

**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 DANIEL : SUPERVISORS
KAUFFMAN :
: CONDITIONAL USE HEARING
:
1815/1819 BEAVER DAM ROAD, : WRITTEN DECISION OF THE BOARD
HONEY BROOK TOWNSHIP, CHESTER :
COUNTY, PENNSYLVANIA : NO. 2018-1

**DECISION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
HONEY BROOK UPON APPLICATION OF DANIEL 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 1815/1819 Beaver Dam Road, Honey Brook Township, Chester County, Pennsylvania, in the Agriculture (“A”) zoning district of Honey Brook Township, Chester County, Pennsylvania, contains approximately 40.5 acres of land, and is identified as Tax Parcel UPI 22-10-3.2 (hereafter “Property”).

2. The Property contains two (2) residential dwelling units, one of which is assigned a mailing address of 1819 Beaver Dam Road, and the other of which is assigned a mailing address of 1815 Beaver Dam Road.

3. Applicant is Daniel Kauffman, an adult individual who lives on the Property, and has a mailing address of 1815 Beaver Dam Road, Honey Brook, Pennsylvania 19344 (hereafter “Applicant”).

4. Applicant submitted an Application for Public Conditional Use Hearing dated January 2, 2018, to operate a kennel on the Property (hereinafter “Application”) (See Exhibit Board-1).

5. The Property is owned by Omar L. and Lena R. Kauffman, adult individuals who also live on the Property, and have a mailing address of 1819 Beaver Dam Road, Honey Brook, Pennsylvania 19344.

6. 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.

7. 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.”

8. 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 January 5, 2018, in which she offered comments regarding the Application’s satisfaction of the zoning requirements for a kennel (See Exhibit Board-9).

9. The Honey Brook Township Planning Commission reviewed the Application at its meeting on January 25, 2018, and recommended approval of the Application (See Exhibit Board-10).

10. The Honey Brook Township Board of Supervisors held a public hearing on the Application at the beginning of its public meeting on February 14, 2018.

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

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

13. Daniel Kauffman, Applicant, testified in support of the Application, and about the details of the operation of the kennel.

14. Applicant submitted the written consent of the property owner, Omar L. Kauffman, to the Application (See Exhibit Applicant-1).

15. Applicant submitted a drawing depicting the kennel location and exercise areas, and a written description of the exercise plan for the dogs (See Exhibits Board-2 and Board-3).

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

17. The Applicant has a valid kennel license from the Commonwealth of Pennsylvania for a kennel operation at 1815 Beaver Dam Road, which is the mailing address tied to Applicant’s residence on the Property (See Exhibit Board-4).

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

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

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

21. Levi Kauffman, an adult individual with an address of 520 Beaver Dam Road, entered his appearance as a party to the hearing, but presented no testimony.

22. Sam Kauffman, an adult individual with an address of 2400 Compass Road, entered his appearance as a party to the hearing, but presented no testimony.

23. Ben Kauffman, an adult individual with an address of 1991 Beaver Dam Road, entered his appearance as a party to the hearing, but presented no testimony.

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

25. After closing the testimony at the February 14, 2018 hearing, the Honey Brook Township Board of Supervisors 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 (See Exhibit Board-9).

27. 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.

28. Public notice of the hearing was timely advertised in Daily Local News, a newspaper of general circulation within Honey Brook Township, on January 23, 2018 and January 30, 2018; adjacent property owners were notified of the hearing by mail on January 16, 2018; and the Property was posted with notice of the hearing on January 22, 2018 (See Exhibits Board-5 through Board-8).

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.

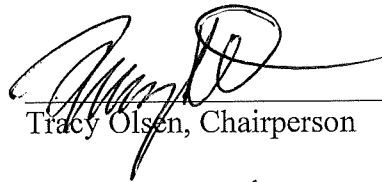
3. Section 27-402.3.I of the Zoning Ordinance permits kennels within the Agriculture (A) Zoning District by conditional use, in accordance with the standards of Section 27-1604.M of the Zoning Ordinance.

4. The Board of Supervisors has determined that the Applicant, through the Application, exhibits, 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 14th day of February, 2018, 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 Daniel 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:

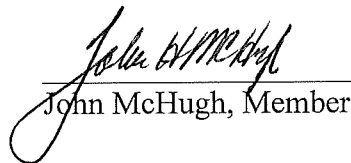
1. The kennel must operate in compliance with the testimony provided by Applicant at the hearing; and
2. The kennel must comply with all state and local regulations.



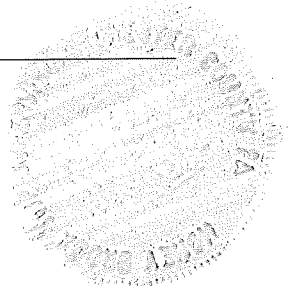
Tracy Olsen, Chairperson



Travis Stacey, Vice Chairperson



John McHugh, Member



Date of Issuance of Written Decision: March 9, 2018.

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.