

**ZONING HEARING BOARD MEETING
December 11, 2006 MINUTES**

Members Present:

Alan Tedesco
Charles Hawkins
Andrew Diamond
Glenn Geisel

Township Staff Present:

Ronald Henshaw, Manager
Planning & Community Development

Court Stenographer: Karen Rowland

Mr. Diamond called the meeting to order at 7:32 p.m.

Old Business:

AP # 30647 An appeal of Charles & Karen Kraynik. This appeal was continued from the previous meeting on November 13, 2006. The request is for a variance of Chapter 27, Zoning, Part 4 (District Regulations), Section 403.6.D(3) (Minimum Rear Yard Requirements for Principal Structures) located at 138 Crossing Ridge Trail, Cranberry Township, PA 16066 (Map & parcel no.130.S19.D323).

Mr. Diamond read the application into the record.

Charles and Karen Kraynik presented the variance request.

Ron Henshaw represented the Township.

Motion made by Mr. Geisel and seconded by Mr. Hawkins for approval of the variance request to permit the encroachment of an addition to a single family home by eight (8) feet into the required thirty (30) foot rear yard setback. The motion was amended to state that the variance shall not be greater than eight (8) feet. Motion amended by Mr. Geisel and seconded by Mr. Tedesco.

The variance request was granted based upon the following findings:

- 1) Unique physical circumstances hinder property development that the shape of the lot is not typical.
- 2) Character of the neighborhood will not change.
- 3) Appeal represents the least modification possible.

Vote in favor of the motion was unanimous.

New Business:

Appeal #30654 - An appeal of Brian Hanek. The request is for a variance of Chapter 27, Zoning, Part 4 (District Regulations), Section 403.6.E(1) and Section 403.6.E(2) (Minimum Yard Requirements for Accessory Structures) located at 300 Cottingham Circle, Cranberry Township, PA 16066 (Map & parcel no.130.S31.A301).

Mr. Diamond read the application into the record.

Brian and Cindy Hanek presented the variance request.

Ron Henshaw represented the Township.

Motion made by Mr. Tedesco and seconded by Mr. Hawkins for approval of the variance request to permit a twenty-two (22') foot encroachment for a 8' x 10' foot shed into the required twenty-five (25') foot setback along Heights Drive as presented on the survey plan provided.

The variance request was granted based upon the following findings:

- 1) Unique physical circumstances hinder property development due to multiple frontages.
- 2) Character of the neighborhood will not change.
- 3) Appeal represents the least modification possible.

Mr. Diamond requested to amend the motion to add:

- 1) If the variance is granted, it is due to the situation being an "as is" matter that is not precedent setting.

Mr. Tedesco amended the motion, seconded by Mr. Hawkins. The vote on the amended motion was 3 to 1 with Mr. Geisel voting no.

Vote on motion to approve the original motion was 3 to 1 with Mr. Geisel voting no.

AP # 30665 - An appeal of Big Burrito Restaurant Group. The request is for a variance of Chapter 27, Zoning, Part 4 (District Regulations), Section 408.7.B.2b. (Front Yard Setback) located at 20510 Route 19 (Village Shoppes), Cranberry Township, PA 16066 (Map & parcel no. 130.S6.A8).

Mr. Diamond read the application into record.

James Palumbo, Heather Wildman and Richard Baron represented the variance request on behalf of Big Burrito Restaurant Group (Mad Mex).

Ron Henshaw represented the Township.

Motion by Mr. Geisel and seconded by Mr. Tedesco for approval of the variance request to permit the encroachment of the enclosed patio addition area by 16 feet 4 inches into the required 50 foot building setback and to also permit the encroachment of the cooler addition by 9 feet into the required 50 foot building line setback.

Dr. Gregory Karabin, 110 Wisconsin Avenue, Cranberry Township added that there have been problems in the past with the handling of solid waste by restaurants in this location. He believes that the granting of the variance will add to this problem.

The variance was granted based upon the following findings:

- 1) The character of the neighborhood will not change.
- 2) Appeal represents the least modification possible.
- 3) Unique physical circumstances hinder property development by having several building frontages.

The variance request was granted pursuant to the following conditions:

- 1) The applicant shall receive Land Development approval by Staff.
- 2) An acceptable landscaping plan shall be submitted for approval by Township Staff.
- 3) The architectural components of the cooler addition shall be of similar design and color as that of the original structure.
- 4) Other matters that were discussed were sound issues relating to the patio area and the handling of solid waste. These matters will be handled by Township Staff through permit issuance and code enforcement.

Vote in favor of the motion was unanimous.

Motion by Mr. Geisel to approve the November 13, 2006 meeting minutes, seconded by Mr. Hawkins.

Vote on motion was unanimous.

Motion by Charles Hawkins to adjourn, seconded by Allan Tedesco, motion passed. Meeting adjourned at 9:20pm.

Respectfully Submitted,

Ronald Henshaw, Manager
Planning & Community Development