

**MINUTES – ZONING HEARING BOARD
JULY 28, 2016**

CALL TO ORDER

Chairman Halleran called the meeting to order at 7:30 p.m. with the following members in attendance: Mr. Quatchak and Mr. Cuccinelli. Solicitor Alan Shuckrow, Councilman Walkauskas, Land Use Administrator, Bruce Betty and Mrs. Lopus, Secretary, were also present.

All who wished to give testimony at this meeting were sworn in by Mr. Halleran.

**APPEAL #1852
PATRICK & MELISSA O'MALLEY
91 DONNA DRIVE**

Land Use Administrator Betty reported that the applicant is Patrick and Melissa O'Malley. The property is located at 91 Donna Drive and is zoned R-2 (One and Two Family Residential), the lot measures 11,256 square feet and contains a single family dwelling. The proposal is to construct a garage. The request is a five (5) foot rear yard variance from Section 1317.02(d) of the Town of McCandless Codified Ordinances which states the rear yard depth is a forty (40) foot minimum in an R-2 zoned district.

Mr. Patrick O'Malley of 91 Donna Drive said he is asking for a variance to add a third garage to their existing house. The existing two garages are integral. The siding on the addition will be the same siding as the house. The plan is to build the garage and have a non-covered deck on top of it. This is an odd shaped lot. Only twenty-one (21) square feet of the garage encroaches in the required rear yard. There are three other three car garages in the neighborhood. The back yard is sloped away from the house. There was no comment from the public. This appeal is de minimus.

Motion was made by Mr. Quatchak to approve Appeal #1852 to grant a five (5) foot rear yard variance to construct a garage. Mr. Cuccinelli seconded the motion and it was unanimously granted.

**APPEAL #1853
DANIEL CARROLL FOR JERRY MCCONNELL
10557 COUNTRY LANE**

Land Use Administrator Betty reported that the applicant is Daniel Carroll for Jerry McConnell. Mr. Carroll is the owner of Seven Seas Pools. The property is located at 10557 Country Lane and is zoned R-1 (One Family Residential), the lot measures three (3) acres and contains a single family dwelling. The proposal is to construct a pool in the side yard. The request is a variance from Section 1315.04(a) of the Town of McCandless Codified Ordinances which states a...swimming pool...is permitted in the rear yard but not closer than fifteen (15) feet to any lot line... Mr. Betty said that this is a private road.

Mr. Carroll of Seven Seas Pools said that the rear of this property is steep and would require massive retaining walls to accommodate a pool. The side yard is large and will still require a two to three (2 to 3) foot retaining wall near the roadway. It will be ninety-two (92) feet from

the road to the pool. Mr. McConnell, homeowner, said that neighbors are in agreement with the plans for a pool. Supporting letters were presented. Mr. McConnell said the neighbors are out of sight distance. The nearest house is 1,000 feet away. The lots are large on this private road. The pool will be to the left side of the house. There will be a wrought iron look aluminum fence and an automatic safety cover on the pool. The equipment will be wrapped around landscaping. The lot is more wide than square.

Motion was made by Mr. Cuccinelli to approve Appeal #1853 for a variance to construct an in-ground pool in the side yard. Motion was seconded by Mr. Quatchak and was unanimously granted.

APPEAL #1854
ALEJANDRO & ELIZABETH BETANCOURT
8601 BROAD HILL DRIVE

Land Use Administrator Betty reported that the applicant is Alejandro and Elizabeth Betancourt. The property is located at 8601 Broad Hill Drive and is zoned R-2 (One and Two Family Residential), the lot measures 13,606 square feet and contains a single family dwelling. The proposal is to construct a roof over an existing deck. The request is a twenty-five (25) foot rear yard variance from Section 1317.02(d) of the Town of McCandless Codified Ordinances which indicates the rear yard depth is forty (40) feet minimum in an R-2 zoned district. Mr. Betty said that the reason for the variance is that there is not a setback requirement for an open deck but when you want to cover the deck that is when the setback is required.

Mr. Bill Ammer an Engineering Contractor and Alejandro and Elizabeth Betancourt were at this meeting. Mr. Ammer said that the shape of the lot and placement of the house are irregular. The neighbors have no objection to this project. Mr. Ammer said the deck is the same size as the current deck but will be shifted over a few feet because of the pitch of the roof. It is the same square footage but being shifted a few feet over. Mr. Betancourt said an addition is currently under construction and the deck will sit behind it. The existing deck is at grade at the house but slopes out around twenty-six (26) feet. The new deck will have all new footers.

Motion was made by Mr. Quatchak to approve Appeal #1854 for a twenty-five (25) foot rear yard variance to construct a covered deck. Motion was seconded by Mr. Cuccinelli and was unanimously granted.

