

ZONING HEARING BOARD MEETING

SUMMARY

MAY 3, 2021

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

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

APPROVAL OF SUMMARY:

1. Mr. Koch asked if there were any changes, additions, corrections and/or deletions to the summary of the April 5, 2021 meeting. Mr. Willetts made a motion to approve the minutes. The motion was seconded by Ms. Stewart. 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 April 5, 2021 meeting. The Motion was seconded by Ms. Stewart. 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 \$363 for professional fees for the ZHB findings and conclusions. The Motion was seconded by Ms. Stewart. There was no discussion on the Motion. Roll was called and the Motion passed unanimously.

OLD BUSINESS:

NEW BUSINESS:

Case #2790

APPLICANT: EVAN M. & ERICA C. TACHOIR

LOCATION: 1227 BRAUN ROAD

**SUBJECT: DIMENSIONAL VARIANCE TO REQUEST FIFTEEN AND ONE
HALF (15.5) FOOT VARIANCE ON THE REAR YARD SETBACK**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 1227 Braun Road. Current Zoning Classification is R-2. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.24.4.3

Variance Type: Dimensional variance request of fifteen and one half (15.5) foot variance on the rear yard setback for a corner lot.

They have worked with the Municipality to request the least variance necessary to build a new ranch home located at 1227 Braun Road. The rear set back relief is for a 10 x 10 room on the right rear corner of the proposed home. The Tachoir's provided approval letters from both neighbors that bordered the property.

The Zoning Hearing Board should grant the following relief: We are requesting a 15.5 feet dimensional variance on the rear setback of 1227 Braun Rd (i.e. Lot 1). Due to Erica's physical limitations, we need to build a ranch style home with universal access. Our current blueprints exceed the allotted setbacks that currently exist on the survey. Please see the attached documents for more details.

Applicant's Petition: Erica C. Tachoir, who is one of the future occupants of the home being built, was born with Spastic Diplegia (a form of Cerebral Palsy). She underwent a double hip replacement and pelvic reconstruction procedure in 2012. Due to her physical limitations, it is necessary for her to have a main living space all on one floor with universal access (no stairs or high curbs). The specific universal access plan, created by Wayne Homes, does not fit the narrow/shallow footprint created by the zoning board for the 0.31 acre lot. Receiving the 15.5 foot variance in the rear right side of the home, we can still make the least modifications possible to the footprint, our blueprint, and not alter the essential character of the neighborhood.

Applicant's Arguments: The footprint on the current survey is extremely narrow/shallow and does not allow for a universal access dwelling. We altered the blueprint of the home so that only one variance (15.5 feet in the right rear corner) is all that is needed.

This application was represented by Evan & Erica Tachoir, 2209 Eagles Nest Lane, Monroeville, PA 15146.

There were no proponents in this case.

There were no opponents in this case:

A Motion was made by Mr. Willetts to approve the variance as presented. The Motion was seconded by Mr. Janosik. There was no further discussion on the Motion. Roll was called and the Motion passed 5-0.

SUMMARY - CASE NO. # 2790

The Zoning Hearing Board voted to grant the dimensional variance to request 15.5 feet on the rear setback, at 1227 Braun Road.

Case #2791

APPLICANT: ROBERT J. GRASWICK

LOCATION: 751 GALWAY DRIVE

**SUBJECT: DIMENSIONAL VARIANCE TO BUILD A 12 FT. X 16 FT.
STORAGE SHED ON THE RIGHT SIDE OF HOUSE THAT
IS LOCATED ON A CORNER LOT**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 751 Galway Drive. Current Zoning Classification is residential. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.35.3.2

Variance Type: Dimensional variance to construct a 12 ft. x 16 ft. storage shed on the right side of existing home on a corner lot.

Mr. Graswick's home is on a corner lot that has 2 front yards. All accessory structures must remain behind the building face that faces each street. There is not enough room in the rear yard to place the shed. Mr. Graswick would like to place the shed in the front yard facing Dublin. Mr. Graswick provided an approval letter from the neighbor on the Dublin side of his home.

