

**MINUTES – ZONING HEARING BOARD
APRIL 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 #1847
ANTHONY J. MEHLER
9760 EAST ROAD**

Land Use Administrator Betty reported that the applicant is Anthony J. Mehler. The property is located at 9760 East Road and is zoned R-1 (One Family Residential), the lot measures 220 x 237 and contains a single family dwelling. The proposal is to construct a garage. The request is a seven (7) foot height variance from Section 1315.02(f) of the Town of McCandless Codified Ordinances which indicates the height of accessory facilities within 100 feet of a lot line is fifteen (15) feet maximum in an R-1 zoned district.

Mr. Anthony Mehler of 9760 East Road said he would like a seven (7) foot variance to build a garage. A two car garage pad exists on the property where a demolished garage once stood and where the new garage will be constructed. Mr. Mehler currently has a shed on the pad. The extra height of the garage will accommodate storage and exercise equipment. The garage will be separate from the house. The height will be lower than that of the house or equivalent. In 2009 an appeal for garage height was granted to a neighbor. Mr. Betty said there is a distinction; it is the slope of the property.

Mr. Mehler spoke with neighbors and has signatures in favor of the garage that he presented to the board. Mr. Betty said this is an older neighborhood which has garages with two floors. Mr. Mehler said the garage is designed to look like the design of the house. Solicitor Shuckrow asked Mr. Mehler if all the signatures obtained include all adjoining neighbors, Mr. Mehler replied yes. Chairman Halleran asked if the neighbors across the back lot line are in favor.

Mr. Betty said that the shed shown on the survey was moved to the concrete pad and must be moved to keep within the setback requirement. Mr. Betty asked Mr. Mehler what the purpose of the garage is and Mr. Mehler said he has a small fishing boat, two cars and lawn equipment. Mr. Betty asked if he was using it for commercial purposes and Mr. Mehler said no, not at all.

Motion was made by Mr. Quatchak to approve Appeal #1847 to grant a seven (7) foot height variance to construct a garage subject to the shed being moved fifteen (15) feet from the side and rear property lines. Mr. Cuccinelli seconded the motion and it was unanimously granted.

APPEAL #1848
NICHOLAS & ALLYSON KALICH
8918 HIGHLAND ROAD

Land Use Administrator Betty reported that the applicant is Nicholas & Allyson Kalich. The property is located at 8918 Highland Road and is zoned R-2 (One and Two Family Residential), the lot measures 100 x 338 and contains a single family dwelling. The proposal is to construct a four (4) foot fence in the front yard. The request is a one (1) foot height variance from Section 1313.03(a) of the Town of McCandless Codified Ordinances which states the maximum height of a fence in the front yard shall be three (3) feet.

Mr. Nick Kalich of 8918 Highland Road said that he has two retired Greyhound dogs which are large and need space to run. The original plan was to put a five (5) foot chain link fence in the rear yard and found out they were unable because of a McCandless Township Sanitary Authority (MTSA) easement and the lot is split by a creek. A three (3) foot fence in the front will not contain the large dogs. The applicant is asking for a four (4) foot fence in the front yard. The fence will run from the side of the house up to the driveway, across the front yard, past the garden boxes and will wrap around the deck in the rear yard. The fence would be built so it would not infringe on site distance for the neighbor and themselves. The fence will be black aluminum and it will be four (4) foot high. Flood Plain regulations prohibit the fence from being built on the other side of the stream.

Mr. Betty said he met with Mr. Kalich on the site to check the fence proximity to the creek and this property is in the 500 year flood plain. Mr. Kalich said the fence will be two (2) feet from the retaining wall. The fence will be nine (9) feet from the guardrail as the property sits below Highland Road. For the most part male greyhounds do not jump therefore the four (4) foot fence will work.

Motion was made by Mr. Quatchak to approve Appeal #1848 for a one (1) foot height variance to construct a fence. Motion was seconded by Mr. Cuccinelli and was unanimously GRANTED.

APPEAL #1849
RICHARD AND BARBARA FACCENDA
1835 STAGE DRIVE

Land Use Administrator Betty reported that the applicant is Richard and Barbara Faccenda. The property is located at 1835 Stage Drive and is zoned R-2 (One and Two Family Residential), the lot measures $\frac{3}{4}$ acre and contains a single family dwelling. The proposal is to construct a roof over an existing pad. The request is a seventeen (17) foot rear yard and a one (1) foot side yard variance from Section 1317.02(d)(e) of the Town of McCandless Codified Ordinances which indicates the rear yard depth is forty (40) feet minimum and the side yard depth for a two-story dwelling is fifteen (15) feet minimum in an R-2 zoned district.

Mr. Richard Faccenda of 1835 Stage Drive said that they have a concrete pad in the rear yard that leads to a creek in the rear of the lot. The applicant is requesting a seventeen (17) foot rear yard variance. Signatures of neighbors in approval of the covered pad were presented. The neighbor closest to the applicant is in agreement. The pad is 15 x 20.

