

ZONING HEARING BOARD MEETING

SUMMARY

AUGUST 3, 2020

The Zoning Hearing Board of Bethel Park came to order at 7:30 p.m.

ROLL CALL: PRESENT: REGAN, WILLETTS, STEWART, JANOSIK, KANON,
ABSENT: KOCH
ALSO PRESENT: ROBERT HICKS, DAVID MONTGOMERY, STACEY
GRAF, JEANNE MANKO

APPROVAL OF SUMMARY:

1. Mr. Regan asked if there were any changes, additions, corrections and/or deletions to the summary of the July 6, 2020 meeting. Mr. Willetts made a motion to approve the minutes with the correction of the date under approval of summary. The motion was seconded by Mr. Koch. There was no further discussion on the Motion. Roll was called and the Motion passed unanimously.

COMMUNICATIONS:

1. Invoice from Kim Simms-Strnisa – A Motion was made by Mr. Willetts to approve invoices received from Kim Simms-Strnisa in the amount of \$225.00 for attendance fee for the July 6, meeting. The Motion was seconded by Mr. Koch. There was no discussion on the Motion. Roll was called and the Motion passed unanimously.
2. Invoice from David Montgomery – A Motion was made by Mr. Willetts to approve an invoice received from David Montgomery in the amount of \$286.00 for professional fee for the ZHB findings and conclusions. The Motion was seconded by Mr. Koch. There was no discussion on the Motion. Roll was called and the Motion passed unanimously.

OLD BUSINESS:

NEW BUSINESS:

Case #2778

APPLICANT: JOSHUA & JILL BORKOWSKI

LOCATION: 5947 WALLACE AVENUE

SUBJECT: DIMENSIONAL VARIANCE

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 5947 Wallace Avenue. Current Zoning Classification is Residential. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.66.4

Variance Type: Dimensional variance seeking a 10' reduction in rear 35' top of bank setback restriction

The Zoning Hearing Board should grant the following relief: By reducing, the setback by only 10 feet or less it will assure the excavation of the pool pad will not have an adverse effect on existing structure. Will still allow the pool to be placed 25 feet from top of bank and well out of flood plain.

Applicant's Petition: Seeking a 10' reduction in rear 35' top of bank setback restriction. Applicant would like to install a retaining wall and a 24' pool that will encroach the 35' setback by 10'. Section 69.66.4 and 61.28.2

Applicant's Arguments:

- Can't place pool in side yard
- Change in ordinance
- Will still be within rear setback
- Township determination of stream bank location
- Without excavating near home that may cause dirt issues (near existing structure)
- 10 feet or less

This is a minimal variance to be in compliance. Any closer to the home and it could cause structural issues to the foundation of the patio. He has never seen the proposed area of the pool flooded in the past. He feels that there will be no issues with the pool or the retaining wall above it.

Bethel Park Municipal Engineer, Stacy Graf was present on behalf of the Municipality. She explained that there is a riparian easement of 35', that runs along the creek and nothing should be built within this flood plain. She recommended that the applicant get a professional engineer to evaluate the property to determine that the proposed location of the pool would not be an issue to future flooding.

This application was represented by Joshua & Jill Borkowski, 5947 Wallace Avenue.

There were no proponents in this case.

There no opponents in this case.

A Motion was made by Mr. Koch to approve the variance as represented. The Motion was seconded by Ms. Stewart. There was no further discussion on the Motion. Roll was called and the Motion passed 4-1.

SUMMARY - CASE NO. # 2779

The Zoning Hearing Board voted to grant a dimensional variance for a 10' reduction in rear 35' top of bank setback restriction for a pool, at 5947 Wallace Avenue.

Case # 2779

APPLICANT: DON TOMINO

LOCATION: 5454 LIBRARY ROAD

SUBJECT: DIMENSIONAL VARIANCE

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 5454 Library Road. Current Zoning Classification is C-2. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.30.1-R-#5

Variance Type: Dimensional variance to create a 20 x 30 foot space for outdoor seating for 40 people

The Zoning Hearing Board should grant the following relief: To create a 20 x 30 foot space outdoor to seat 40 people.

Applicant's Petition: Seeking to create a 20x30 (600 SF) outdoor patio to seat 40 people. Only 200 SF is allowed according to ordinance 69.30.1-r-v. The proposed patio will be 28'6" to a residential property. A C-2 zone requires that outdoor patios be located 200' from a residential district.

Applicant's Arguments: To make Drowning Fish Brewery a success they need to have an outdoor patio for patrons to sit and enjoy food and beverage. There is plenty of parking for both the future patio and the interior restaurant. The patio will have an 8' privacy fence in the front and a 4' high fence on the side.

The board had concerns about the noise that would come from the patio and how it would affect the neighbors. What type of buffers will be provided? What type of lighting would be there? Also, would emergency vehicles have the necessary access to the site.

Councilman Joe Consolmagno from Ward 1 was also present. He verified to the board that he personally went to the neighbors of the property at 5454 Library Road to let them know about the upcoming variance hearing.

This application was represented by Don Tomino, 5454 Library Road.

There were no proponents in this case.

There were three opponents in this case DJ Stubenbort, 970 Cork Drive, he had barrier concerns, will the fence block their view from driveways, will there be sound barriers other than the trees that are currently there; Amy Bair, 5409 Madison Avenue, she had concerns about the noise that would come down the hill to her property; and Cicilia Steubenbort – 5466 Library Road, she is concerned about parking, noise, and barriers blocking view from her driveway.

The board recommended that the applicant take 30 days to come up with a better plan: reduce the size of the patio, install a sufficient buffer to reduce the noise, install a privacy fence, present lighting that will not cause a nuisance to the neighbors, and discuss these conditions to the surrounding neighbors and add any others that they feel are necessary.

A Motion was made by Mr. Willetts to table the dimensional variance request to the September 8, 2020 meeting. The Motion was seconded by Mr. Koch. There was no further discussion on the Motion. Roll was called and the Motion passed 5-0.

SUMMARY - CASE NO. # 2779

The Zoning Hearing Board voted to table a dimensional variance to create a 20 x 30 foot space for outdoor seating of 40 people, until the September 8, 2020 meeting, for 5454 Library Road.

ADJOURNMENT: The meeting was adjourned at 9:18 pm.

