

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

APRIL 5, 2017

MINUTES

The meeting was called to order at 7:30 p.m. by Chairman Bob Stevenson.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence observed.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Robert Stevenson, Richard Tieren, James Rosipal, Gary Grysiak (Alternate) Bruce Dice, Paul Hugus and Paul Whealdon. Councilman Caliri was absent.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the Regular Meeting of March 1, 2017, a motion was duly made by Mr. Tieren to approve them, as submitted, and Mr. Rosipal seconded it. Upon a voice vote, the motion carried unanimously.

NEW BUSINESS

17-3-A

MICHAEL AND JUNE LAMB

The applicant is requesting a variance from Table 201 A, Minimum Rear Yard, and Section 207.3(d), of the Monroeville Zoning Ordinance No. 1443, as amended, to construct a deck on the rear of the residence into the minimum 40-foot rear yard and permit a deck encroachment into the rear yard of more than 12 feet. The property is located at 100 Kelvington Drive in the R-2, Single-Family Zoning District.

Mr. Michael and Mrs. June Lamb, the applicants, came forward to explain their request. Mr. Lamb proposed to build a deck on the back of house on an irregular lot. He explained the side yard has grass and the back has a patio where the garages are located. Mrs. Lamb added it is a narrow lot and the house is located on the southeastern corner but is narrow in the back. She stated the deck would not go to the edge of the property line. Mr. Lamb pointed out the location of the proposed deck.

Mr. Hugus reported none of the neighbors have voiced any complaints. He explained the applicant has two front yards which makes it difficult to comply with the 40-foot rear yard requirement.

Mrs. Lamb reported her neighbor, Mr. Lewkowicz, is in favor of the project but could not attend the meeting.

There being no further discussion, a motion was duly made by Mr. Rosipal to approve Application No. 17-3-A and Mr. Tieren seconded it. Upon a voice vote, the motion carried unanimously.

17-4-A

GRACE REFORMED PRESBYTERIAN

The applicant is requesting a certificate of nonconformity in regard to Section 301.2 of the Monroeville Zoning Ordinance No. 1443, as amended, allowing for the continued operation of an apartment rental in the building. The property is located at 398 Hocherg Road in the R-2, Single-Family Residential Zoning District.

Mr. Daniel Puskar, attorney, came forward representing the applicant along with Pastor Richard Lang of Grace Reformed Presbyterian Church. Mr. Puskar distributed exhibits for submission. He reported one is an Ariel photograph of the church and three are affidavits of support for the legal nonconforming use; one from the pastor, one from a former pastor and the deacon. He explained the issue is the apartment in the church. He stated it has been continuously rented since the late 1970s and is approximately 1,000 square feet in a 7,000 square foot building. He reported the issue started in 2016 when the church was notified by the municipality that there was a problem with the tenant's children being dropped off at the church. He added there was a use variance hearing in December 2016.

Mr. Stevenson pointed out the hearing in December was for a use variance which was denied and this current application submitted is for something different. Mr. Puskar agreed. He felt the certificate of nonconformity should be granted because the use of an apartment precedes the 1984 Monroeville Zoning Ordinance. He reported the occupant was the mother of Reverend Moser who was pastor in the 1980s which was prior to the enactment of the ordinance and the use continued until the present day. He referred to Section 301.2 of the ordinance permits continuation of a nonconforming use. He suggested the use of a portion of the church as an apartment should be grandfathered in. He indicated that he would have Reverend Lang make comment.

Mr. Dice admitted four exhibits, Exhibits A-D, into the record. He explained there was an application for a use variance which is a different standard which is a heavy burden on the applicant to prove. He stated the board correctly denied that in December of 2016 and now the applicant is requesting a nonconforming use which is a lesser standard to prove. He added he submitted a series of affidavits that take the property back into the 1970s. He inquired how long the church has existed at that location and Pastor Lang answered the late 1970s. Mr. Dice pointed out there was an ordinance in place at that time and the new ordinance changes the use. He stated this was a permitted use under the old ordinance and he felt the nonconforming status is correct.

Mr. Hugus clarified that the municipality did not give the church a hard time and the issue came about when the church submitted an occupancy permit in August 2016.

There being no further discussion, Mr. Tieren duly made a motion to approve and Mr. Rosipal seconded it. Upon a voice vote, the motion carried unanimously.

