

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, AUGUST 28, 2014
7:30 P.M.**

The meeting was called to order with Chairman George Bartha presiding.

MEMBERS PRESENT:

George Bartha, Chairman
Chip McCarthy, Vice Chairman
Jim Bruni, Member
Tim Bish, Solicitor
Cheryl Cherico, Secretary

OTHERS PRESENT:

Laura Ludwig, Community Development Director
Candace Gabeletto, Pittsburgh Reporting Service

ADMINISTRATIVE:

Mr. Bartha called for a motion to approve minutes from the July 24, 2014 meeting.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, TO APPROVE MINUTES FROM THE JULY 24, 2014, MEETING. MOTION CARRIED.

Mr. Bartha announced that prior to this meeting, the Board held an executive session to receive advice of the Solicitor.

Mr. Bartha announced the continued public hearing for the Cicko Company, LLC Use Variance Request that was originally scheduled to be held tonight will not be held since the applicant has withdrawn the variance application.

Mr. Bartha announced notice of tonight's hearing was advertised and the subject property posted pursuant to the requirements of the PA Municipalities Planning Code.

Mr. Bartha asked the Court Reporter to swear in witnesses and any members of the public wishing to comment during tonight's public hearing.

Mr. Bish said for the record it should be stated that no members of the public are here although Ms. Ludwig should be sworn in.

The Court Reporter swore in Ms. Ludwig.

NEW BUSINESS:

1. Montour Place, LLC and/or Montour Church Road, L.P. Non-Conforming Use Expansion and Sign Variance Requests.

Montour Place, LLC and/or Montour Church Road, L.P. is requesting the following relief under Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended (the "Zoning Ordinance") in order to permit the installation of an additional sign panel on the existing business identification pole sign for the Montour Church Place at the Pointe development on property located on Montour Church Road in the B-2 General Business District, known as 300 Davis Boulevard and currently designated as Allegheny County Block/Lot No. 412-G-4: (1) approval of a non-conforming use expansion under Section 27-1102.B(1) of the Zoning Ordinance to permit the expansion of the non-conforming sign which advertises businesses that are not located on the subject property; (2) a variance from the maximum business identification pole sign size restriction under Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance; and (3) a variance from the minimum business identification pole sign height at bottom requirement under Section 27-1007.1.A and Table 27-11 of the Zoning Ordinance.

Mr. Bartha entered Board Exhibits 1 through 14 referenced on the Exhibit List into the Record of this hearing. He asked the court reporter to insert those exhibits into the transcript as if the Exhibit List was read into the Record.

The exhibit list included:

Exhibits Entered at August 28, 2014 Hearing:

1. Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended.
2. North Fayette Township Zoning Ordinance No. 290.
3. Application to Zoning Hearing Board dated July 8, 2014, along with the following attachments:
 - a. List of adjacent property owners in response to Application Item No. 9.
 - b. Application for Variance to the North Fayette Township Zoning Hearing Board dated August 15, 2007 related to pylon sign on Allegheny County Block/Lot No. 9929-X-87785 (currently 412-G-5).
 - c. Color photograph (undated) of existing Pylon Sign No. 2 on subject property.