APPEAL #1855
DEREK BOVILL
8761 ROOSEVELT BOULEVARD

Land Use Administrator Betty reported that the applicant is Derek Bovill. The property is located at 8761 Roosevelt Boulevard and is zoned R-1 (One Family Residential), the lot measures 8,040 square feet and contains a single family dwelling. The proposal is to construct a second story addition. The request is a 5½ foot left and right side variance from Section 1315.02(e) of the Town of McCandless Codified Ordinances which indicates the side yard width for a two-story dwelling is a minimum twenty (20) feet in an R-1 zoned district. Mr. Betty said that in this area nearly every lot is non-conforming. Mr. Betty explained that when an addition goes up adding a story to the house changes the setback requirement. In this case it is the side setback on both the left and right side.

Contractor Mr. Jamie Berdar, 3332 Harvard Street and homeowner Derek Bovill, 8761 Roosevelt Boulevard were at this meeting. Mr. Berdar said that the hardship is that this lot is sixty-seven (67) feet wide. This is a growing family that needs additional bedrooms. The second story will be centered on the current house. Mr. Betty said the setback is measured from the house to the lot line. Mr. Berdar said the exterior will have new siding new brick and a new roof. The design will fit in with the neighborhood. Mr. Betty distributed a photo and the floorplan from the county website. This house is listed as a one story raised ranch. The addition will sit to the center of the house and twenty-four (24) feet to the property line. Mr. Betty said there is a slight encroachment to the setback already.

A photo and the interior of the house design from the Allegheny County website were distributed. Mr. Betty said that in his opinion adding an addition does not constitute a third story. The addition sits inside the current footprint.

Solicitor Alan Shuckrow asked if all parties were aware that the board received a letter from the next door neighbor Andre Lessa. Chairman Halleran said that the essence of the letter speaks of four specific points. The history of the lack of compliance to Town laws, the property already has structures too close to the property line, a history of non-authorized access to his property and likely to bring negative property value. The letter discusses each point. Mr. Shuckrow talked about a vehicle entering the Lessa property for work being done and asked if that would be the case for this construction of the addition. Mr. Berdar answered no. Mr. Berdar said he would also disagree with the negative property value comment and that the whole house will have new windows and siding, making an improvement to the neighborhood. Mr. Betty said that he had a long discussion with Mr. Lessa and that this does not bring additional encroachment to his property. Mr. Lessa said he just wanted to bring out these points. Mr. Betty said the shed did not need a permit as it is below one hundred (100) square feet.

Motion was made by Mr. Cuccinelli to approve Appeal #1855 for a variance to construct a second story addition. Motion was seconded by Mr. Quatchak and unanimously granted.

APPEAL #1856
UPMC FREESTANDING SIGN
McKNIGHT & CUMBERLAND ROADS

Land Use Administrator Betty reported that the applicant is UPMC. The property is located at McKnight & Cumberland Roads. The proposal is to install a freestanding pylon sign. The request is a variance from Section 1313.11(b)(15) of the Town of McCandless Codified Ordinances which states: an off premise sign shall be permitted under the following circumstances and no other...

Mr. Betty said there was a sign on Cumberland and McKnight Roads and suddenly PennDOT said the sign was not permitted in a right-of-way. The right-of-way in question is a large piece of property. After many discussions the final solution was to place the sign in the rear of First Watch on McKnight Road facing south. This location is on private property.

Bob McGurk of AdVenture Champion Partners said they were shocked when PennDOT did not allow the sign any more. AdVenture has no problem helping them out. Mr. McGurk said there is a big need for the motoring public for a directional sign to the hospital.

JJ Potasiewicz of UPMC said the original electrical pylon sign existed for thirty (30) years before it was UPMC as a Passavant Hospital sign. Because of the new sight conditions at McCandless Crossing we could put it further from the road at the same location however there is a significant depression. They not only located it further from the road but also had to move it further back from the intersection. Therefore the sign will be a little larger, higher and have larger letters. It is understood there is concern with the brightness because of the residential neighborhood therefore only the text will light up and it will be installed with a dimmer so the brightness can be adjusted if needed. This is a very busy retail area so the sign has to be large enough to be seen. This sign will be three to four (3-4) feet taller than the previously existing sign because it is so much further from the intersection.

Todd Turner of UPMC said the same message will appear on both sides of this sign. The sign is important for emergency room identification.

Brian Moreth of 919 Cumberland Road said that he believes that all PennDOT right-of-ways are being cleared of anything that anyone can run into. Mr. Moreth asked about the size of the sign which is sixty-nine (69) square feet.

This sign will be lit for twenty-four (24) hours. Mr. Potasiewicz said they have put in the smallest sign possible for the site; this is not a billboard this is just to serve a purpose.

Mr. McGurk said that there will be a maintenance agreement and license agreement in place.

Motion was made by Mr. Quatchak to approve Appeal #1856 to construct a freestanding pylon sign contingent upon only text illumination, a dimmer installed and further clarifications by the attached solicitor findings of fact. Motion was seconded by Mr. Cuccinelli and unanimously granted.

MINUTES APPROVAL

Motion was made by Mr. Quatchak and seconded by Mr. Cuccinelli to approve the minutes of the May 19, 2016 Zoning Hearing Board meeting. The minutes were unanimously approved.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:42 p.m.

Respectfully,



Richard C. Halleran
Chairman Zoning Hearing Board

RCH/ml