The Zoning Hearing Board should grant the following relief: Permission to build a 12 ft. x 16 ft. storage shed on the right side of my house, which actually is considered the front of the house because it is a corner lot.

Applicant's Petition: I am asking permission to build a 12 ft. x 16 ft. storage shed on the right side of my house. I am not able to build behind the house because of a swimming pool and deck. I would not be able to abide by the requirements of the property lines. Allowing me to build on the right side of the house would allow plenty of space and be compliant with the requirements from the property lines. The side yard is very large and would not alter the looks of the neighborhood.

Applicant's Arguments: The only space available to build a storage shed is the right side of my house. Because of it being a corner lot, strict conformity of the zoning ordinance is not possible. If variance is granted it would not alter the character of the neighborhood. This I believe is the least modification of the ordinance possible. Anywhere else would put the shed outside of the building lines on the survey of the property.

This application was presented by Robert Graswick, 751 Galway Drive, Bethel Park, PA 15102.

There were no proponents in this case.

There were no opponents in this case:

A Motion was made by Mr. Janosik to approve the variance to build a 12 ft. x 16 ft. storage shed with the condition that the storage shed be sheathed with the wood material T1-11 on the right side of house. 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. # 2791

The Zoning Hearing Board voted to grant the dimensional variance to build a 12 ft. x 16 ft. storage shed with the wood material T1-11 on the right side of the house, at 751 Galway Drive.

APPLICANT: HEARTLAND RESTAURANT GROUP

LOCATION: 2777 SOUTH PARK ROAD

SUBJECT: (A) DIMENSIONAL VARIANCE FROM 69.51.1.2 TO ALLOW FOR A DUNKIN WALL SIGN ON EAST ELEVATION (LEFT SIDE OF BUILDING) WITH AN AREA OF 35 SQ. FT.; (B) DIMENSIONAL VARIANCE FROM 69.51.1.8 TO ALLOW FOR A SECOND DUNKIN DRIVE-THRU MENU BOARD SIGN BEHIND THE BUILDING WITH AN AREA OF 11 SQ. FT.; (C) DIMENSIONAL VARIANCE FROM 69.51.1.2 TO ALLOW FOR A DUNKIN WINDOW DISPLAY ON THE FRONT (SOUTH PARK ROAD SIDE) IN THE AMOUNT OF 150 SQ. FT.

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 2777 South Park Road. Current Zoning Classification is C-2. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.51.1.2 and 69.51.1.8.

Variance Type: (A) Dimensional variance from 69.51.1.2 to allow for a Dunkin Wall sign on east elevation (left side of building) with an area of 35 sq. ft.; (B) Dimensional variance from 69.51.1.8 to allow for a second Dunkin Drive-Thru menu board sign behind the building with an area of 11 sq. ft.; (C) Dimensional variance from 69.51.1.2 to allow for a Dunkin window display on the front (South Park Road side) in the amount of 150 sq. ft.

The Zoning Hearing Board should grant the following relief:

- (1) Variance to allow for a Dunkin wall sign on East Elevation (left side of building) with an area of 35 sq. ft. 9 (Sec. 69.51.1(2)).
- (2) Variance to allow for a Dunkin Drive-Thru Menu board sign behind the building with an area of 11 sq. ft. (Sec. 69.51.1(8)).
- (3) Variance to allow for a Dunkin Window Display on the front (South Park Rd. side) in the amount of 150 sq. ft. (Sec. 69.51.1(2)).

