

**NORTH FAYETTE TOWNSHIP
ZONING HEARING BOARD**

**THURSDAY, APRIL 24, 2014
7:30 P.M.**

The meeting was called to order with Mr. 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:

Jason Pottle, 204 Woodbriar Dr.
Linda Pottle, 204 Woodbriar Dr.
Laura Ludwig, Community Development Director
Pittsburgh Reporting Service Court Reporter

ADMINISTRATIVE:

Mr. Bartha asked for a motion to approve minutes from the March 27, 2014, meeting.

A motion was made by Mr. Chip McCarthy, seconded by Mr. Jim Bruni, to approve the minutes from the March 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. Jason & Linda Pottle Variance Request

Jason Pottle and Linda Wheeler-Pottle are requesting a variance from the 25-foot minimum principal building rear yard setback requirement of §27-205.3.A and Table 27-2 of Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended, in order to permit the construction of an enclosure over and around a pool and patio situated on property located at 204 Woodbriar Drive in the R-3 Medium Density Residential District, currently designated as Allegheny County Block/Lot No. 584-A-49.

Mr. Bartha entered Exhibits 1-7 referenced on the Exhibit List into the hearing record. A copy of the list was given to the Court Reported and she was asked to enter the Exhibit List into the transcript as if the list was read into the record.

Exhibits Entered at April 24, 2014 Hearing Included:

1. Chapter 27 of the North Fayette Township Code of Ordinances, Zoning, as amended.
2. Application to Zoning Hearing Board dated April 2, 2014, along with the following attachments:
 - a. Response to Application Item No. 6.
 - b. Sketch Plan of subject property (undated) with hand drawn illustrations demonstrating the location and footprint of an existing single-family dwelling, an existing shed, and the proposed enclosure.
 - c. Deed dated October 28, 2008 between Federal National Mortgage Association A/K/A Fannie Mae (Grantor) and Jason P. Pottle and Linda D. Wheeler (Grantees) recorded with the Allegheny County Real Estate Department at Deed Book Volume 13779, Page 267.
 - d. Map related to Response to Application Item No. 9
3. Allegheny County Property Assessment Office webpages dated April 3, 2014 for property designated as Allegheny County Block/Lot No. 584-A-49 and providing aerial map showing parcel boundaries with subject property highlighted (5 pages).
4. Public Notice and Proof of Publication for tonight's public hearing.
5. Letter from Board Secretary dated April 10, 2014 to Jason and Linda Pottle regarding notice of hearing.
6. Letter from Board Secretary dated April 10, 2014 to neighboring property owners regarding notice of hearing (5 letters).

7. Photographs of Notice of Postings.
8. Drawing No. A-1 Main Level Plan & Elevations sealed by the architect listed as Access Architecture PC and prepared by DB Design Build of Butler, PA, dated July 17, 2010, which provides elevations for the proposed enclosure around the pool and references it as a pool house addition. (Entered during the hearing, 1 page)

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

Mr. & Mrs. Pottle approached the Board.

Mr. Pottle said they would like to enclose their existing swimming pool and patio area. He said how the property sits, they really have no other area for it to be located because of the hill on the front and the back. He said the Township rule is that if it is attached to the house, it has to be 25 feet from the property line. If it wouldn't be attached the house, he said it would only need to be 10 feet from the property line. He said they want to attach it to the house. They already have an existing fence to separate the property from the next door neighbors so the enclosed area wouldn't have any effect on them. In the back, the elevation is actually about 25 feet higher than the neighbor behind them so it would be so high up that it wouldn't affect them either. He said from their perspective, there would be no change in the neighborhood because of the enclosure. He presented a drawing to the Board of the enclosure. He said it would have sliding glass doors and skylights.

Mr. Bish entered Drawing No. A-1 prepared by DB Design Build of Butler, PA, dated July 17, 2010, which provides elevations for the proposed enclosure around the pool and references it as a pool house addition into the record as Exhibit No. 8.

Mr. Bruni said he was a little confused on the drawing that was submitted because it references a house in Kennedy Township.

