

**BOARD OF SUPERVISORS
OF THE TOWNSHIP OF HONEY BROOK
CHESTER COUNTY, PENNSYLVANIA**

IN RE: PUBLIC HEARING FOR A	:	BEFORE THE TOWNSHIP OF
CONDITIONAL USE; ZONING	:	HONEY BROOK BOARD OF
APPLICATION BY SAMUEL S.	:	SUPERVISORS
KAUFFMAN AND ADA MAE	:	
KAUFFMAN	:	CONDITIONAL USE HEARING
	:	
1571 BEAVER DAM ROAD, HONEY	:	WRITTEN DECISION OF THE BOARD
BROOK TOWNSHIP, CHESTER	:	
COUNTY, PENNSYLVANIA	:	NO. 2016-1

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF SAMUEL S. KAUFFMAN AND ADA MAE
KAUFFMAN FOR CONDITIONAL USE UNDER SECTION 27-402.3.I OF THE HONEY
BROOK TOWNSHIP ZONING ORDINANCE OF 2003, TO OPERATE A KENNEL**

FINDINGS OF FACT

1. The property which is the subject of this land use application is located at 1571 Beaver Dam Road, Honey Brook Township, Chester County, Pennsylvania, in the Agriculture ("A") zoning district of Honey Brook Township, Chester County, Pennsylvania, and contains approximately 71.5 acres of land (hereafter "Property").
2. Applicants are Samuel S. Kauffman and Ada Mae Kauffman, adult individuals, husband and wife, with a mailing address of 1571 Beaver Dam Road, Honey Brook, Pennsylvania 19344 (hereafter "Applicants").
3. Applicants are the owners of the Property.
4. Applicants submitted an Application for Public Conditional Use Hearing dated February 10, 2016, to operate a kennel on the Property (hereinafter "Application") (See Exhibit "Board-1").
5. Section 27-402.3.I of the Honey Brook Township Zoning Ordinance of 2003, Chapter 27 of the Code of Ordinances of Honey Brook Township (hereinafter "Zoning Ordinance"), establishes that within the Agriculture zoning district, a kennel is permitted as a conditional use, when in accordance with the standards set forth in Section 27-1604.M of the Zoning Ordinance.
6. Section 27-202 of the Zoning Ordinance defines a "kennel" as follows:

“the use of land, building or structure for the purpose of breeding, training or grooming customary household pets for compensation, or the maintenance of more than five dogs that are more than 6 months old. For regulatory purposes, “kennel” shall also include nonprofit animal shelters and boarding kennels. Kennels shall conform to the regulation set forth in §27-1604.M.”

7. In response to Applicants’ Application, Jennifer L. McConnell, P.E., of Technicon Enterprises Inc., II, prepared a review letter dated March 18, 2016, in which she offered comments regarding the Application’s satisfaction of the zoning requirements for a kennel (See Exhibit “Board-7”).

8. The Honey Brook Township Planning Commission reviewed the Application at its meeting on March 24, 2016, and recommended approval of the Application (See Exhibit “Board-8”).

9. The Honey Brook Township Board of Supervisors conducted a public hearing on the Application at the beginning of its public meeting on April 13, 2016.

10. Applicants were not represented at the hearing by legal counsel.

11. The Honey Brook Township Board of Supervisors was represented at the hearing by Christopher J. Hartman, Esquire.

12. Samuel S. Kauffman, Applicant, testified in support of the Application.

13. Mr. Kauffman testified that Applicants have operated a kennel on the Property for approximately 15 years.

14. Mr. Kauffman testified that Applicants have a license from the Commonwealth of Pennsylvania for the operation of the kennel on the Property, and are in compliance with all requirements of that license.

15. Mr. Kauffman identified on an aerial image the location on the Property of the kennel operation, which location was then marked on Page 4 of Exhibit “Board-7”.

16. Mr. Kauffman testified that all on-site traffic and parking for the kennel, for both customers and deliveries, occurs on the driveway that passes in front of the bank barn, and that vehicles will not travel to the immediate location of the kennel, but rather will be parked by the bank barn, and individuals will then travel by foot to the kennel location.

17. Mr. Kauffman testified that the kennel is and will remain set back from the lot line on the easterly side of the Property by a distance of 235 feet, but that the nearest structure on the adjoining property to the east is located a distance of 335 feet from the kennel.

18. Mr. Kauffman acknowledged that a minimum lot area of 20 acres is required for a kennel operation, and testified that Applicants would not subdivide the Property to reduce the lot area containing the kennel below 20 acres.

19. The kennel shall be considered a second principal use of the Property, pursuant to Section 27-1604.M.(2)(a) of the Zoning Ordinance (See Exhibit "Board-7").

20. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on March 29, 2016 and April 6, 2016; adjacent property owners were notified of the hearing by mail on March 28, 2016; and the Property was posted with notice of the hearing on March 31, 2016. A notice to adjoining property owners Henry S. and Katie S. Kauffman, 1561 Beaver Dam Road, was returned to sender as undeliverable (See Exhibits "Board-2" through "Board-6").

CONCLUSIONS OF LAW

1. The Board of Supervisors has jurisdiction to decide this land use application pursuant to Section 27-402.3 of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.*

2. The Property is located in the Agriculture (A) Zoning District.

3. Section 27-402.3.I of the Zoning Ordinance permits kennels within the Agriculture (A) Zoning District by conditional use, in accordance with the standards of Section 27-1604.M of the Zoning Ordinance.

4. The Board of Supervisors has determined that the Applicants, through the Application and testimony at the Conditional Use Hearing, have established compliance with the relevant subsections of Section 27-1604.M of the Zoning Ordinance for the operation of a kennel.

5. Section 27-1910.4.B of the Zoning Ordinance provides that in granting an application for conditional use approval, the Board of Supervisors may waive or modify applicable area and bulk regulations and design standards when said waiver or modification is deemed by the Board of Supervisors to be in the public interest and in furtherance of the goals as set forth in the Zoning Ordinance.

DECISION

AND NOW, this 13th day of April, 2016, the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, upon review and consideration of the evidence as presented at the conditional use hearing, and in light of existing laws and regulations, hereby APPROVES and GRANTS the application of Samuel S. Kauffman and Ada Mae Kauffman, for a conditional use under Sections 27-402.3.I and 27-1604.M of the Honey Brook Township

Zoning Ordinance of 2003, to operate a kennel on the Property, subject to the following conditions:

1. The kennel operation shall comply with all regulations of the Commonwealth of Pennsylvania governing the licensing and operation of kennels.
2. The kennel operation shall comply with all other zoning requirements of Honey Brook Township.

FURTHER, pursuant to Section 27-1910.4.B of the Zoning Ordinance, the Board of Supervisors hereby waive the enforcement of the setback regulation contained in Section 27-1604.M.5(b) of the Zoning Ordinance requiring that a kennel be located at least 300 feet from all lot lines, such waiver to be granted solely with regard to the application of that setback to the easterly side of the Property, on the basis of the distance of the kennel operation from existing structures on adjacent property, such waiver to be granted on the following condition:

1. No part of the kennel operation shall be moved any closer than 235 feet from the easterly property line of the Property.

TS
Travis Stacey, Chairperson

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John McHugh, Vice Chairperson

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Tracy Olsen, Member

Date of Issuance of Written Decision: May 11, 2016.

ANY AGGRIEVED PERSON MAY APPEAL THIS DECISION TO THE COURT OF COMMON PLEAS OF CHESTER COUNTY WITHIN THIRTY (30) DAYS FROM THE DATE OF ISSUANCE OF THE WRITTEN DECISION.