Applicant's Petition:

- (1) The additional wall sign on the East Elevation shall provide visibility to traffic heading west (up the hill) to alert customers of the store and access points for safe ingress and egress. Applicant is not seeking signage more than the 73 sq. ft. permitted for the building, but rather seeks to divide out the signage into a sign on the front and sign on the east side (70 sq. ft. in total).
- (2) The menu board is a digital menu board required by Dunkin but uses smallest available spec. The entire menu board consists of 2 connected sign panels with a total of 22 sq. ft. The menu board is located behind the building away from South Park and with no visibility from South Park Road or adjacent properties.
- (3) The window display is decorative and placed directly on the front of the building (similar to a window sign). The side of the building facing South Park Road is actually the back of the Dunkin store and without a covering, the back of the house equipment and cooler will be visible from South Park Road.

Applicant's Arguments: See attached narrative in support of the requests. The following exhibits/documents are included:

- Dunkin Site Plan
- Colored Elevations of the Building
- Elevations Showing Measurements
- Sign and Menu-Board Drawings

This application was represented by Dan Orie and Mike Zappone, 2071 Ardmore Boulevard, Pittsburgh, PA 15102.

There were no proponents in this case.

There were no opponents in this case:

Variance 1- The additional Dunkin sign on the left side of the building that is proposed is to make the restaurant more visible from the road. Motion was made by Mr. Willetts to approve the variance as presented. The Motion was seconded by Ms. Stewart. There was no further discussion on the Motion. Roll was called and the Motion passed 5-0.

Variance 2- Variance to allow menu board with a total of 21 square feet. Motion was made by Mr. Janosik to approve the variance as presented. The Motion was seconded by Mr. Willetts. There was no further discussion on the Motion. Roll was called and the Motion passed 5-0.

Variance 3- Variance to allow window display of 150 sq. ft. on the South Park side of the building. Motion was made by Mr. Willets to approve the variance as presented. The Motion was seconded by Ms. Stewart. There was no further discussion on the Motion. Roll was called and the Motion was denied 3-2. Mr. Koch – no, Mr. Willetts – no, Ms. Stewart – no; Mr. Janosik – yes, Mr. Kanon - yes.

SUMMARY - CASE NO. # 2792

The Zoning Hearing Board voted to grant the dimensional variances to (a) allow for a Dunkin Wall sign on East Elevation (left side) with an area of 35 sq. ft. approved; (b) to allow for second Dunkin Drive-Thru Menu board sign behind the building with an area of 11 sq. ft. approved; (c) a Dunkin Window Display on the front (South Park side) in the amount of 150 sq. ft. was denied, at 2777 South Park Road.

Case #2793

APPLICANT: PENN COVE GROUP CAPITAL

LOCATION: 3001 COOL SPRINGS DRIVE

SUBJECT: (A) DIMENSIONAL RELIEF VARIANCE FROM THE REQUIREMENT OF FIFTY (50) FOOT MINIMUM YARD AREAS FOR THE SIDE YARD BETWEEN A PROPOSED LOT 1F AND LOT 1H AND THE EASTERN PROPERTY BOUNDARY OF LOT 1H ADJACENT TO LOT 1G FOR THE PROPOSED COOL SPRINGS SUBDIVISION REV. #3 PLAN AND TO ADHERE INSTEAD TO THE SIDE PROVISIONS AS DESCRIBED IN SECTION 69.25.4, TO PROVIDE A SIDE OF NOT LESS THAN 10 FEET.

(B) DIMENSIONAL RELIEF FROM THE REQUIREMENT TO PROVIDE A 20 FOOT BUFFER YARD WHERE A NON-RESIDENTIAL USE ABUTS A RESIDENTIAL USE AND INSTEAD PROVIDE NOT LESS THAN 10 FEET FOR THE PROPOSED COOL SPRINGS SUBDIVISION REV. #3 PLAN.