Mr. Halleran said that the seventeen (17) feet is significant. Mr. Faccenda said that if they cover the full pad they will also put railings around the pad. Mr. Faccenda presented pictures of the vacant area behind the house and pictures of the stream as it relates to the proposed covered porch.

Mr. Quatchak pointed out that this is an unusual shaped lot with a stream running beside it. Mr. Betty said there is a thirty (30) foot drainage easement on this property and it is fifteen (15) feet on the side of the lot and must not be built upon.

Motion was made by Mr. Cuccinelli to approve Appeal #1849 for a seventeen (17) foot rear yard and a one (1) foot side yard variance to construct a roof provided the structure complies with the existing drainage easement. Motion was seconded by Mr. Quatchak and was unanimously GRANTED.

**APPEAL 1850
DEB CODY AND JAMES DABIERO
8088 PATRICIA DRIVE**

Land Use Administrator Betty reported that the applicant is Deb Cody and James Dabiero. The property is located at 8088 Patricia Drive and is zoned R-2 (One and Two Family Residential), the lot measures 230 x 139 x 40 and contains a single family residence. The proposal is to construct a shed in the side yard. The request is a variance from Section 1317.04(a) of the Town of McCandless Codified Ordinances which states...a storage...building...is permitted in the rear yard in an R-2 zoned district.

Mr. James Dabiero of 8088 Patricia Drive presented a letter from the homeowner Deb Cody giving him permission to represent her in this process. The shed has already been built. Mr. Dabiero said that the shed is under 100 square feet which does not require a permit. The shed is ten (10) feet from the side and rear yards. The lot is pie shaped and the rear yard is very small. Mr. Dabiero presented letters from neighbors showing support of the shed. The issue is that the shed is built in the side yard. This is an unusual shaped lot and Mr. Betty distributed fly-over pictures from the GIS to show the lack of back yard. Six (6) neighbors have signed letters in support of this shed.

Motion was made by Mr. Quatchak to approve Appeal #1850 for a variance to place a shed in the side yard. Motion was seconded by Mr. Cuccinelli and unanimously GRANTED.

**APPEAL #1851
GEORGE RINGEISEN & JACQUELINE RIZZO
187 PINE CREEK ROAD**

Land Use Administrator Betty reported that the applicant is George Ringeisen and Jacqueline Rizzo. The property is located at 187 Pine Creek Road and is zoned R-2 (One and Two Family Residential), the lot measures 38927.13 square feet and contains a single family residence. The proposal is to open a beauty salon in the home. The request is a variance from Section 1317.05(b) of the Town of McCandless Codified Ordinances which states no one living outside the home may be employed nor any commodity sold or warehoused. This is an appeal of the determination of the Zoning Officer to deny this request in an R-2 zoned district. Mr. Betty said that in the alternative if the Zoning Officers denial is upheld that they are requesting a variance from that section.

Chairman Halleran went over the accessory uses that are permitted, however the reference in the paperwork refers to 1349(a). That is where the use variance would come in to play. The Ringeisen/Rizzo group owns 187 and 177 Pine Creek Road. The property borders commercial on the rear, side and front.

Ms. Jacqueline Rizzo of 187 Pine Creek Road said she is asking for a variance for the use. The owners occupy the residence at 187 and own the property at 177 Pine Creek Road. The owner and operator of the one sink beauty salon would run the shop. Mrs. Rizzo would be a partner in the business and would not work there. At 187 Pine Creek there is a garage and house. The salon would be located in the basement of the house. There is adequate parking for the residence and the operation of the proposed salon.

Solicitor Shuckrow pointed out that there are also a number of residential houses that border the C-7 zoning district. A concern is that this is approved and then the idea will spread and others bordering C-7 will want businesses. Ms. Rizzo said the driveway to this property is on Pine Creek Road and they are the only residential driveway in that section.

Solicitor Shuckrow asked if Ms. Rizzo would agree that there will be no similar requests for 177 Pine Creek Road. Ms. Rizzo said yes.

Solicitor Shuckrow asked if anyone outside will work here and if this will be a one (1) person operation. He also asked if there will be commodities sold. Ms. Rizzo said only one (1) person will work here. Salon products will be sold. The shop will operate Monday through Friday. It was asked about signage. Ms. Rizzo's shop operator will not have a sign but will use a fold up sign when she is in the salon and remove it when the shop is closed.

For the record Ms. Rizzo said the property has been in the family for 130 years and that they hope to never leave.

Solicitor Shuckrow suggested that the decision not be decided tonight but be written up with conditions, criteria and limitations with approval being next month.

Chairman Halleran said Appeal #1851 will be tabled until Thursday, May 19, 2016 at 7:30 pm when there will be a continuance meeting for this appeal.

MINUTES APPROVAL

Motion was made by Mr. Quatchak and seconded by Mr. Cuccinelli to approve the minutes of the March 17, 2016 Zoning Hearing Board meeting. The minutes were unanimously approved.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:37 p.m.

Respectfully,

Richard C. Halleran
Chairman Zoning Hearing Board
RCH/ml


GREGORY P. QUATCHAK
VICE CHAIRMAN