

ZONING HEARING BOARD MEETING

SUMMARY

APRIL 5, 2021

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

ROLL CALL: PRESENT: KOCH, REGAN, WILLETTS, STEWART, JANOSIK
ABSENT: KANON
ALSO PRESENT: VINCE KELLY, DAVID MONTGOMERY, KIM
SIMMS-STRNISA

APPROVAL OF SUMMARY:

1. Mr. Regan asked if there were any changes, additions, corrections and/or deletions to the summary of the March 1, 2021 meeting. Mr. Koch made a motion to approve the minutes. The motion was seconded by Mr. Willetts. 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 invoice received from Kim Simms-Strnisa in the amount of \$300 for attendance fee for the March 1, 2021 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 \$429 for professional fees 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 #2788

APPLICANT: HEATHER CAMPBELL/TIM SMITH

LOCATION: 5822 IRISHTOWN ROAD

**SUBJECT: USE VARIANCE TO PERMIT A DAY-CARE FACILITY USE IN AN
R-3 ZONING DISTRICT**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 5822 Irishtown Road. Current Zoning Classification is R-3. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.25.1

Variance Type: Permitted use to zone the location as a commercial childcare space.

Heather Campbell presented the case along with her business partner Tim Smith. They would like to provide a Daycare facility for the residents of Bethel Park, located at 5822 Irishtown Road. This would be in addition to the Three Treasures Yoga/Tai Chi business that is currently in place at the same location.

The Zoning Hearing Board should grant the following relief: We are looking to lease the location from Chris Hitchens to place a childcare center in the Bethel Park Municipality. There is a need as described by many families I personally know who are looking for care in the South Hills of Pittsburgh, specifically Bethel Park. We would be looking to initially service 18 children with an opportunity to grow to service 42 children. We would operate business hours of 6:00 am to 6:30 pm Monday thru Friday. We would have parent drop off and pick up between the hours of 6:00-8:30 am and 4:00-6:30 pm. There would be no need for additional parking.

Applicant's Petition: Due to an ever increasing demand of two parent working families and single parent working families to provide quality childcare for their children, a need has been identified for additional childcare services in the Bethel Park Municipality. Parents are faced with long waiting lists at current local childcare facilities, increased job demands and increased childcare needs as working and schooling from home has become a real difficulty for families. Please see the attached letters from families in the Bethel Park area in need of immediate childcare assistance.

Applicant's Arguments: There will be no immediate changes to the building's interior or exterior for the use proposed. In the future, an outdoor play area would be created to enhance the large motor play experience. This would be possible within the current green space of the property and would look similar to surrounding yards with swingsets or climbers. This would maintain the residential look and feel of the neighborhood. The variance requested is the least modification. This building has already once been zoned for childcare services and would be utilized once more for this purpose. This variance request will have no modification to the exterior appearance of the structure.

This application was represented by Heather Campbell and Tim Smith, 6405 Helen Street, South Park, PA 15129.

Mr. Chris Hitchens the property owner spoke in favor of the Daycare. He stated that in time he would like to phase out the wellness business and use the property strictly for Daycare.

There were two proponents in this case: Michelle Jaro, 3909 Mimosa Drive, Bethel Park, PA 15102: Would like to enroll her two children in the proposed Daycare.

Samantha John, 2020 Southwall Drive, South Park, PA 15129: Wonder of Learning is a quality Daycare that would do well in Bethel Park.

There were three opponents in this case: Rebecca Wehring, 5800 Irishtown Road, Bethel Park, PA 15102; does not want a Daycare next to her home due to possible noise and traffic issues.

Gary F. Marsh, 5800 Irishtown Road, Bethel Park, PA 15102: Previous Kingdom Hall was never used as a Daycare in the past. Does not want additional noise due to sound sensitivity issues.

Cathy Kensky, 5833 Irishtown Road, Bethel Park, PA 15102: Does not want to see increased traffic on Irishtown Road.

