

ZONING HEARING BOARD MEETING

SUMMARY

JANUARY 3, 2023

The Zoning Hearing Board of Bethel Park came to order at 7:30 p.m.

ROLL CALL: PRESENT: REGAN, WILLETTS, KOCH, STEWART, KANON, DUFF
ALSO PRESENT: VINCE KELLY, DAVE MONTGOMERY, KIM STRNISA

APPROVAL OF SUMMARY:

1. Mr. Regan asked if there were any changes, additions, corrections and/or deletions to the summary of the December 5, 2022 meeting. Mr. Koch made a motion to approve the minutes. The motion was seconded by Ms. Stewart. There was no further discussion on the Motion. Roll was called and the Motion passed unanimously.

COMMUNICATIONS:

1. Invoice from Kim Simms-Strnisa – A Motion was made by Mr. Koch to approve invoice received from Kim Simms-Strnisa in the amount of \$495 for attendance fee for the December 5, 2022 meeting. The Motion was seconded by Mr. Kanon. There was no discussion on the Motion. Roll was called and the Motion passed unanimously.
2. Invoice from David Montgomery – A Motion was made by Mr. Koch to approve an invoice received from David Montgomery in the amount of \$898 for professional fees for the ZHB findings and conclusions on December 5, 2022. The Motion was seconded by Mr. Kanon. There was no discussion on the Motion. Roll was called and the Motion passed unanimously.
3. 2023 Meeting Dates – A motion was made by Mr. Koch to approve the 2023 dates. Mr. Kanon seconded the motion. Roll was called and the motion passed unanimously.
4. 2023 Election of Officers – A motion was made by Mr. Koch to approve the following officers:
 - a. STEVE REGAN – Chairman
 - b. CHARLES KOCH – Vice Chairman
 - c. TJ WILLETTS – Secretary

Mr. Kanon seconded the motion. Roll was called and the motion passed unanimously.

OLD BUSINESS:

Case # 2841

APPLICANT: KHALED SULIEMAN ALTRAWI

LOCATION: LOT & BLOCK #392-B-323

**SUBJECT: USE VARIANCES TO PERMIT A MOTOR VEHICLE REPAIR SHOP AND TO PERMIT MOTOR VEHICLE SALES; DIMENSIONAL VARIANCE TO PERMIT A REDUCED REAR YARD IN THE C-1 COMMERCIAL ZONING DISTRICT
SECTIONS: 69.29.1, 69.29.2, & 69.29.4**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is Lot & Block #392-B-323. Current Zoning Classification is C-1. Involved Ordinance or Legislative Act: Ord. 7-12-93A Section: 69.29.1, 69.29.2, & 69.29.4

Variance Type: Use variance requests to permit a motor vehicle repair shop and motor vehicle sales; dimensional variance request to permit a reduced rear yard.

The Zoning Hearing Board should grant the following relief: Permit a motor vehicle repair shop and motor vehicle sales, as well as a reduced rear yard in the C-1 Commercial Zoning District.

Applicant's Petition: The shape and size of this subject undeveloped commercial lot, located at the intersection of Library Rd and Bethel Church Rd, does not comply with the required setbacks needed for constructing a 3,724 sqft building.

This location is a relatively busy intersection, with a high traffic count, whereas a vehicle sale lot will not generate any adverse conditions or impact any existing property or property owners.

PennDOT acknowledges there is currently a curb-cut at this property, although buyer will need to reapply for an updated or new curb-cut permit, due to the proposed new development at this subject property.

Applicant's Arguments: The size and shape of the lot are considerably less than what is required for any reasonable or feasible commercial development.

The applicant's intended use, as a vehicle sales facility is a moderately low-key business to possibly fit into the C-1 Zoning District. The current lot line setbacks are considerably less than feasible for most types or sizes of structures that could possibly be developed. The lot has been available for sale for several years with only one interested buyer, approximately three years ago, for vehicle storage.

There is a 10-foot utility easement and an existing sewer line running through the rear yard. Three feet is the least amount necessary for me to build.

This application was presented by Khaled Sulieman Altrawi, Nathan Hart and Ken Gasparovich

There were no proponents in this case.

There were no opponents in this case.

Voting was completed on each of the (3) requests as follows:

A Motion was made by Mr. Koch to approve the use variance request for motor vehicle sales. Mr. Duff seconded the motion. REGAN – *no*, Koch – *no*, KANON – *no*, DUFF – *no*. Motion denied 4-0.