Mr. Pottle said the gentleman had done other work for him in the past and made a mistake on the address. He said the date was correct, but the address was not.

Mr. Bruni asked if it would be brick or siding.

Mr. Pottle said it would actually be both, brick and siding to match the house.

Mr. McCarthy asked if they would be able to enter the enclosure from the house.

Mr. Pottle said yes, they planned to cut an opening for a sliding glass door to go from the kitchen/sunroom area. He said there would also be a door to go outside from the enclosure as well.

Mr. McCarthy asked if the pool was going to be heated.

Mr. Pottle said yes, it would be like a four season room.

Mr. Bartha said the roof appears to be shingles. He asked if the color of the shingles would be the same or close to the existing shingles on the house.

Mr. Pottle said they replaced the roof 2 years ago and the shingles on the enclosure would be an exact match, architectural black.

Mr. Bartha asked if the siding would also match.

Mr. Pottle said they would re-side the rest of the house at the same time so it would all match. He said it has been planned so that it doesn't look like an addition.

Mr. Bartha said the drawing doesn't appear to show any external lights. He asked if there would be any lights shining on or from the new structure.

Mr. Pottle said they didn't plan to put up any outside lights because they wouldn't really need any. He said the existing outside porch lights would be close enough.

Mr. Bartha asked if the Board had any further questions or comments.

Mr. Bish said for clarification he wanted it noted the title on drawing entered as Exhibit 8 is listed as Main Level Clean & Elevations and the architect is listed as Access Architecture PC.

Mr. Bartha asked Ms. Ludwig if she had any questions or comments on behalf of the Township.

Ms. Ludwig said she did receive a phone call from one of the neighbors inquiring about the variance. She said she believed their name was Penrod and they lived next door.

Mrs. Pottle said they are a side neighbor.

Ms. Ludwig said she explained to the caller that Mr. & Mrs. Pottle wouldn't need a variance if the enclosure wasn't going to be attached to the house. She believed the caller was more curious than concerned about the project. If they would happen to call back, she could now tell them it would be consistent with the rest of the house. She just wanted to note it for the record that she did receive a phone call. As for the Township, she said there are no concerns or questions.

Mr. Bartha asked if there was any public comment or questions.

There were none.

Mr. Bartha asked if anyone had any further comments or questions. Hearing none, he asked 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 JASON POTTLE AND LINDA WHEELER-POTTLE (COLLECTIVELY THE “APPLICANTS”) REQUESTING A VARIANCE FROM THE 25-FOOT MINIMUM PRINCIPAL BUILDING REAR YARD SETBACK REQUIREMENT OF SECTION 27-205.3A AND TABLE 27-2 OF CHAPTER 27 OF THE NORTH FAYETTE TOWNSHIP CODE OF ORDINANCES, ZONING, AS AMENDED, (HEREINAFTER REFERRED TO AS THE “ZONING ORDINANCE”) IN ORDER TO PERMIT THE CONSTRUCTION OF AN ENCLOSURE OVER AND AROUND A POOL AND PATIO (HEREINAFTER REFERRED TO AS THE “PROPOSED ENCLOSURE”) SITUATED ON PROPERTY LOCATED AT 204 WOODBRIAR DRIVE IN THE R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, CURRENTLY DESIGNATED AS ALLEGHENY COUNTY BLOCK/LOT NO. 584-A-49, (HEREINAFTER 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 Enclosure 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. Enclosure Construction.** The Proposed Enclosure shall be located no less than 11 feet from the rear lot line of the Subject Property, as the Proposed Enclosure is shown on the sketch plan entered into the hearing record as Exhibit “2.b.”
- 4. Enclosure Design.**
The Proposed Enclosure shall be designed and constructed in a manner consistent with the Main Level Plan and Elevations Drawing No. A-1 entered into the hearing

record as Exhibit No. 8, 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 Enclosure 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 Enclosure 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. There were none.

ADJOURNMENT:

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

Respectfully submitted,

Cheryl Cherico
Zoning Hearing Board Secretary