

ZONING HEARING BOARD MEETING

SUMMARY

June 7, 2021

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

ROLL CALL: PRESENT: KOCH, REGAN WILLETTS, STEWART, JANOSIK, KANON

ALSO PRESENT: ROBERT HICKS, 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 May 3, 2021 meeting. Mr. Willetts made a motion to approve the minutes. 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 invoice received from Kim Simms-Strnisa in the amount of \$375 for attendance fee for the May 3, 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 \$440 for professional fees for the ZHB findings and conclusions on May 3, 2021. 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 #2798 – POSTPONED BY THE APPLICANT UNTIL THE JULY MEETING

Case #2794

APPLICANT: BEN MORRIS

LOCATION: 4331 OVERHILL ST

SUBJECT: DIMENSIONAL VARIANCE OF AN EIGHT (8) FT HIGH PRIVACY FENCE WITHIN THE FRONT YARD SET BACK ON A CORNER LOT IN THE R-3 RESIDENTIAL ZONING DISTRICT SECTION 69.25.1.7.c.ii

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 4331 Overhill St. Current Zoning Classification is R-3. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.25.1.7.c.ii

Variance Type: Dimensional variance request of an eight (8) foot high privacy fence within the front yard setback on a corner lot.

The Zoning Hearing Board should grant the following relief: Mr. Morris lives on a corner lot and would like to install an 8' high privacy fence within the required front yard setback along Val St.

Applicant's Petition: The proposed fence construction would not impede any drivers' vision while navigating the intersection. It would, however, allow my family (wife and two boys under age 5) the ability to play in our backyard without any risk of unwanted people watching. It would also prevent any unwanted animals from freely walking into our yard. The fence would also increase the value of the neighborhood and our dog will have room to run and play.

Applicant's Arguments: The street was repaved a few years back which raised the elevation of the street. Had this not occurred, a six (6) foot fence would be adequate. The increased elevation is not something I have any control over. Raising the fence to eight (8) feet is the least intrusive action upon the ordinance.

This application was presented by Ben Morris.

There was one (1) proponent in this case:

- Lee Tucholski – 100 Val St Bethel Park, Pa

There were two (2) opponents in this case:

- Kathleen Fortier – 1053 Val St Bethel Park, Pa
- Sandra Heasley – 4330 Overhill St Bethel Park, Pa

A Motion was made by Mr. Willetts to table the variance presented. Ms. Stewart seconded the motion. Mr. Janosik recused himself from this case as he knows the applicant personally. Mr. Koch – yes, Mr. Regan – yes, Mr. Willetts – yes, Ms. Stewart – yes, Mr. Kanon – yes.

This case was tabled until the July meeting to give Mr. Morris an opportunity to meet with an engineer to come up with a better design.

Case #2795

APPLICANT: LARRY SHAW

LOCATION: 5836 MONONGAHELA AVE

**SUBJECT: USE VARIANCE TO GRANT A ZONING PERMIT FOR THE
ASSEMBLY AND SALES OF FIREARMS IN THE R-3 RESIDENTIAL
ZONING DISTRICT.
SECTION 69.25.1**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 5836 Monongahela Ave. Current Zoning Classification is residential. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.25.1

Variance Type: Use variance to grant a zoning permit for the sale and assembly of firearms.

The Zoning Hearing Board should grant the following relief: Mr. Shaw currently has a home occupation permit for gunsmithing. He would like to have gun lowers made with his own brand on them and sell them as Chelsea Firearms. To do this legally, Mr. Shaw is required to obtain an FFL-7 Permit from the ATF. To obtain the FFL-7 license the ATF requires zoning approval from the Municipality.

Applicant's Petition: This will enable me to build my own brand of rifles and pistols made by General Manufacturing on Industrial Boulevard in Bethel Park. They will be made by all-American, locally sourced parts to help me obtain government contracts.

Applicant's Arguments: Mr. Shaw claims that he is not doing anything different from what his home occupation currently allows.

Presenting this case was Larry Shaw.

There was one (1) proponent in this case:

- Ronald Milanek – 1054 Delaware Ave Bethel Park, Pa

There were two (2) opponents in this case:

- Samuel & Rilond Tatomir – Monongahela Ave, Bethel Park, Pa
- Chriss & Lorelei Colucci – 5817 Monongahela Ave, Bethel Park, Pa

A motion was made by Mr. Willetts that the zoning hearing board's interpretation in this particular case overrules the interpretation of the municipality's planning and zoning officers. The applicant's existing home occupation permit allows him to perform the extension for his business to obtain the necessary permits. The applicant is still subject to all the limitations listed in the ordinance for home occupations. The motion was seconded by Ms. Stewart. There was no further discussion on the motion. Roll was called and the Motion was passed 4-1. Mr. Koch – no, Mr. Regan – yes, Mr. Willetts – yes, Ms. Stewart – yes, Mr. Janosik – yes.

