

**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 BENUEL	:	SUPERVISORS
KAUFFMAN	:	
	:	CONDITIONAL USE HEARING
	:	
2398 COMPASS ROAD, HONEY	:	WRITTEN DECISION OF THE BOARD
BROOK TOWNSHIP, CHESTER	:	
COUNTY, PENNSYLVANIA	:	NO. 2016-6

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF BENUEL KAUFFMAN FOR
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**

FINDINGS OF FACT

1. The property which is the subject of this land use application is located at 2398 Compass Road, Honey Brook Township, Chester County, Pennsylvania, in the Agriculture ("A") zoning district of Honey Brook Township, Chester County, Pennsylvania, and contains approximately 62.2 acres of land (hereafter "Property").
2. Applicant is Benuel Kauffman, an adult individual with a mailing address of 2398 Compass Road, Honey Brook, Pennsylvania 19344 (hereafter "Applicant").
3. The Property is owned by Samuel L. and Ruth Kauffman.
4. Applicant submitted an Application for Public Conditional Use Hearing dated June 9, 2016, to operate a kennel on the Property (hereinafter "Application") (See Exhibit B-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 regulations set forth in §27-1604.M.”

7. In response to Applicant’s Application, Jennifer L. McConnell, P.E., of Technicon Enterprises Inc., II, which company serves as Honey Brook Township Engineer, Zoning Officer, and Code Enforcement Officer, prepared a review letter dated July 13, 2016, in which she offered comments regarding the Application’s satisfaction of the zoning requirements for a kennel (See Exhibit B-6).

8. The Honey Brook Township Planning Commission reviewed the Application at its meeting on July 28, 2016, and recommended approval of the Application, provided certain additional information was provided by the Applicant (See Exhibit B-7).

9. The Honey Brook Township Board of Supervisors conducted a public hearing on the Application at the beginning of its public meeting on August 10, 2016.

10. Applicant was not represented at the hearing by legal counsel.

11. The Honey Brook Township Board of Supervisors was represented at the hearing by Beth M. Auman, Esquire.

12. Benuel Kauffman, Applicant, testified in support of the Application.

13. Mr. Kauffman testified that a kennel previously operated on the Property until 2010, when it ceased operation, and that the kennel reopened in 2012 and has operated on the Property since that time.

14. Mr. Kauffman testified that he has a valid kennel license from the Commonwealth of Pennsylvania for the kennel operation, which license allows up to 59 dogs on the Property at a given time.

15. Mr. Kauffman testified that he has 28 breeding dogs at the kennel, which are bred once per year, resulting in a total of approximately 70 puppies over the course of a year.

16. Mr. Kauffman identified on an aerial image and a hand-drawn sketch the location on the Property of the kennel operation, and also identified that there is a house, two (2) horse barns, a heifer barn, a dairy barn, a calf barn, a pole shed, an equipment shed, and a garage (See Exhibit B-1).

17. Mr. Kauffman testified that the kennel building is a recently renovated 10’ x 32’ building, that it has outdoor dog exercise areas that are connected to the kennel building and enclosed by fencing.

18. Mr. Kauffman testified that all on-site traffic and parking for the kennel, for both customers and deliveries, occurs in the driveway area to the west of the kennel building and in

front of the pole shed, and that there is adequate room in that location to accommodate such traffic and parking.

19. Mr. Kauffman testified that the kennel is set back from the east lot line of the Property by a distance of approximately 600 feet, from the south lot line by approximately 900 feet, from the north lot line by approximately 420 feet, and from the west lot line by approximately 317 feet.

20. Mr. Kauffman acknowledged that a minimum lot area of 20 acres is required for a kennel operation, and testified that the lot area of his property is 62.2 acres.

21. Mr. Kauffman testified that dog waste is temporarily stored in a manure storage area located behind the dairy barn on the Property.

22. The Board heard public comments from the audience.

23. After closing the testimony at the August 10, 2016 hearing, the Honey Brook Township Board of Supervisors announced the continuance of the hearing to the beginning of its public meeting on September 14, 2016.

24. On September 13, 2016, the Applicant provided to the Township a copy of the current kennel license for the Property, and a revised site plan that depicted all features of the kennel operation required by the Zoning Ordinance to be shown thereon (See Exhibits B-8 and B-9).

25. The Honey Brook Township Board of Supervisors continued the hearing at the beginning of its public meeting on September 14, 2016, at which time the Board announced its decision on the Application.

26. The kennel shall be considered a second principal use of the Property, pursuant to Section 27-1604.M(2)(a) of the Zoning Ordinance; the other principal use of the property is agriculture (See Exhibit B-6).

27. The intent of the conditional use regulations for kennels is to provide for the operation of kennels in compliance with State laws and in a manner which is compatible with the enjoyable use of properties by adjoining and neighboring residents and property owners, pursuant to Section 27-1604.M(1) of the Zoning Ordinance.

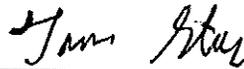
28. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on July 26, 2016 and August 2, 2016; adjacent property owners were notified of the hearing by mail on July 28, 2016; and the Property was posted with notice of the hearing on July 28, 2016. (See Exhibits B-2 through B-5).

CONCLUSIONS OF LAW

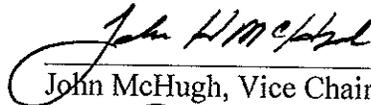
1. The Board of Supervisors has jurisdiction to decide this land use application pursuant to Section 27-402.3 of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.*
2. The Property is located in the Agriculture (A) Zoning District.
3. Section 27-402.3.I 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 Applicant, through the Application, testimony at the Conditional Use Hearing, and supplemental information provided, has established compliance with the relevant subsections of Section 27-1604.M of the Zoning Ordinance for the operation of a kennel.

DECISION

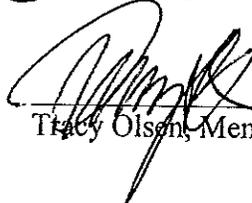
AND NOW, this 14th day of September, 2016, the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, upon review and consideration of the evidence as presented at the conditional use hearing, and in light of existing laws and regulations, hereby APPROVES and GRANTS the application of Benuel 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.



Travis Stacey, Chairperson



John McHugh, Vice Chairperson



Tracy Olsen, Member

Date of Issuance of Written Decision: September 14, 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.