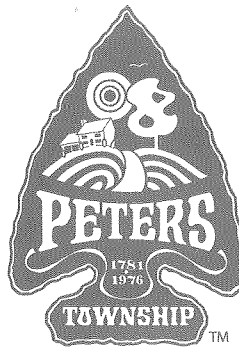


Peters Township

WASHINGTON COUNTY


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MEMO TO: Zoning Hearing Board
FROM: Grant Shiring 
DATE: March 15, 2011
TOPIC: Appeal 843-2011.

Applicant: Audia Group Investments, LLC. and
Rod and Danielle Andy Belusko
450 Racetrack Road
Washington, PA 15301

Status of Applicants: Agreement of Sale

Property Owner: George and Philip Teplitz
307 S Dithridge St. Apt #912
Pittsburgh, PA 15213

Property Location: 3287 Washington Road
McMurray, PA 15317
Tax ID Number: 540-009-00-00-0037-00

Requested Action: The Applicants are requesting a parking variance to provide the required parking space as determined by use rather than by gross square footage. The Applicants are also requesting to encroach six (6) feet into a required ten (10) foot Buffer Area C.

Section Reference: Section 314 Parking Requirements; The minimum required parking spaces for a building with a gross square footage of 25,000 sq. ft. to 99,999 sq. ft. is 4.5 spaces per 1,000 sq. ft. gross floor area. The minimum required parking spaces by use (Funeral Home) are one (1) space per three (3) seats in viewing rooms.

Section 310 Buffer Areas; Minimum buffer required for a non-residential use adjacent to a public right-of-way is a ten (10') foot Buffer Area C.

Lot Size: 1.6 acres/ 69,696 sq. ft.

Site Zoning and Use: C-2 General Commercial; Proposed Funeral Home (former La-Z-Boy)

Surrounding Zoning and Use: The property is surrounded in three (3) directions by C-2 General Commercial zoning district and to the rear of the property is R-1A Single Family Conventional.

Important Note: Although the Applicants have proposed installing a cremation unit, the parking space and buffer variance requests are entirely independent of the request to permit a crematory. The proposed cremation unit shall have no bearing on the Planning Commission's recommendation concerning the parking space or buffer variance. Funeral homes are a permitted use in the C-2 General Commercial, C-1 Neighborhood Commercial, and VNC Venetia Neighborhood Commercial zoning districts. The Applicants have expressed that they will operate a funeral home from this location regardless of the decision made by the Zoning Hearing Board or Council concerning whether or not a cremation unit will be approved. Therefore the Planning Commission's recommendation shall be specific to the permitted use, funeral home.

Case History: There are no previous variances requested.

Site Description: The proposed site is the former La-Z-Boy building located on Washington Road (Route 19) directly east of the Sears Service Center. South Hills Chrysler is located across Washington Road and the Crossgates subdivision is to the south. There is a thirty (30) foot grade change upwards from the site to the Crossgates subdivision. The lot is 1.6 acres and rectangular in shape. There is two hundred (200) feet of frontage along Washington Road.

The building was constructed in 1968 and is two stories with approximately 26,000 sq. ft. of floor area. The building has been vacant for at least five or six years and is seasonally occupied by a Halloween supplies store. There are currently forty (40) existing parking spaces that serviced the former La-Z-Boy.

Proposal:

Variance Request 1: Parking Variance

The Applicants are proposing to renovate the existing building and convert 10,190 sq. ft. of the 26,000 sq. ft. into a funeral home. Of the 10,190 sq. ft., 7,500 sq. ft. will be finished for offices, viewing rooms, etc. and 2,690 sq. ft. will be a garage and storage. The remaining area will be vacant or possibly used as additional storage. (See condition 1).

The Zoning Ordinance requires commercial buildings larger than 10,000 sq. ft. to provide parking spaces determined by a ratio of the gross floor area. Commercial buildings between 25,000 sq. ft. and 99,999 sq. ft. are required to provide 4.5 spaces per 1,000 sq. ft. of gross floor area. However, commercial uses with less than 10,000 sq. ft. are required to provide parking spaces based on ratios provided for the specific use. Funeral homes uses are required to provide one (1) space per three (3) seats in a viewing room.

