

HONEY BROOK TOWNSHIP
ZONING HEARING BOARD

: APPLICATION OF
: SAMUEL R. STOLTZFUS/NORMAN BEILER

RESOLVED, that the application of Samuel R. Stoltzfus/Norman Beiler for a variance from Sections 27-10.33.H.(10(b) of the Honey Brook Township Zoning Ordinance, to allow the placement of a 2000 square foot hoop building to house a sawmill in the front yard as a Rural Occupation, rather than in the side or rear yard. The variance is hereby GRANTED on the basis of the following:

FINDINGS OF FACT

1. The Applicant is the Samuel Stoltzfus who submitted the application on behalf of Norman Beiler. Norman Beiler is the owner of 1220 Morgantown Road, Morgantown, PA 19543 (hereinafter the "Premises").

2. The Premises is located in Rural Conservation zoning district.

3. A public hearing on the Application was held on March 14, 2022 at 7:30 P.M. in the Honey Brook Township Municipal Building, 500 Suplee Road, Honey Brook Township, Chester County Pennsylvania, pursuant to public notice, notice sent to adjoining property owners and posting of the premises.

4. The Applicant, Members of the Zoning Hearing Board, the Board's Solicitor and members of the public attended the hearing.

5. Both Mr. Stoltzfus and Mr. Beiler testified that the proposed location of the hoop building and sawmill, in the front yard, served to locate the operation further from the neighbors bordering on the side and rear yards of the Premises.

6. Both Mr. Stoltzfus and Mr. Beiler testified that locating the operation in the front

yard, inside the circular driveway, would serve to reduce the need for the installation of an additional driveway to service the operation and would reduce the impervious surface that any new driveway would require.

7. Mr. Stoltzfus and Mr. Beiler testified that locating the operation in the rear or side yard would place the operation closer to the neighbors.

8. The Application included a plan sheet that showed a garage, home and pool toward the rear of the property.

9. Locating the operation to the side of the garage or behind the existing improvements, would put the operation in close proximity to the side and rear property lines.

10. The Board of Supervisors provided recommendation of approval regarding proposed variance, which was reviewed and considered by the Zoning Hearing Board.

11. The Applicant testified that the strict compliance with zoning ordinance would prohibit the placement of the operation on the Premises, which would result in a hardship, which hardship was not created by the Applicant.

11. The Applicant testified that the requested variances if granted would not alter the essential character of the neighborhood or impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

12. The Applicant testified that the requested variance were the minimum variances that would afford relief.

CONCLUSIONS OF LAW

1. The Applicant is seeking a variance from Section 27-1033.H(10)(b) to locate a 200 sq' hoop building to house a sawmill in the front yard, rather than in the side or rear yard.

2. The Applicant demonstrated that there were particular site conditions including

the existing residence, garage, pool and driveway, which would prevent strict compliance with the zoning ordinance and that strict compliance would cause a hardship.

3. The Applicant did not cause the hardship.
4. The requested relief is the minimum relief required to allow the proposed use.
5. The requested relief would not alter the essential character of the neighborhood or impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

WHEREFORE, in consideration of the foregoing Findings of Fact and Conclusions of Law, the application of Samuel Stoltzfus/Norman Beiler for a variance from Section 27-1033.H(10)(b) to place a hoop building to house a sawmill in the front yard as described and as depicted in the Application, is GRANTED to allow the proposed use in conformity with the Application marked as Exhibit 1 being the Applicant's Application to the Zoning Hearing Board, subject to the following conditions:

1. The Applicant shall obtain approval from Honey Brook Township and shall comply with all rules and regulations required by Honey Brook Township related to the operation of a sawmill as a rural occupation, including but not limited to noise and fugitive dust.
2. Subject to the forgoing, the Applicant may operate the sawmill Monday through Friday and shall not operate the sawmill on Saturday or Sunday.

3. The Applicant shall consult with the Honey Brook Township Fire Marshall/Fire Company regarding best operating practices with regard to health and safety issues

Date: April 15, 2022

Jeff Emberger

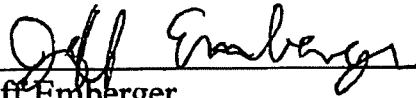
David Rogers



Darlene Olear

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