

**ZONING HEARING BOARD MEETING  
February 11, 2008 MINUTES**

**Members Present:**

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

**Township Staff Present:**

Jeffrey Musher, Supervisor, Code Administration  
Andrew Hartwell, Community Planner

**Court Stenographer:**

Karen Rowland

Mr. Diamond called the meeting to order at 7:33 p.m.

All members were present with the exception of Charles Hawkins, who was excused.

Old Business: None

New Business:

**AP # 30839** - An appeal of Robert Pesyna. The request is for a variance of Chapter 27, Zoning, Part 4 (District Regulations) Section 403.6.D(2) (Side yard setbacks) located at 131 Heathercroft Drive, Cranberry Township, PA 16066 (Map & parcel no. 130.S14.B13).

Mr. Diamond read the application into the record.

John Baldinger of John H. Baldinger, Inc. and Robert Pesyna presented the variance request.

Andrew Hartwell and Jeffrey Musher represented the Township.

Mr. Baldinger and Mr. Pesyna explained the need for the variance and that the dwelling is only eleven (11") inches over the property line in the very back corner. They further explained that the error was caught only after the dwelling had been constructed.

The Board asked questions of the applicant and discussion took place.

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

A motion was made by Ms. Beck to grant approval of the variance to encroach on the side yard set-back. Mr. Diamond moved to amend the motion to state that no further variance would be given and that the variance be reflected on the As-Built survey. Mr. Diamond also said that the encroachment of the side yard set back was de minimis.

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

Motion was seconded by Mr. Tedesco. Motion passes with Mr. Tedesco abstaining because he is Mr. Pesyna's neighbor.

**Approval of Minutes**

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

**Adjournment**

Motion to adjourn the meeting by Ms. Beck, seconded by Mr. Geisel. Motion passed unanimously. Meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Andrew H. Hartwell, Community Planner  
Community Development