

ZONING HEARING BOARD MEETING
April 14, 2008 MINUTES

Members Present:

P. Andrew Diamond, Chairperson
Allan Tedesco, Vice Chairman
Glenn Geisel, Secretary
Charles Hawkins
Sharon Beck

Township Staff Present:

Ronald Henshaw, Director, Community Development
Andrew H. Hartwell, Community Planner

Court Stenographer:

Karen Rowland

Mr. Diamond called the meeting to order at 7:31 p.m.

All members were present.

Old Business: None

New Business:

AP # 30857 - An appeal of the Estate of Chester A. Leighty, Jr. The request is for a variance of Chapter 27, Zoning, 27.415.5.A - Site Standards (Net lot area) (Building Lines); 27.415.5.B - Impervious Surface; 27.312.14 - Off street parking space requirements; 27.317.3.A - Site Perimeter Buffer; 27.317.2.B - Forty foot no pave setback located at 45 Progress Avenue and 47 Progress Avenue, Cranberry Township, PA 16066 (Map & parcel nos. 130.S7.J3C and 130.S7.J3CA).

Mr. Diamond read the application into the record.

Jack A. Ringeisen, P.L.S. and Tamara A. Ranalli, P.L.S., of Survey Tech Corporation, Brad Carr, Mark Leighty, and Donald J. Palmer, Esq., presented the variance requests.

Ronald Henshaw and Andrew Hartwell represented the Township.

Mr. Diamond varied from normal procedure and asked Mr. Henshaw to explain the variance requests with the applicant's permission. Mr. Henshaw described the existing site conditions and told the board how the rear property is currently land locked and how a property line currently runs through the front building. He stated that the building and lot configuration is a product of 1960s development. He then explained the following to the board:

1. 27.415.5.A – Dimensional Standards
 - a. Lot 1 – 1 acre required, providing .92 of an acre – requesting a .10 acre variance
 - b. Lot 1 – 25 foot side yard (on eastern side) required, providing 5.3 feet – requesting a 20 foot variance
 - c. Lot 1 – 25 foot side yard (on western side) required, providing 1.27 feet – requesting a variance of 24 feet
 - d. Lot 1 – 50 foot front yard setback required, providing 40.3 feet – requesting a variance of 10 feet
 - e. Lot 2 – 1 acre required, providing .83 of an acre – requesting a .20 acre variance
 - f. Lot 2 – 25 foot side yard required (on western side) required, providing 19.5 feet – requesting a 6 foot variance
 - g. Lot 2 – 50 foot rear yard required, providing 20.3 feet – requesting a variance of 30 feet
2. 27.415.5.B – Impervious Surface
 - a. Lot 1 – Maximum Impervious surface required of 60% , providing 91.1 % - requesting a variance of 32%
 - b. Lot 2 - Maximum Impervious surface required of 60% , providing 81.7 % - requesting a

- variance of 22%
- 3. 27.312.14 – Off-Street Parking
 - a. Lot 1 – Required to have 34 spaces, providing 18 spaces – Variance requested of 16 spaces
 - b. Lot 2 – Required to have 19 spaces, providing 16 spaces – Variance requested of 3 spaces
- 4. 27.317.3.A – Site perimeter buffer
 - a. Lot 1 – Required to have a 10 foot wide buffer – Variance requested to not have the buffer
 - b. Lot 2 - Required to have a 10 foot wide buffer – Variance requested to not have the buffer
- 5. 27-317.2.B – 40 Foot no-pave setback
 - a. Lot 1 – Variance requested to allow paved parking within the 40 foot no-pave setback

The Board asked questions of the applicant and discussion took place. Mr. Tedesco questioned if this was a matter that the Zoning Hearing Board had jurisdiction over. Mr. Henshaw assured him that it was. Mr. Geisel expressed his opposition to setting precedent.

The Board asked the Townships' position on the matter. Mr. Henshaw stated that the Township supports the variance requests.

A motion was made by Mr. Geisel to grant approval of the variance of Chapter 27, Zoning, 27.415.5.A - Site Standards (Net lot area) (Building Lines); 27.415.5.B - Impervious Surface; 27.312.14 - Off street parking space requirements; 27.317.3.A - Site Perimeter Buffer; 27.317.2.B - Forty foot no-pave setback. Mr. Hawkins seconded the motion. Mr. Tedesco moved to amend the motion to state that the no-pave setback would be zero feet. Discussion took place about parking in the Forty Foot No-Pave Setback. Mr. Tedesco withdrew his motion to amend. Mr. Geisel moved to amend the motion to state that the No-Pave Setback would be zero feet in width and that parking could occur in the setback. Mr. Hawkins seconded the motion to amend. Motion to amend passes unanimously. Mr. Diamond calls to vote. Motion passes unanimously.

The variance request would be granted based upon the following findings:

- 1) Unnecessary hardship due to unique physical circumstances
- 2) Unique physical circumstances hinder property development
- 3) Unnecessary hardship not created by appellant
- 4) Character of the neighborhood will not change
- 5) Appeal represents the least modification possible

Approval of Minutes

Motion by Mr. Tedesco to approve the minutes. Seconded by Ms. Beck. Motion passed unanimously.

Adjournment

Motion by Mr. Tedesco to adjourn the meeting. Seconded by Mr. Hawkins. Motion passed unanimously. Meeting adjourned at 8:17 p.m.

Respectfully Submitted,

Andrew H. Hartwell, Community Planner
Community Development