A Motion was made by Mr. Koch to approve the variance as presented. The Motion was seconded by Mr. Willets. There was no further discussion on the Motion. Roll was called and the Motion was denied 3-2 with voting as follows: Mr. Koch, Mr. Willets, Ms. Stewart voting no; Mr. Regan, Mr. Janosik voting yes.

SUMMARY - CASE NO. # 2788

The Zoning Hearing Board denied the use variance to permit a day-care facility use in an R-3 Zoning District, at 5822 Irishtown Road.

Case #2789

APPLICANT: WILLIAM R. SITTIG, JR./SITTIG CORTESE, LLC

LOCATION: 5055-5125 LIBRARY ROAD

SUBJECT: DIMENSIONAL VARIANCE TO REDUCE THE REQUIRED REAR SETBACK FOR THE NEW CHASE BANK

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 5055-5125 Library Road, Block 392-K-300. Current Zoning Classification is C-2. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.29.4.3

Variance Type: Dimensional variance to reduce the required rear setback for the new Chase Bank

William R. Sittig Jr. presented the case along with Architect Loren Robinson who were representing the property owners. They feel this setback reduction request would not have any negative impacts on the development.

The Zoning Hearing Board should grant the following relief: The owner of the property needs to subdivide the proposed Chase Bank lot into a separate tax parcel to enhance the viability of the Bethel Park Shopping Center. The proposed property lines, specifically the rear property line for the Chase Bank creates a minimal non-conformity in the required rear yard. The required 25 ft. rear yard would encroach into one of the shopping center main drive aisles and would inhibit financing and create contention for future access, maintenance, and lease agreements. We wish to request a minimal reduction in the rear yard from along the proposed east property line of the future Chase Bank lot.

Applicant's Petition: The requested rear yard variance is de minimis in that the proposed setback complies with the intent and purpose of the required rear yard setback.

Applicant's Arguments: The requested dimensional variance is de minimis based on the minor rear yard setback reduction being requested. The standard variance criteria do not apply to de minimis variances because the proposed deviation is so minimal that it amounts to compliance with the setback requirement. The required rear yard setback of 25 ft. is provided along approximately 75% of the proposed building façade. The minimal rear yard relief is being requested to create the customer entry vestibule which is less than 20 ft. long and results in the minor setback encroachment. As shown on the provide Site Plan, the vestibule only encroaches into the setback by 1 ft. The awning at the patron's entry encroaches an additional 3 ft. The minor encroachment results in an average setback along the building façade of 25.6 ft. which exceeds the required 25 ft. setback.

One objective of rear yard setbacks in commercial districts is to protect and provide buffer between back of house operations and adjoining property owners. In this case, the east or rear of the future Chase Bank, actually consists of the main customer entrance and therefore will have no need for

protection and result in less impact than the traditional back of house operations. Another objective of the rear yard setback is to provide open space between structures and neighboring properties. In this specific instance, the rear of the Chase Bank simply consists of a standard width pedestrian sidewalk, dimensionally standard parking bay and adjoining a typical shopping center drive aisle. For this situation, there is no demand or desire by either user along the shared property line for additional open space.

One of the drivers creating this minor encroachment is the request from the Municipality to provide a landscape strip along the frontage for a consistent aesthetics look adjacent to Library Road. The proposed Chase Bank development pushed the existing curb line 6 ft.-7 ft. further into the shopping center property to create this desired greenspace along the public roadway.

Based on the information provided above, we respectfully request approval of this de minimis dimensional variance request.

This application was represented by William Sittig, Jr., Sittig Cortese, LLC., 437 Grant St., Suite 1500 Frick Building, Pittsburgh, PA 15219; also Architect Loren Robinson was representing the property owners.

There were no proponents in this case.

There were no opponents in this case:

A Motion was made by Mr. Koch to approve the variance as requested. The Motion was seconded by Ms. Stewart. There was no further discussion on the Motion. Roll was called and the Motion passed 5-0.

SUMMARY - CASE NO. # 2789

The Zoning Hearing Board voted to grant the dimensional variance to allow a rear yard building setback less than the required twenty-five (25) rear setback for a subdivision in the Bethel Park Shopping Center.

ADJOURNMENT: The meeting was adjourned at 9:29 pm.