A motion was made by Mr. Koch to approve the use variance request for a motor vehicle repair shop. Mr. Duff seconded the motion. REGAN – *no*, KOCH – *yes*, KANON – *yes*, DUFF – *no*. Motion denied 2-2.

As the use variances were denied, there was no need to vote on the reduced setbacks.

NEW BUSINESS:

Case #2845

APPLICANT: JOHN R. BOYD

LOCATION: 407 GLENROCK DRIVE

**SUBJECT: DIMENSIONAL VARIANCE TO PERMIT A REDUCED SIDE YARD SETBACK OF 10 FEET (20 FEET REQUIRED) IN ORDER TO BUILD A 16-FOOT BY 36-FOOT ATTACHED GARAGE IN THE R-1 ZONING DISTRICT
SECTION: 69.23.4.2**

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The land involved is 407 Glenrock Drive. Current Zoning Classification is R-1. Involved Ordinance or Legislative Act: Ord. 7-12-93A Section: 69.23.4.2

Variance Type: Dimensional variance request to permit a reduced side yard setback in order to build an attached garage.

The Zoning Hearing Board should grant the following relief: Permit a reduced side yard setback of 10-feet.

Applicant's Petition: Please permit a reduced side yard of 10-feet so an attached garage may be built.

Applicant's Arguments: This started as a project my mother and father had discussed prior to her passing in early August this year. My father is a 75-year-old 100% disabled Vietnam Veteran who

utilizes stairlifts from the bedroom to the basement. But the existing garage has and always has been unusable. The gentleman that does his snow removal and yard/driveway maintenance is leaving in a year, so we need to build a useable attached garage that will have access through the game room and through the opened up existing garage. Both garages would now be functional and accessible indoors with my father's stairlifts safely. He has trouble getting up and down stairs, especially in inclement weather, which is dangerous. Not to mention he can no longer clean off his cars, another reason he needs to park inside.

The reasoning for the size and width: he has 4 cars and only one is new. They are 1985, 2000, 2015, and the new one. I do all the maintenance and that's where the depth and width comes in. It allows me an area to maintain 2 vehicles while he has 2 ready to use at the garage doors.

This is for his safety; this isn't a garage being built for playtime; it's purpose being built for his safety and convenience. Now, I understand you can build a detached garage to 10 feet from the property line and an attached garage 20 feet from the property line. With an attached garage 20 feet from the property line, it would give him another too skinny, unusable garage. To detach it would defeat the purpose and not provide him any safety.

This application was presented by Steve Boyd (son) and John Boyd (applicant)

There were 0 proponents in this case.

There were 2 opponents in this case:

John Linkosky, ESQ.
719 Washington Avenue
Carnegie, PA 15106

Roberta Klein
411 Glenrock Drive
Bethel Park, PA 15102

A Motion was made by Mr. Koch to approve the dimensional variance as presented. Mr. Kanon seconded the motion. Roll was called and the motion was **DENIED 3-2**. REGAN – *yes*, WILLETTS – *no*, KOCH – *no*, STEWART - *no*, KANON – *yes*.

Case #2846

APPLICANT: BETHEL PARK SCHOOL DISTRICT

**LOCATION: 5800 MURRAY AVENUE, 5629 KINGS SCHOOL RD,
5631 KINGS SCHOOL RD, 5659 KINGS SCHOOL RD**

**SUBJECT: DIMENSIONAL VARIANCE TO PERMIT BUILDING HEIGHT OF
43-FEET (30' REQUIRED); USE VARIANCES TO EXCEED
MAXIMUM LEVELS OF ILLUMINATION (TBD) AND THE USE OF
20-FOOT LIGHT POLES (12' REQUIRED)**

SECTIONS: 69.23.2, 69.35.4, 69.35.4.2.b.a, 69.35.4.2.b.8.a, 69.35.4.2.b.9.a

It is hereby requested that the Zoning Hearing Board hear an application for a variance. The lands involved are 5800 Murray Ave, 5629 Kings School Rd, 5631 Kings School Rd, 5659 Kings School Rd. Current Zoning Classification is R-1. Involved Ordinance or Legislative Act: Ord. 7-12-93A Sections: 69.23.2, 69.35.4, 69.35.4.2.b.a, 69.35.4.2.b.8.a, 69.35.4.2.b.9.a

Variance Type: Dimensional variance request to permit building height of 43-feet; use variances to exceed maximum levels of illumination and the use of 20-foot light poles.