- d. Plan of subject property (undated) with handwritten notations of the location of Pylon Sign No. 2 on the subject property and a notation that all adjacent properties located within 200 feet of the subject property are owned by Montour Church Road, L.P.
 - e. Plan entitled “Subdivision Plan of McMetro Property Development Plan #1”, dated January 6, 2001, prepared by Michael Baker Jr., Inc with handwritten notations of the location of Pylon Sign No. 2 on the subject property and a notation that all adjacent properties located within 200 feet of the subject property are owned by Montour Church Road, L.P.
4. Letter from Norman McHolme dated August 19, 2014 providing additional information related to the existing pole sign located on the subject property.
 5. Color photographs (undated) of the proposed new sign panel and its location on the existing pole sign located on the subject property.
 6. Sign Plan, dated November 10, 2000 and most recently revised January 15, 2001, prepared by Hanover Signs, Inc., illustrating the current dimensions of the existing pole sign located on the subject property.
 7. Allegheny County Property Assessment Office webpages dated August 1, 2014 for property designated as Allegheny County Block/Lot No. 412-G-4 (formerly 9929-X-87787) and providing aerial map showing parcel boundaries with subject property highlighted (4 pages).
 8. Allegheny County Property Assessment Office webpages dated August 27, 2014 for property designated as Allegheny County Block/Lot No. 412-G-5 (formerly 9929-X-87785) and providing aerial map showing parcel boundaries (4 pages).
 9. Minutes from the Zoning Hearing Board meeting on September 27, 2001 regarding, among other things, previously requested sign variances for the subject property, including variances from the maximum and minimum business identification height restrictions and maximum business identification pole sign size restriction of Section 1405.3(d)[4] and [5] of the Township Zoning Ordinance No. 290.
 10. Minutes from the Zoning Hearing Board meeting on October 4, 2001 regarding, among other things, the approval of previously requested sign variances for the subject property, including variances from the maximum and minimum business identification height restrictions and maximum business identification pole sign size restriction of Section 1405.3(d)[4] and [5] of the Township Zoning Ordinance No. 290.
 11. North Fayette Township Findings of Fact and Conclusions of Law, dated October 25, 2001, regarding the application of McHolme Builders, Inc./Norman McHolme seeking variances from the requirements of the Township Zoning Ordinance No. 290 for property located at Montour Church Road, Pointe at North Fayette, in the Township.
 12. Public Notice and Proof of Publication for tonight’s public hearing.

13. Letter from Board Secretary dated August 15, 2014 to Montour Church Road L.P. regarding notice of hearing.

14. Photograph of Notice of Posting.

Mr. Bartha asked a representative to approach the Board.

No representative was present.

Mr. Bartha asked Mr. Bish if he would clarify for the record some of the outstanding items that the Board was going to request from the applicant this evening.

Mr. Bish said prior to advertising this public hearing, the applicant was asked to resolve several issues related to the application. One of those included who is the property owner? He said the application lists "Montour Church Place" as the property owner, but the County Assessment Website lists "Montour Church Road Limited Partnership" as the property owner. He said the applicant was requested to resolve that issue and the applicant has not yet done so.

Mr. Bish said the applicant was also requested to clarify whether or not the variances requested tonight related to prior variances approved by the Zoning Hearing Board for the development. He said the applicant indicated that these were new variance applications and did not relate to prior variance approvals. He said that was the way the public hearing was advertised. However, based upon the Zoning Hearing Board's October 4, 2001 meeting minutes and the Zoning Hearing Board's Findings of Fact and Conclusions of Law dated October 25, 2001, the subject requests appear to be requests for amended variances. He said the subject pole sign was the subject of the variance decision in October 25, 2001, with two variances being granted. One was a variance to reduce the minimum pole sign height at bottom requirement for each pole sign to 6 feet and a variance to allow a maximum sign area of 164 square feet for each pole sign. As a result it is our determination that rather than requesting new variances, the applicant should have requested amendments to the 2001 variances.

In addition, Mr. Bish said the applicant was requested to provide dimensions of the pole sign and the proposed signage. He said the applicant provided a schematic and sign plan for the existing sign but did not provide the dimensions for the proposed additional signage. While the Township has attempted to calculate what those dimensions would be from the schematic, he said the applicant has not provided that information to the Board.

Mr. Bish said another issue is that the variance from 2001 for the maximum sign area was granted for 164 square feet for that pole sign and the pole sign is currently at 215.8 square feet. He said the Township and the Board are not sure how that was authorized and so that is an additional issue that will need to be resolved.

Given all of those various issues, Mr. Bish said his recommendation would be to continue the public hearing until the next regular meeting of the Board on Sept. 25, 2014, at 7:30 p.m. in the Township Building.

Mr. Bartha asked if anyone had any further comments or questions. Hearing none, he asked for a motion to continue this public hearing until the Board's regular meeting on Thursday, September 25, 2014, at 7:30 p.m. in the Township Building.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO CONTINUE THE PUBLIC HEARING UNTIL THE BOARD'S REGULAR MEETING ON THURSDAY, SEPTEMBER 25, 2014, AT 7:30 P.M. IN THE TOWNSHIP BUILDING.

ROLL CALL:	CHIP McCARTHY	YES
	JIM BRUNI	YES
	GEORGE BARTHA	YES

COMMENTS:

Mr. Bartha asked if anyone had any comments or questions about anything. There were none.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO ADJOURN THE MEETING AT 7:41 P.M.

Respectfully submitted,

Cheryl Cherico
Zoning Hearing Board Secretary