The Applicants are asking for a variance to allow the parking to be calculated by use rather than as a commercial center above 10,000 sq. ft. The reason for the request is because they are proposing to only use 7,500 sq. ft. of the 26,000 sq. ft. as finished space. Therefore, the occupied space is below 10,000 sq. ft.

The Applicants are proposing to construct two (2) viewing rooms containing one-hundred and thirty (130) seats. According to the parking requirements for a funeral home use, the proposal requires forty-four (44) parking spaces. The Applicant has presented a plan that provides sixty-three (63) parking spaces thus exceeding the parking requirements for a funeral home. Therefore, the Applicant is requesting a variance to provide sixty-three (63) parking spaces rather than one-hundred and seventeen (117) required for a 26,000 sq. ft. building.

Parking Required by <i>SIZE</i>	=	117 Spaces
4.5 spaces/1,000 sq. ft GFA		(26,000 sq. ft. ÷ 1,000 sq. ft.) x 4.5 spaces = 117 spaces
Parking Required by <i>USE</i>	=	44 Spaces
1 space/3 seats in viewing area		130 seats ÷ 3 seats = 43.3 spaces
Parking Provided by <i>USE</i>	=	63 Spaces

Special Note: The Applicants are requesting a variance to provide parking for use. However, they are using 10,190 sq. ft. of space and could be subject to the parking requirements for commercial buildings greater than 10,000 sq. ft. In either instance, whether they are required to provide spaces determined by use or gross floor area for commercial buildings greater than 10,000 sq. ft., they are exceeding the amount of spaces required. Should the Applicant be required to provide spaces as determined by the gross floor area of useable space, they would be required to provide fifty-one (51) spaces. (10,190 sq. ft. ÷ 1,000 sq. ft. x 5 spaces = 50.95 spaces) The Applicant is providing sixty-three (63) spaces.

Although the Applicants are proposing to use 10,190 sq. ft., Planning Staff believes that the 2,690 sq. ft. used for a garage and storage does not need to be counted towards the gross floor area requirement of parking. It is redundant to provide parking spaces for a garage. Therefore, 7,500 sq. ft. places them below the 10,000 sq. ft. building parking requirement and staff believes it to be correct to require parking according to use.

Review Criteria and Analysis: For full text see Section 1301. Variances

Criteria 1: There is an unnecessary hardship due to unique physical circumstances or conditions

Requirement is met: A unique hardship exists because the building was originally designed as a furniture showroom. Furniture showrooms are generally large buildings with minimal parking spaces because they do not generate large amounts of traffic. The property is currently non-conforming because it does not meet the one-hundred and seventeen (117) parking space requirement. The size of the building and the size of the property prohibit any use that chooses to occupy the building from providing the one-hundred and seventeen (117) parking spaces required. There is not enough room on the site to support such a large quantity of spaces as the building size requires. Any use that chooses to occupy the building will require a variance because of the hardship created by the size of the building and current amount of parking spaces required for buildings over 10,000 sq. ft.

The Applicant will only be using 10,190 sq. ft. of the building. If the variance is granted, it shall be conditioned that the remaining area of the building only be used as storage. If the Applicants choose to expand at a later date, the amount of additional space requested will be subject to parking required by use and the amount that can be provided. (See condition 1)

Criteria 2: No possibility that the lot can be developed in strict conformity

Requirement met: The size of the building and the size of the property prohibit any use that chooses to occupy the building from providing the one-hundred and seventeen (117) parking spaces required. There is not enough room on the site to support such a large quantity of spaces required by the current regulations.

Criteria 3: The unnecessary hardship was not created by the applicant

Requirement is met: The unnecessary hardship is due to the large amount of building space required for a furniture store and the small amount of parking required to service such a use. The Applicant did not construct the building or design the site.