Case #2796

APPLICANT: LINDA THOMAS SPENCER

LOCATION: 3043 HILLCREST RD

**SUBJECT: DIMENSIONAL VARIANCE TO ALLOW AN ENCROACHMENT
INTO THE SIDE YARD SETBACK FOR PROPOSED ADDITION TO A
SINGLE-FAMILY DWELLING IN THE R-1 RESIDENTIAL ZONING
DISTRICT
SECTION 69.23.4.2**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 3043 Hillcrest Road. Current Zoning Classification is residential. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.23.4.2

Variance Type: Dimensional variance of side yard.

The Zoning Hearing Board should grant the following relief: Required 20' side yard with an encroachment of 5.5' for a resulting 14.5' setback.

Applicant's Petition: I am asking the zoning hearing board to grant a side yard variance allowing me to add a family room addition to the side of my home that encroaches 5.5' into the required 20' side yard, resulting in a 14.5' remaining side yard. There is an existing unenclosed side porch that is in poor condition and needs removed. For comparison, this existing porch is about 8' wide and that width is not sufficient for a new room addition. This variance will allow me to build a 15.3' wide addition which will create a comfortable family room width. The addition will extend about 24' deep, front to rear, along the existing side of my home. Building this addition with this variance will result in a remaining side yard of 14.5', almost exactly matching the existing side yard of my adjacent neighbor. The family room addition will be one story high with a basement and will align with my existing one-story home and roof as you can see from the attached photos and sketches.

Applicant's Arguments:

- 1) The unique physical circumstances that create a hardship for this property are the result of the lot width established before the current zoning ordinance. The lot is barely over 100 feet wide at the building line, severely limiting the buildable area of the lot within the current zoning.
- 2) The property cannot be further developed in a useful manner in strict conformity with the zoning ordinance because of the large side yard requirement.
- 3) The hardship of building on this lot was not created by the applicant but by the current zoning ordinance being applied to this existing narrow lot.
- 4) The variance requested would not change the existing character of the neighborhood at all. As shown by the attached photos and sketches, the proposed addition will fit perfectly into the neighborhood home scale and character.
- 5) The variance requested is the least modification of the zoning ordinance required to create a comfortable room addition. It also creates a side yard nearly identical to the width of the adjacent yard.

Presenting this case was Linda Spencer, along with her architect, James Kopriva – 210 Navajo Road, Bethel Park, Pa.

There were two (2) proponents in this case:

- Karen DeCarlucci – 3004 Oakhurst Rd,
Bethel Park, Pa
- Catherine Ananewell – 3309 Oakhurst Rd,
Bethel Park, Pa

A motion was made by Mr. Willetts to approve the variance as presented with an additional condition that the applicant will have to install and maintain a minimum of 6' high evergreen vegetation between their property line and the new addition. The motion was seconded by Mr. Koch. There was no further discussion on the motion. Roll was called and the Motion passed 5-0.

Case #2797

APPLICANT: MARINA SIEGERT

LOCATION: 4792 LIBRARY RD

**SUBJECT: USE VARIANCE TO ALLOW THE EXPANSION OF OFF-STREET
PARKING FOR THE BETHEL PARK ANIMAL CLINIC IN THE R-3
RESIDENTIAL ZONING DISTRICT
SECTION 69.25.1**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 4792 Library Rd. Current Zoning Classification is R-3. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.25.1

Variance Type: Use variance to allow the expansion of off-street parking for the Bethel Park Animal Clinic

The Zoning Hearing Board should grant the following relief: Use variance for Parcel 317-N-260 to allow off-street parking to be expanded from existing animal clinic on Parcel 317-P-254. Both lots are currently owned by the animal clinic via Kyrkor Enterprises, LLC. A lot consolidation plan is being prepared to consolidate the two lots into one.

Applicant's Petition: Parking expansion is required to continue providing needed services to the community. Existing lot does not allow for parking expansion. Expanding parking into neighboring lot will not affect characteristic of neighborhood.

Applicant's Arguments: Unique physical circumstances – existing lot shape, size and topography restrict expansion on existing lot. Completing a lot consolidation and obtaining a use variance is the least modification possible to expand the parking and keep within current ordinances.

Presenting this case was Marina Siegert and her landscape architect, Tom Swisher of 319 Forest St Freeport, Pa.

There were two (2) proponents in this case:

- Will Van Patton & Wayne Rusciollelli – Both were in favor of the request as long as the new parking lot does not extend past the rear build line that was agreed upon at the last variance meeting.

There were two (2) opponents in this case:

- Nile & Christine Barton – 2002 Boles Ct, Bethel Park, Pa – Both feel the new parking lot is a commercial use and will be an eye sore from their home and should not be allowed.

Motion was made by Mr. Koch to approve the variance to allow the expansion of off-street parking with the condition that the previously agreed to horizontal line behind the building be extended to the end of the new property and that sufficient evergreen plants/trees be planted between the Barton property and the new parcel to provide a visual barrier. Motion was seconded by Mr. Willetts. Roll was called and the Motion passed 4-1. Mr. Koch – yes, Mr. Regan – yes, Mr. Willetts – yes, Ms. Stewart – no, Mr. Janosik – yes.

ADJOURNMENT: The meeting was adjourned at 10:25 P.M.

