

ZONING HEARING BOARD MEETING
February 16, 2009 MINUTES

Members Present:

P. Andrew Diamond, Chairperson
Allan Tedesco, Vice Chairman
Charles Hawkins
Glenn Geisel
Mark Veon - Excused

Township Staff Present:

Ron Henshaw, AICP, Director, Community Development
Eric Kaunert, Community Planner

Court Stenographer:

Leaette Cavalier

Mr. Diamond called the meeting to order at 7:30 p.m.
All members were present.

Reorganization:

1. Chairman – Mr. Tedesco made a motion to nominate Mr. Diamond. Mr. Hawkins seconded the motion. The vote passed 3-1 with Mr. Diamond voting against.
2. Vice Chairman - Mr. Hawkins made a motion to nominate Mr. Tedesco. Mr. Geisel seconded the motion. The vote was unanimous.
3. Secretary - Mr. Tedesco made a motion to nominate Mr. Geisel. Mr. Hawkins seconded the motion. The vote was unanimous.

New Business:

AP # 31028 - An appeal of Ann Veres, Trustee The request is for a variance of Chapter 27, Zoning, Part 3 (R-1 Rural Residential District), Section 27-403.6.A.1 (Minimum Net Lot area per Single family Dwelling where there is no public sanitary sewer) located at 106 Klein Road, Cranberry Township, PA 16066 (Map & parcel no. 130.S5.BC).

Mr. Franklin Blackstone appeared on behalf of Ann Veres, Trustee.

Ron Henshaw and Eric Kaunert represented the Township.

Mr. Diamond read the application into the record.

Mr. Diamond wanted clarification of the original subdivision, which was provided by Mr. Henshaw and Mr. Blackstone. Both explained that the original subdivision was made with Bob Fester of 102 Klein Road. Mr. Geisel commented that a variance will be needed for the garage structures if the variance is granted to realign the property line.

Mr. Geisel asked if the trailers are livable. Mr. Blackstone responded by stating that the trailers are livable, but have not been lived in for some time and will require some work.

Mr. Tedesco asked if the Veres Family Trust desired to replace the mobile homes. Mr. Blackstone responded by stating that the Veres Family Trust did not desire to replace the mobile home, nor could they under the present zoning. The Veres Family Trust desires to sell the lot for single family residential development.

Mr. Geisel asked if the septic system that services the trailers has been tested. Mr. Blackstone stated that they have not been tested.

Mr. Geisel asked if public sewer can be accessed on the lots in question. Mr. Henshaw stated that there are sewer lines that are in nearby plans and they could be routed to the properties in question.

Mr. Geisel expressed concern about creating a lot that does not currently have public sewer and may not have a functioning septic system.

Mr. Geisel asked if there are separate deeds for lots 110 and 106. Mr. Blackstone stated that there is one (1) single deed for lots 110 and 106.

Mr. Diamond asked if the Township Staff supports this variance. Mr. Henshaw stated that the Township Staff supports this variance.

At this time, with the Board's permission, Mr. Henshaw submitted to the record and presented a history of the events that led up to the appeal.

A motion was made by Mr. Tedesco to grant the following variances with the conditions listed herein:

1. Approximate ten (10) foot variances for the three (3) structures affected by the twenty (20) foot side-yard setback(s). (Two structures on the 110 Klein Road property and one structure on the 106 Klein Road property) Section 27-403.6.D(2)
2. Variance to the required lot size of 1.5 acres by allowing adjusted lot sizes of 1.12 acres for 110 Klein Road (formerly .94 acre) and .8 acre for 106 Klein Road (formerly 1 acre). Section 27-403.6.A(2)

The variance requests were 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) Appeals represent the least modification possible

The following conditions were agreed upon by the applicant and Board in consideration of the variance requests:

1. The future subdivision plan shall be in compliance with all other applicable codes and ordinances.
2. In the event that the two mobile homes are replaced (at 106 Klein Road) with a new single family structure, a certificate for the existing septic system shall be obtained that identifies that the system is functioning correctly and will be suitable for the new home. Should the septic system fail any test, the owner will be obligated to comply with all applicable sewer requirements which may include the installation of a public sewer line extension.
3. The smaller of the two mobile homes (at 106 Klein Road) shall be removed from the property upon the sale of 106 Klein Road.
4. The future subdivision plan shall be presented to the Township and County Planning for approval.

Mr. Hawkins seconded the motion. The vote was unanimous.

Approval of Minutes

A motion was made by Mr. Geisel to approve the minutes of October 20, 2008, seconded by Mr. Hawkins. Motion passed unanimously.

Adjournment

A motion was made to adjourn the meeting by Mr. Geisel, seconded by Mr. Hawkins. Motion passed unanimously. Meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Eric Kaunert
Community Planner

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