

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, MARCH 27, 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

MEMBERS ABSENT:

John Scott, Alternate Member

OTHERS PRESENT:

Laura Ludwig, North Fayette Township Community Development Director
David & Rhonda Block, 8338 Hilltop Circle, Imperial
Craig Hennemuth
Linda Hershberger, Pittsburgh Reporting Service

ADMINISTRATIVE:

A motion was made by Mr. Chip McCarthy, seconded by Mr. Jim Bruni, to approve minutes from the February 27, 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 said 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 the hearing.

The Court Reporter swore in the witnesses.

NEW BUSINESS:

1. David Block & Rhonda Block Variance Request

David Block and Rhonda Block are requesting a variance from the 10-foot minimum accessory building side yard setback requirement of Section 27-205 and Table 27-2 of Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended, (as codified by Ordinance No. 418 on January 28, 2014) (such provision and Table previously known as Section 204.3.A and Table 2 of the North Fayette Township Zoning Ordinance, Ordinance No. 360, as amended) in order to permit the construction of a detached garage on property located at 8338 Hilltop Circle in the R-3 Medium Density Residential District, currently designated as a portion of Allegheny County Block/Lot No. 590-E-23.

Mr. Bartha entered Exhibits 1 through 9 into the Record of the hearing. He asked the Court Reporter to insert those exhibits into the transcript as if the Exhibit List was read into the record. A copy of the Exhibit List was given to the Court Reporter.

The Exhibit List included:

1. Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended (as codified by Ordinance No. 418 on January 28, 2014).
2. Application to Zoning Hearing Board dated March 3, 2014, along with the following attachments:
 - a. Response to Application Item No. 6.
 - b. Allegheny County Property Assessment Office webpages dated March 3, 2014 for property designated as Allegheny County Block/Lot No. 590-E-23 and providing aerial map showing parcel boundaries with adjacent properties labeled (2 pages).
3. Sketch Plan of subject property dated July 19, 2013 with highlighted illustration demonstrating the locations of the proposed setback encroachment.
4. Allegheny County Property Assessment Office webpages dated March 6, 2014 for property designated as Allegheny County Block/Lot No. 590-E-23 and providing aerial map showing parcel boundaries with subject property highlighted (4 pages).
5. Public Notice and Proof of Publication for tonight's public hearing.
6. Letter from Board Secretary dated March 13, 2014 to David and Rhonda Block regarding notice of hearing.
7. Letter from Board Secretary dated March 13, 2014 to neighboring property owner regarding notice of hearing (5 letters).
8. Photographs of Notice of Postings.
9. North Fayette Township Zoning Ordinance, Ordinance No. 360, as amended.
10. Drawings of proposed garage (4 pages submitted by applicant during hearing).

Mr. Bartha asked Mr. Bish to make a comment before proceeding with the hearing.

Mr. Bish said there was a lot of information in the summary regarding the new codification. In order to make it clear for the record, he said the Board was not aware of the codification that had been adopted when the application was advertised. He said the variance was advertised under Ordinance No. 360, as amended, which was the prior North Fayette Township Zoning Ordinance. When the Township codified the Zoning Ordinance and placed it into the Code of Ordinances, Ordinance No. 418, the Zoning Ordinance was essentially for the most part kept intact. There were certain minor changes made to it, but section numbers changed in the codification because the publisher of the codification starts every part of the code with 01, whereas the Zoning Ordinance was started with 00. He said Section 200 of the old Zoning Ordinance is now Section 201. He said they clarified that as part of the summary and will do that as part of any action by the Board tonight. Going forward, he said they would be referring to just Chapter 27 of the codification as being the Zoning Ordinance instead of referring to a specific ordinance number.

Mr. Bartha asked the applicants to approach the Board and state their case.

Mr. and Mrs. Block approached the Board.

Mr. Block said he owns 8338 Hilltop Circle and in 2010, he had the driveway finished. When the driveway was completed, he said an area was set up with a pad for a 13' x 23' detached garage. At that time, he said there was one obstacle and a decision had to be made as to the angle of the pad where the garage would be placed. He said he could have either matched the angle of the house or matched the angle of the property line. He said he decided to make it the same angle as the house, but in doing so it caused the right corner of the pad to exceed the setback by 18" and falling to 0" at 15 feet. He said if he hadn't placed the pad on the same angle as the house and instead followed the property line, it would have looked out of place. If he moved the pad over 18" towards the house, it would have only left him 36" between the house and the proposed garage. He said that isn't a lot of room if they needed to take something to the backyard. He said since the property line runs at an angle as the Board can see on the survey that was submitted, he said he had no options except to ask for a variance to construct the garage on the pad.

Mr. Bartha said there was no drawing or rendering of the garage in the application packet. He asked if the applicant brought one with him this evening to present to the Board to enter into the record.

Mr. Block presented the Board with four pages of drawings depicting the front, both sides and the rear of the proposed garage.

Mr. Bish said it appears to be a one story garage per the drawings.

Mr. Block said that was correct.

Mr. Bartha asked if there were any dimensions on the drawings.

Mr. Block said no, the drawings were just generic drawings. He said they are proposing a 13' x 23' garage.

Mr. Bruni said essentially, the garage is going to match the pad.

Mr. Block said yes, exactly.

