

APPLICATION FOR HEARING BEFORE THE ZONING HEARING BOARD OF PETERS TOWNSHIP

Date Filed with Fee Paid: 2/18/11 Appeal No: 844-2011

1. Audia Group Investments, LLC and Danielle Andy Belusko and Rod Belusko
NAME

450 Racetrack Road, Washington, PA 15301
ADDRESS

(724) 745-0588
PHONE

Request that a determination be made by the Zoning Hearing Board on the following appeal:

1. An appeal from a decision of the Zoning Officer on _____ 20_____

prescribed procedures not followed -----Section: _____
 provision misinterpreted -----Section: _____
 provision misapplied -----Section: _____

2. Challenge to the validity of the
 ordinance -----Section: _____
 Map

3. A Special Exception
Zoning District C-2 Section 101(E) and 1302
Proposed Use: Funeral Home with Crematory

4. Unified Appeal – State zoning issues above and attach information on any other appeal to this application.

The description of the property involved in this appeal is as follows:

Street Address: 3287 Washington Road, McMurray, PA 15317

Tax I. D. Number 540-009-00-00-0037-00 Zoning District: C-2

Acreage of Lot: 1.6 Present Use: Vacant, former La-Z-Boy Furniture Showroom

Present Improvements on the property: 26,000 s.f. building

Description of Proposed Improvements No structural changes to existing building,
interior renovation to first floor and exterior aesthetic changes only.

Use of Proposed Improvement: Funeral Home with Crematory

Describe the Special Exception requested:

See Attached

SUPPLEMENT TO APPLICATION FOR HEARING
BEFORE THE ZONING HEARING BOARD OF PETERS TOWNSHIP

Describe the Special Exception Requested:

Audia Group Investments, LLC ("Audia") intends to purchase this property and lease it to Danielle Andy Belusko and Rod Belusko (the "Beluskos") to operate a funeral home and provide on-site cremation services to the community.

Section 200 of the of the Peters Township Zoning Ordinance (the "Ordinance") defines a funeral home as a building used for the embalming of the deceased prior to burial, but not including cremation, and/or for the viewing of the deceased and ceremonies connected therewith before burial or cremation. Crematories either as stand-alone uses, or as accessory to funeral homes, are not otherwise permitted or specifically excluded anywhere else in the Ordinance.

Section 101(E) and Section 1302 of the Ordinance provides that when a use is neither specifically permitted or denied, and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the use in accordance with criteria in Chapter 27 (Zoning). Further, Section 1302 of the Ordinance provides that the use may be permitted if it is similar to and compatible with permitted uses in the district and meets the standards and criteria set forth in Section 1302(B)(2).

Explain any other appeal or challenge:

Applicant has submitted a challenge to the validity of the Zoning Ordinance along with a landowner curative amendment, seeking to amend the Ordinance to allow funeral homes with crematories in C-1, C-2 and C-4 Zoning Districts. The Planning Commission of Peters Township reviewed the proposed ordinance amendment at their October 14, 2010 meeting and recommended that the ordinance not be amended. Applicant has submitted a revised landowner curative amendment to allow funeral homes with crematories in C-1 and C-2 Zoning Districts only, and not C-4 Zoning Districts. Applicant will present the revised landowner curative amendment to the Planning Commission at its meeting on March 10, 2011 and then to Council at its meeting on March 21, 2011.

State why you believe the Board should grant this request:

The Township solicitor has indicated that he does not believe the Ordinance is exclusionary. Planning Commission recommended that the Ordinance not be amended in order to allow crematories to be operated as part of funeral homes. Crematories are valid, legal uses and provide an essential service to residents and should be permitted in connection with funeral homes.

Since crematories are not otherwise permitted or denied in any other district, Audia and the Beluskos (collectively, the "Applicant") are requesting that this application be treated as a "Use not provided for" pursuant to Section 1302(B)(1)(b) and granted for the following reasons:

1. Crematories are compatible with funeral homes, which are permitted uses in C-1 and C-2 zoning districts in the Township.

2. The proposed use of the property as a funeral home with a crematory will not substantially injure or detract from the use of neighboring lots or from the character of the neighborhood and the use of adjacent lots will not be affected in any manner.

3. The proposed special exception will serve the best interests of Peters Township, the convenience of the community, and the public welfare because there are currently no crematories located in Peters Township and any existing funeral homes located in Peters Township have to contract for this service with funeral home providers located elsewhere.

4. The proposed special exception will not adversely affect public services and facilities.

5. The unique circumstances for which the special exception is sought were neither created by the Applicant, nor were due to or the result of general conditions in the zoning district in which the lot is located.

6. The proposed location will not adversely affect highway traffic and has less traffic impact than most other commercial uses. The property has access to and from Route 19 via a full service traffic light.

7. The proposed use does not conflict with the general purposes and intent of the C-2 Zoning District because funeral homes are permitted uses in C-2 Zoning Districts and crematories are compatible with funeral home uses.

Applicant will present additional evidence at the public hearing to establish the permitting requirements for and safety features of the crematory unit.