The Zoning Hearing Board should grant the following relief: Permit building height of 43-feet and the use of 20-foot light poles; also permit levels of illumination to exceed the maximum (TBD).

Applicant's Petition: 1) The BPSD is proposing to build a new Elementary School at the existing Neil Armstrong Middle School Campus. The new elementary school will consolidate all the K-5 students from six (6) different schools into one. There will be approximately 1,798 students and 150 faculty staff. Applying the "building height" definition above strictly, the submitted plans show the proposed height of the elementary school at 43 feet in height from grade plane to the parapet. This exceeds the allowable in this zoning district (30 feet).

2) The submitted photometric plan is showing foot candles ranging from TBD to TBD in the bus parking area utilizing 20-foot poles on a 4-foot high concrete base (24-feet overall height). We are requesting a variance to exceed the maximum maintained horizontal level of illumination as shown in the attached photometric plan (directly under the light fixtures) and a variance to utilize 20-foot poles.

Applicant's Arguments: 1) The BPSD has assessed all their current properties and the Neil Armstrong Middle School Campus is the only property which has adequate space for a new Elementary School. The existing property has approximately 90 feet of grade change across the site. This limits the footprint and amount of buildable area for the elementary school facility; however, it also creates an opportunity to provide at grade entry into two floors. In order to provide adequate learning spaces for the students, a 30-foot-high building would need to have a footprint of 125,250 square feet. Due to the existing topography of the site, this size of a building is not feasible if the building does not exceed the 30 feet in height. For the building to be 2 stories, the footprint would grow drastically to meet the necessary space for learning. If the building footprint grows, there will not be enough room on site for parent drop-off/pickup, bus drop-off/pickup, parking facilities and outdoor learning and play. Therefore, a 3-story building, 43 feet in height is necessary.

2) In order to meet the School District's requirements for bus parking, we need the 25 parking spaces. In order to meet the maximum and minimum illumination levels permitted by this section while utilizing the maximum 12-foot pole height permitted by this section, light poles will need to be added in the middle of the bus parking lot in addition to those located around the perimeter of the lot. By doing so, we will lose bus parking spaces and not be able to meet the School District's requirements. It will also create an unsafe environment to the buses to navigate the poles and create visibility barriers for students walking to the busses. We are proposing to utilize light fixtures on higher poles with a higher lumen output resulting in some locations where the foot candle levels exceed the permitted maximum in order to maintain a safe lighting level throughout the lot without the use of additional poles located in the center of the lot.

There were 7 proponents in this case:

Dr. James Walsh – Bethel Park School District

Daniel Engen & Cassi Renniger
470 Washington Rd
Pittsburgh, PA 15228

Zeb Jansante
2493 Driftwood Drive
Bethel Park, PA 15102

Steffanie Bako
38 Ann Arbor Ave
Pittsburgh, PA 15229

Craig Bishop
9500 Woodcrest Rd
Pittsburgh, PA 15237

Megan Turnbull
445 Fort Pitt Blvd, Ste 503
Pittsburgh, PA 15219

There were 4 opponents in this case:

John Warrick
5667 Kings School Rd
Bethel Park, PA 15102

Mark Johnson
5807 Wallace Ave
Bethel Park, PA 15102

Valerie Johnston
5801 Wallace Ave
Bethel Park, PA 15102

Cheri Bomar
4100 Jasmine Drive
Bethel Park, PA 15102

A Motion was made by Mr. Koch to approve the use variance regarding building height. Mr. Kanon seconded the motion. Roll was called and the motion was **approved 4-1**. REGAN – *yes*, WILLETTS – *yes*, KOCH – *yes*, STEWART – *no*, KANON – *yes*.

A motion was made by Mr.Koch to approve the light pole height. Mr. Kanon seconded the motion. Roll was called and the variance was **approved 4-1**. REGAN – *yes*, WILLETTS – *yes*, KOCH - *yes*, STEWART – *no*, KANON – *yes*.

The variance request to exceed maximum levels of illumination was not voted on.

The School District Solicitor advised, following the meeting, that the school district is no longer requesting a variance from the maximum lumen standard.

ADJOURNMENT: The meeting was adjourned at 10:30 P.M.