Mr. McCarthy asked if the finish on the exterior of the garage would be consistent with the existing house.

Mr. Block said yes with the same style siding and same color.

Mr. Bartha asked what type of roof would the garage have and what color would it be.

Mr. Block said it would be an asphalt, shingled roof in a dark brownish/black color. He said he wants to try to match it as closely as possible to the house.

Mr. Bartha said so the siding and the roof would be as close as they could come to a color match with the existing structure.

Mr. Block said yes, as well as the trim.

Mr. Bartha said per the drawing, it would have a front entrance for the garage door.

Mr. Block said yes.

Mr. Bartha asked if he planned any lighting on or around the garage.

Mr. Block said there may be some lights right around the door area to shine towards the driveway.

Mr. Bartha asked if the Township had any questions or comments.

Ms. Ludwig said the Township doesn't have any concerns or issues and believes the encroachment is fairly minimal and is basically located on the triangle area on the survey that was provided by the applicant. The neighbors were notified about the hearing and she had received no phone calls and believed they would have come tonight if there were concerns. Ms. Ludwig said she didn't get to see the drawings of the garage.

A copy of the garage drawings were passed to Ms. Ludwig.

Ms. Ludwig looked at the drawings and said she had no issues with the garage.

Mr. Bartha asked if there were any public questions or comments.

There were none.

Mr. Bartha asked if any Board members had any further comments or questions. Hearing none, he asked the Board for a motion to close the public hearing.

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO CLOSE THE PUBLIC HEARING.

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

Mr. Bartha asked for a motion on the application.

A MOTION WAS MADE BY Mr. JIM BRUNI, SECONDED BY Mr. CHIP McCARTHY, AND CARRIED, TO APPROVE THE APPLICATION FILED BY DAVID BLOCK AND RHONDA BLOCK (COLLECTIVELY THE “APPLICANTS”) REQUESTING A VARIANCE FROM THE 10-FOOT MINIMUM ACCESSORY BUILDING SIDE YARD SETBACK REQUIREMENT OF SECTION 27-205.3.A AND TABLE 27-2 OF CHAPTER 27 OF THE NORTH FAYETTE TOWNSHIP CODE OF ORDINANCES, ZONING, AS AMENDED, (AS CODIFIED BY ORDINANCE NO. 418 ON JANUARY 28, 2014) (HEREINAFTER REFERRED TO AS THE “ZONING ORDINANCE”) (SUCH SECTION AND TABLE PREVIOUSLY KNOWN AS SECTION 204.3.A AND TABLE 2 OF THE NORTH FAYETTE TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 360, AS AMENDED) IN ORDER TO PERMIT THE CONSTRUCTION OF A DETACHED GARAGE (HERINAFTER REFERRED TO AS THE (PROPOSED GARAGE”) ON PROPERTY LOCATED AT 8338 HILLTOP CIRCLE IN THE R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, CURRENTLY DESIGNATED AS A PORTION OF ALLEGHENY COUNTY BLOCK/LOT NO. 590-E-23, (HERINAFTER REFERRED TO AS THE “SUBJECT PROPERTY”) IN ACCORDANCE WITH THE APPLICATION MATERIALS, PLANS, AND TESTIMONY ACCEPTED INTO THE HEARING RECORD BY THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Compliance with Laws.** The Applicants and the use and development of the Subject Property shall comply with all applicable Federal, State, County, and Township laws, statutes, ordinances, resolutions, and regulations, including but not limited to the Zoning Ordinance.
- 2. Permits and Approvals.** The Applicants shall apply for and obtain any and all necessary Federal, State, County, and Township permits and approvals for the Proposed Garage on the Subject Property. The Applicants and the use and development of the Subject Property shall comply with all such Federal, State, County, and Township permits and approvals.
- 3. Garage Construction.** The Proposed Garage shall be located no less than 8 1/2 feet from the side lot line of the Subject Property, as such lot line is shown on the sketch

plan entered into the hearing record as Exhibit “3”, and otherwise in conformity with the testimony and evidence entered into the hearing record.

4. **Garage Design.** The Proposed Garage shall be designed and constructed in a manner consistent with Exhibit 10 entered into the hearing record, except as modifications are necessary to comply with this decision and other necessary Township permits and approvals.
5. **Construction Deadline.** The construction of the Proposed Garage shall be commenced within one (1) year of the date of this decision and shall be completed within two (2) years of the date of this decision.
6. **Variance Scope.** The variance granted by this decision is specific to the Proposed Garage on the Subject Property as referenced in the exhibits and testimony entered into the hearing record by the Board. This decision shall have no precedential value for similar application by the Applicants or any other applicant at any location in the Township.
7. **Failure to Comply.** Failure to comply with the above referenced terms and conditions of this decision shall result in the variance being rendered null and void.

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

COMMENTS:

Mr. Bartha asked if anyone had any questions or comments about anything.

Ms. Ludwig announced that the public hearing for the Comprehensive Plan will be Tuesday, April 8, at 7 p.m. at the Hankey Farms Fire Hall.

ADJOURNMENT:

A MOTION WAS MADE BY Mr. CHIP McCARTHY, SECONDED BY Mr. JIM BRUNI, AND CARRIED, TO ADJOURN THE MEETING AT 7:47 P.M.

Respectfully submitted,

Cheryl Cherico
Zoning Hearing Board Secretary