

**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 ELMER : SUPERVISORS
KAUFFMAN :
: CONDITIONAL USE HEARING
:
1373 BEAVER DAM ROAD, HONEY : WRITTEN DECISION OF THE BOARD
BROOK TOWNSHIP, CHESTER :
COUNTY, PENNSYLVANIA : NO. 2017- 7

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF ELMER 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 1373 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 105 acres of land (hereafter “Property”).
2. The Property contains two (2) residential dwelling units, one of which is assigned a mailing address of 1369 Beaver Dam Road, and the other of which is assigned a mailing address of 1373 Beaver Dam Road.
3. Applicant is Elmer Kauffman, an adult individual who lives on the Property, and has a mailing address of 1369 Beaver Dam Road, Honey Brook, Pennsylvania 19344 (hereafter “Applicant”).
4. Applicant submitted an Application for Public Conditional Use Hearing dated August 3, 2017, and which was received by the Township on August 3, 2017, to operate a kennel on the Property (hereinafter “Application”) (See Exhibit B-1).
5. The Property, at the time the Applicant submitted the Application, was owned by John K. and Barbara K. Kauffman, adult individuals who also live on the Property, and have a mailing address of 1373 Beaver Dam Road, Honey Brook, Pennsylvania 19344.
6. The Applicant testified that on October 6, 2017, John K. and Barbara K. Kauffman transferred the Property to the Applicant by deed.

7. 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.

8. 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.”

9. 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 August 15, 2017, in which she offered comments regarding the Application’s satisfaction of the zoning requirements for a kennel (See Exhibit B-8).

10. The Honey Brook Township Planning Commission reviewed the Application at its meeting on August 24, 2017, and recommended approval of the Application (See Exhibit B-9).

11. The Honey Brook Township Board of Supervisors commenced a public hearing on the Application at the beginning of its public meeting on September 13, 2017.

12. At the request of the Applicant, the Honey Brook Township Board of Supervisors announced that the public hearing on the Application would be continued to the beginning of its public meeting on October 11, 2017. No testimony was offered nor was evidence produced on September 13, 2017.

13. The Honey Brook Township Board of Supervisors reconvened the public hearing on the Application at the beginning of its public meeting on October 11, 2017.

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

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

16. Elmer Kauffman, Applicant, testified in support of the Application, and about the details of the operation of the kennel.

17. The Property contains two residential dwellings and various agricultural buildings.

18. The Applicant has a valid kennel license from the Commonwealth of Pennsylvania for a kennel operation at 1369 Beaver Dam Road, which is the mailing address tied to a residence on the Property (See Exhibit B-2).

19. The Property has adequate area on the property for all on-site traffic, parking, and deliveries related to the kennel.

20. No dog shows or competitions are held or proposed to be held on the Property.

21. All portions of the kennel operation are set back a minimum of 300 feet from all lot lines surrounding the Property.

22. The Board provided opportunity for public comment, but none was presented.

23. After closing the testimony at the October 11, 2017 hearing, the Honey Brook Township Board of Supervisors announced its decision on the Application.

24. 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 B-8).

25. The intent of the conditional use regulations for kennels is to provide for the operation of kennels in compliance with State laws that are 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.

26. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on August 30, 2017 and September 5, 2017; adjacent property owners were notified of the hearing by mail on August 30, 2017; and the Property was posted with notice of the hearing on August 31, 2017. (See Exhibits B-3 through B-7).

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.

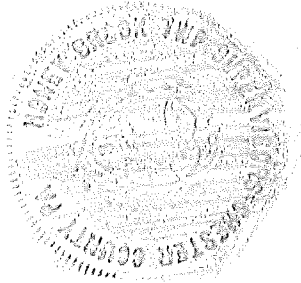
3. Section 27-402.3.I of the Zoning Ordinance permits kennels within the Agriculture (A) Zoning District by conditional use, in accordance with the standards of Section 27-1604.M of the Zoning Ordinance.

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.

DECISION

AND NOW, this 11th day of October, 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 Elmer 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 must operate in compliance with the testimony provided by Applicant at the hearing; and
2. The kennel must comply with all state and local regulations.





John McHugh, Chairperson



Tracy Olsen, Vice Chairperson



Travis Stacey, Member

Date of Issuance of Written Decision: October 24, 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.