(C) DIMENSIONAL VARIANCE FROM THE MINIMUM LOT SIZE OF 30 ACRES, TO ALLOW FOR THE CREATION OF TWO (2) LOTS OF 12.0323 ACRES AND 9.0389 ACRES WITH THE PROPOSED COOL SPRINGS SUBDIVISION REV. #3 PLAN

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 3001 Cool Springs Drive – 316-E-10. Current Zoning Classification is R-3. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.85 & 25 Paragraphs: 85.2 & 3; 25.4.4

Variance Type: (A) Dimensional relief variance from requirement of fifty (50) foot minimum yard areas for the side yard between a proposed lot 1F and lot 1H and the eastern property boundary of lot 1H adjacent to lot 1G for the proposed Cool Springs subdivision Rev. #3 plan and to adhere instead to the side yard provisions as described in Section 69.25.4, to provide a side of not less than 10 feet (B) Dimensional relief from the requirement to provide a 20 foot buffer yard when a non-residential use abuts a residential use and instead provide not less than 10 feet for the proposed cool springs subdivision Rev. #3 plan; (C) Dimensional variance from the minimum lot size of 30 acres, to allow for the creation of two (2) lots of 12.0323 acres and 9.0389 acres with the proposed Cool Springs subdivision Rev. #3 plan

Variance 1-Relief from 69.85.2 minimum lot area: 30 acres
Recreational uses require a minimum lot size of 30 acres. Penn Cove would like to subdivide the lots with the driving range/miniature golf and the Sports Complex. The lots would not meet the 30 acre requirement.

Variance 2-Relief from 69.25 lot requirements. Penn Cove is requesting relief from the R-3 lot requirements including buffer area and setbacks.

The Zoning Hearing Board should grant the following relief: Relief from the minimum lot size of 30 acres, to allow for the creation of two lots of 12.0323 acres and 9.0389 acres. Relief from the requirement of 50 feet minimum yard areas for the side yard between the proposed lot 1F-2nd revised and lot 1H, adjacent to Lot 1G to adhere instead to the side yard provisions as described in Section 69.25.4, to provide a side yard of not less than 10 feet. Relief from the requirement to provide a 20 foot buffer yard where a non-residential use abuts a residential zone.

Applicant's Petition: See additional information letter provided.

Applicant's Arguments: See additional information letter provided.

This application was represented by Alice Mittinger, Attorney, 625 Liberty Avenue, Pittsburgh, PA 15222; Bill Moldovan, 333 Baldwin, PA 15025; Bill Limpert, 11 Stanwix Street, Pittsburgh, PA 15222.

There were no proponents in this case.

There were two opponents in this case: Sandra Deluca, 2041 Cool Springs Drive, Pittsburgh, PA 15234; Christina Kreda, 5633 Hamilton Road, Pittsburgh, PA 15234.

Variance 1- A Motion was made by Mr. Willetts to approve variance as presented. The Motion was seconded by Ms. Stewart. There was no further discussion on the Motion. Roll was called and the Motion passed 4-1. Mr. Koch-yes, Mr. Willetts-yes, Ms. Stewart-yes, Mr. Janosik-yes, and Mr. Kanon-no.

Variance 2- Approved relief from buffer areas and proposed subdivided line between parcels 1H and 1F. A Motion was made by Mr. Willetts to approve variance as presented. The Motion was seconded by Ms. Stewart. There was no further discussion on the Motion. Roll was called and the Motion passed 3-2. Mr. Koch-yes, Mr. Willetts-yes, Mr. Janosik-yes, and Mr. Kanon-no, Ms. Stewart-no.

SUMMARY - CASE NO. # 2793

The Zoning Hearing Board voted to grant the dimensional variances (A) from the minimum lot size of 30 acres, to allow for the creation of two lots of 12.0323 acres and 9.0389 acres; approved; and (B) relief from the requirement of 50 feet minimum yard areas for the side yard between the proposed Lot 1F-2nd revised and Lot 1H, to adhere instead to the side yard provisions, to provide side yard of not less than 10 feet approved; (C) relief from the requirement to provide a 20 foot buffer yard, at 3001 Cool Springs Drive.

ADJOURNMENT: The meeting was adjourned at 10:17.