 2012 and provided Applicant with instructions on appellant rights.