

**MINUTES – ZONING HEARING BOARD
MARCH 17, 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. Edwards. Solicitor, Amelia R. Brett, 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 #1845
RAVI & VASU KARTAN
9709 GUILDFORD DRIVE**

Land Use Administrator Betty reported that the applicant is Ravi & Vasu Kartan. The property is located at 9709 Guildford Drive and is zoned R-2 (One and Two Family Residential) and contains a single family residence. The proposal is to construct a garage. The request is a three (3) foot height variance from Section 1317.02(f) of the Town of McCandless Codified Ordinances which indicates the height of accessories within 100 feet of a lot line is fifteen (15) feet maximum and an appeal of the decision of the Zoning Officer to deny the request for a building permit. In lieu of a decision in favor of the applicant a nine (9) foot variance to the side yard from Appeal #1561 is requested.

Mr. Betty reported that a variance was granted to the entire neighborhood so the developer could have garages on the side of the houses. The stipulated requirement of the variance was that this was allowed as long as the houses remained thirty (30) feet apart they would not have to honor the fifteen (15) foot side yard requirement. Mr. Betty said that when this building permit application was received it was denied. Mr. Betty said when this variance was done he interpreted the variance to be that there was a 20' side building line on this lot as opposed to an accessory structure with a ten (10) foot setback. The 30' between structures would still be maintained.

Mr. Frank Madia of 6000 Brooktree Road, said he also interpreted this to mean that this had to be ten (10) feet and now we are about thirty (30) feet between houses. The way it is drawn right now the garage is twenty-six (26) feet from the neighbor's house. If the garage were pushed further to the back of the lot into the hill by four (4) feet it would meet the requirement. Mr. Betty said if the garage were moved back into the hillside it would require an engineered back wall causing potential problems. Mr. Madia said the neighbors are in agreement with the construction of the garage. The garage is proposed to accommodate a car.

Mr. Quatchak asked about the storm sewer between the two houses, the survey shows a drainage easement. Photos of the house and the lot showing where the garage would be located were presented. The house is higher than the garage. The height variance is being asked to get the pitch of the garage to look similar to the house. Mr. Betty asked that if this were granted that the drain pipe between the lots be identified as a condition. Mr. Kartan, owner, said that they will also plant trees to buffer the garage to the neighbor and Mr. Betty said that will not be allowed if there is a pipe between the lots.

There is a homeowner across the street that has a detached garage. The garage height will be eighteen (18) feet, therefore a three (3) foot variance .

Motion was made by Mr. Quatchak to approve Appeal #1845 to grant an eight foot four inch (8'4") side yard variance and a three (3') foot height variance to install a garage provided there is no storage or use of the space in the loft space of the garage and no construction issues in the drainage easement between the houses. Mr. Edwards seconded the motion and it was unanimously granted.

**APPEAL #1846
MICHAEL OLDAKER dba THE DOG SHOP
9795 PERRY HIGHWAY**

Land Use Administrator Betty reported that the applicant is Michael Oldaker dba The Dog Shop. The property is located at 9795 Perry Highway and is zoned C-3 (Highway Commercial), the lot measures 6.73 acres and contains a dog day care. The proposal is to construct an eight (8) foot fence. The request is a special exception from Section 1313.03(b) of the Town of McCandless Codified Ordinances which states higher fences between properties of different zoning districts may be authorized...Higher fences may be authorized by the Zoning Hearing Board as a special exception when necessary for effective buffering.

Mr. Betty said that dog day care is a permitted use in a C-3 (Highway Commercial) zoned district. This property abuts an R-2 (One and Two Family Residential) zoned district.

Mr. Mike Oldaker of 2493 Elkridge Drive in Wexford, owner, said that he is opening a dog spa and part of that is an outdoor facility for the dogs. This is for safety and this also buffers the sound. This is a solid PVC fencing. The fence limits sight stimulation by the dogs. The location of the fence is indicated on the survey. The loading dock was removed from the building. Mr. Betty said the fence is permitted if used for buffering between two zoning districts. Mr. Oldaker said the fence will go all the way to the ground. The Dog Shop is an all-inclusive dog care facility except veterinarian; the shop will accommodate day care, boarding, grooming, retail, home services and training.

Mr. Oldaker addressed cleanup of the feces and said that it is cleaned up immediately and put in plastic bags for disposal. This satisfies the MS4 requirements. The dogs are monitored at all times. The exterior gate will be 6 (six) feet wide and for safety cannot be opened from the outside. Mr. Betty explained that the fence is permitted as long as it is used for buffering and it is between different zoning districts. In this case it serves as effective visual buffering as well as noise buffering. Mr. Oldaker went to visit the neighbor Mr. Cauley and he said he was glad that it was not a restaurant coming in and that his grandson's dog would be a customer.

Motion was made by Mr. Quatchak to approve a special exception to build an eight (8) foot fence. Motion was seconded by Mr. Edwards and was unanimously GRANTED.

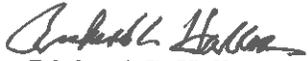
MINUTES APPROVAL

Motion was made by Mr. Edwards and seconded by Mr. Halleran to approve the minutes of the February 25, 2016 Zoning Hearing Board meeting. The minutes were unanimously approved.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:07 p.m.

Respectfully,



Richard C. Halleran
Chairman Zoning Hearing Board

RCH/ml