

ZONING HEARING BOARD MEETING

August 8, 2005

MINUTES

Members Present:

P. Andrew Diamond
Alan Tedesco
Charles Hawkins
Sharon Beck

Township Staff Present:

Michelle L. Mixell, Director
Planning & Community Development

Court Stenographer:

Leatte Cavalier

Mr. Diamond called the meeting to order at 7:30 p.m.

New Business:

AP # 13500 An appeal of Michael Nickles. The appeal is for a variance of Chapter 108, Zoning, Article IV, Section 108.405.6.5 (Minimum Yard Requirements for Accessory Structures) located at 501 Daisy Court, Cranberry Township, PA 16066 (Map & parcel no. 130.S13.C242).

Chairman Diamond read the application into the record.

Mr. Nickles presented his variance request on his own behalf and entered photographs of back yard and adjacent sheds.

During the hearing, it was learned that Mr. Nickles contacted property owners to the rear and side of his property in reference to the location of the shed and each current neighbor has no issues with this request. Mr. Nickles stated that one neighbor asked that the pine trees remain. In order to close, Mr. Nickles stated the shed would need to be placed outside the setback. He advised that his Homeowners Association has no problem with the placement of this shed, but would rather see it on the western property line.

Mr. Diamond noted that the character of the neighborhood is to have sheds.

Mr. Nickles advised that his corner lot and existing location of the mature magnolia and pine trees inhibit the location of the shed on his property creating a hardship in locating the shed. There is also a slope on the east side of the property which would require grading for placement.

Mr. Tedesco inquired as to whether the deck on the house was existing on the home when it was purchased.

Motion was made by Ms. Beck and seconded by Mr. Hawkins to approve the variance requested based upon the survey presented this evening and upon the following findings and the setback:

- 1) Unnecessary hardship not created by the appellant
- 2) Character of the neighborhood will not change
- 3) Least variance request possible is being granted
- 4) Unique physical circumstances hinder property development
- 5) Unnecessary hardship due to unique physical circumstances

There was discussion on the motion by Mr. Diamond who advised that said character of the neighborhood would not change and this modification represents the least modification possible due to the location of the existing trees and the most affected property owner have voiced consent and Mr. Tedesco advised that there are three unique circumstances that permitted this variance: 1) corner lot; 2) existing trees; 3) slope of property.

AP # 13501 An appeal of Quinn & Marybeth Zahorchak. The appeal is for a variance of Chapter 108, Zoning, Article IX, Section 108.903.2 (Standards and Conditions for Planned Residential Developments) and Article IV, Section 108.404.6.4 (Minimum Yard Requirements for Principal Structures) located at 305 Kerry Court, Cranberry Township, PA 16066 (Map & parcel no. 130.S8.E110).

Mr. Zahorchak presented his variance request on his own behalf.

Motion made by Mr. Tedesco and seconded by Ms. Beck to approve the variance request for a 4' – 6' encroachment of the side yard setback based upon the following findings:

- 1) Unique physical circumstances hinder property development that the slope of the lot is not typical
- 2) Character of the neighborhood will not change

Mr. Diamond suggested special consideration be given due to special needs.

Mr. Hawkins made a motion to approve the June 13, 2005 minutes. Mr. Tedesco seconded the motion. The vote was unanimous.

A motion to adjourn was made by Mr. Hawkins and seconded by Mr. Tedesco.

Respectfully Submitted,

Michelle L. Mixell, Director
Planning & Community Development