

**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 JONATHAN S. : SUPERVISORS
STOLTZFUS :
: CONDITIONAL USE HEARING
: .
265 LONG LANE, HONEY BROOK : WRITTEN DECISION OF THE BOARD
TOWNSHIP, CHESTER COUNTY :
PENNSYLVANIA : NO. 2017-3

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF JONATHAN S. STOLTZFUS 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 265 Long Lane, Honey Brook Township, Chester County, Pennsylvania, in the Agriculture (“A”) zoning district of Honey Brook Township, Chester County, Pennsylvania, and contains approximately 68 acres of land (hereafter “Property”).
2. Applicant is Jonathan S. Stoltzfus, an adult individual with a mailing address of 265 Long Lane, Honey Brook, Pennsylvania 19344 (hereafter “Applicant”).
3. The Property is owned by Jonathan S. Stoltzfus and Annie S. Stoltzfus.
4. Applicant submitted an Application for Public Conditional Use Hearing dated March 29, 2017, to operate a kennel on the Property (hereinafter “Application”) (See Exhibit 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 April 4, 2017, in which she offered comments regarding the Application’s satisfaction of the zoning requirements for a kennel (See Exhibit 6).

8. The Honey Brook Township Planning Commission reviewed the Application at its meeting on April 27, 2017, and recommended approval of the Application (See Exhibit 7).

9. The Honey Brook Township Board of Supervisors conducted a public hearing on the Application at the beginning of its public meeting on May 10, 2017.

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 Christopher J. Hartman, Esquire.

12. Jonathan S. Stoltzfus, Applicant, testified in support of the Application.

13. The kennel operation is located at least three hundred feet (300’) from all front, side, and rear lot lines of the Property.

14. The Applicant has a valid kennel license from the Commonwealth of Pennsylvania for the kennel operation (See Exhibit 8).

15. The kennel has outdoor dog exercise areas that are enclosed by fencing.

16. There is adequate room on the Property to accommodate customer and delivery traffic and parking.

17. The Applicant acknowledged that a minimum lot area of 20 acres is required for a kennel operation, and testified that the Property contains 68 acres.

18. The Board provided opportunity for public comments from the audience.

19. Michael France, owner of property adjacent to the Property at 265 Birdell Road, Honey Brook, PA 19344, testified regarding his concerns about dogs barking and quality of the shelter for the dogs.

20. After closing the testimony at the May 10, 2017 hearing, the Honey Brook Township Board of Supervisors announced its decision on the Application.

21. 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 6).

22. 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.

23. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on April 21, 2017 and April 28, 2017; adjacent property owners were notified of the hearing by mail on April 21, 2017; and the Property was posted with notice of the hearing on April 27, 2017. (See Exhibits 2 through 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 and testimony at the Conditional Use Hearing, has established compliance with the relevant subsections of Section 27-1604.M of the Zoning Ordinance for the operation of a kennel.

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DECISION

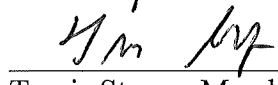
AND NOW, this 10th day of May, 2017, the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, upon review and consideration of the evidence as presented at the conditional use hearing, and in light of existing laws and regulations, hereby APPROVES and GRANTS the application of Jonathan S. Stoltzfus 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.



John McHugh, Chairperson



Tracy Olsen, Vice Chairperson



Travis Stacey, Member

Date of Issuance of Written Decision: June 14, 2017.

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.