Criteria 4: The variance will not alter the essential character of the neighborhood

Requirement is met: Funeral homes are a permitted use within the C-2 General Commercial district. As such, it has been determined that funeral operations, including trips generated, are consistent with the purpose and character of the C-2 General Commercial district. The district intent is to “provide a wide range of commercial establishments which are business or high traffic oriented plus accommodating larger buildings and sites for commercial activity.” See §302.B(2)(b) The requested variance will not alter the essential character along Washington Road.

Criteria 5: The variance will represent the minimum variance that will afford relief

Requirement is met: Any funeral home that operates within the C-2 General Commercial district would be permitted to operate without a variance by providing 1 space per 3 seats in the viewing areas. Therefore, the variance request is the minimum variance that will afford relief.

Variance Request 2: Buffer Area Variance

The Applicant is also requesting a variance for five (5) parking spaces to encroach into a required buffer area. The Zoning Ordinance requires a ten (10) foot Buffer Area C along any property line where a non-residential use adjoins a public right-of-way. (§310. Buffer Areas) In this case, the Buffer Area C is required along Washington Road (Route 19). Approximately one-hundred and seventy-four (174) feet of frontage along Washington Road is required to be buffer. Of the one-hundred and seventy-four (174) feet, forty-nine (49) feet will be affected by the variance request. Within the forty-nine (49) feet of affected area, the parking spaces will encroach a maximum amount of six (6) feet and minimum amount of four and six-tenths (4.6) feet into the required buffer. The remaining one-hundred and twenty-five (125) feet of frontage will be planted in accordance with the Buffer Area C requirements which are one (1) tree and ten (10) shrubs planted for every thirty-five (35) linear feet of frontage. See §310.B(c) This will be enforced during the final site plan approval process.

Review Criteria and Analysis: For full text see Section 1301. Variances

Planning Staff believes that the variance request is de minimus and that it will not alter the essential character of the district. Although the parking spaces will encroach, at the maximum six (6) feet, into the required buffer, there is still nineteen (19) feet of grass area between the right-of-way and edge of curb providing adequate space between the proposed parking spaces and edge of Washington Road which is the purpose of buffer requirements. In addition, the area

being discussed is only grass. The Applicant will be installing landscaping that will improve the area between the parking spaces and Washington Road and create a more aesthetically pleasing space thus improving and enhancing the character of the district and the frontage along Washington Road.

Planning Commission Recommendation: On March 10, 2011 the Planning Commission voted 4-1 recommending that the Zoning Hearing Board grant the two variances requested due to:

1. There is a unique hardship due to the size of the building and the size of the lot; and
2. The Applicants are proposing to only use 10,190 sq. ft. of the 26,000 sq. ft. available; and
3. The hardship was not created by the Applicants; and
4. The variances will not alter the essential character of the district.

Should the Zoning Hearing Board approve the variance requests, Planning Staff recommends the following list of conditions. Compliance with condition 1 was stressed by the Planning Commission.

1. That only 10,190 sq. ft. of the building be used for the purposes of the Applicants business. The remaining square footage shall only be used for storage. Should the Applicants choose to expand at a later date, the amount of additional space allowed shall be 189 total seats (130 proposed + 59 additional). The amount is determined by the number of seats able to be serviced by the parking spaces currently provided. (63 Spaces provided x 1 space/3 seats = 189 seats); and
2. A monument style sign shall be constructed and be no greater than fifty (50) square feet in size; and
3. The floor plan submitted be revised to state "1 parking space/3 seats in viewing area" rather than "1 parking space/3 occupants"; and
4. Final site plan approval be obtained by the Planning Commission; and
5. That the variance will expire if the Applicant fails to properly apply for all necessary permits within one (1) year from the date of this decision, or fails to begin the permitted activity within six (6) months from the date such permits are granted.

Attached: ZHB Variance Application
Aerial View - Twp GIS
Conceptual Site Plan/Elevations/Floor Plan (Included as part of the special exception docket for crematory as "a use not provided for")

Cc: File
Houston Harbaugh, P.C.
Rod and Danielle Andy Belusko
Audia Group Investments, LLC.
Elliot Surveying, Inc.