17-5-A

MONROEVILLE CHRYSLER DODGE/
FM & H ASSOCIATES, LLC

The applicant is requesting a variance from Table 201 C, Minimum Front Yard, of the Monroeville Zoning Ordinance No. 1443, as amended, to permit parking spaces to encroach into the minimum 10-foot side yard. The property is located at 3651 William Penn Highway in the C-2, Business/Commercial Zoning District.

17-6-A

MONROEVILLE CHRYSLER DODGE/
FM & H ASSOCIATES, LLC

The applicant is requesting a variance from Section 308.2 of the Monroeville Zoning Ordinance No. 1443, as amended, to eliminate the requirement of line stripping of parking spaces. The property is located at 3651 William Penn Highway in the C-2, Business/Commercial Zoning District.

17-7-A

MONROEVILLE CHRYSLER DODGE/
FM & H ASSOCIATES, LLC

The applicant is requesting a variance from Section 308.3 of the Monroeville Zoning Ordinance No. 1443, as amended, to permit a gravel parking lot instead of asphalt. The property is located at 3651 William Penn Highway in the C-2, Business/Commercial Zoning District.

17-8-A

MONROEVILLE CHRYSLER DODGE/
FM & H ASSOCIATES, LLC

The applicant is requesting a variance from Section 306.5(d) of the Monroeville Zoning Ordinance No. 1443, as amended, to reduce the requirement of 0.5 foot candles throughout the site for site lighting of parking lots. The property is located at 3651 William Penn Highway in the C-2, Business/Commercial Zoning District.

17-9-A

MONROEVILLE CHRYSLER DODGE/
FM & H ASSOCIATES, LLC

The applicant is requesting a variance from Section 306.5 (c) of the Monroeville Zoning Ordinance No. 1443, as amended, to eliminate the requirement of landscaping for site developments. The property is located at 3651 William Penn Highway in the C-2, Business/Commercial Zoning District.

17-10-A

MONROEVILLE CHRYSLER DODGE/
FM& H ASSOCIATES, LLC

The applicant is requesting a variance from Section 306.5(a) of the Monroeville Zoning Ordinance No. 1443, as amended, to eliminate the requirement of screening a commercial site development which is contiguous to a residential district. The property is located at 3651 William Penn Highway in the C-2, Business/Commercial Zoning District.

Mr. Robert Donahoe, attorney representing FM & H Associates came forward along with Mr. Michael Auffman, owner of FM & H and Mr. David Kaling, engineer from Laidis Engineering. Mr. Donahoe distributed a brief summary of the applications for variances and Mr. Dice marked it as Exhibit A and entered it into the record. Mr. Donahoe referred to the six other exhibits and maps of the sites. He stated the top picture is an overall site and the second picture is a zoomed-in picture of the storage lot. Mr. Dice marked them as Exhibits B and C and admitted them into the record.

Mr. Donahoe briefly summarized that FM & H owns the property where Monroeville Dodge and Monroeville Chrysler Jeep are situated. He pointed out the two dealership buildings at 3651 William Penn Highway. He explained that behind 3651 is a driveway that goes to a storage lot and their request is for a variance to be granted to enable them to expand the storage lot. He stated FM & H acquired the land behind the dealership from Oxford Development and it is landlocked property. He pointed out two large steel towers in the second picture which is the Duquesne Light right-of-way that have power lines located on them. He stated they are proposing to expand the existing lot beneath the Duquesne Light power lines that is on an easement granted in 1920. He reported there is an active gas well on the property that is the vicinity of the proposed expansion of the storage lot. He pointed out that immediately adjacent to Monroeville Dodge and Monroeville Chrysler is the Sam's Club. He explained the applicant owns all of the property and he pointed out a portion acquired from Oxford Development and other properties. He stated they want to expand the lot to accommodate additional storage parking that would not be open to the public and would be for employee access only. He added it would be an extension of the current storage lot.

Mr. Donahoe also reported there are other automobile dealerships in Monroeville that do have storage lots with gravel surfaces. He submitted photographs of Valley Honda. Mr. Stevenson explained that the board deals with each case on an individual basis. Mr. Donahoe pointed out A & L Motors also

has a gravel storage lot and does not comply with the requirements. He felt the requirements under the code are for accessory parking to a public venue where people park and go in for retail use. He stated the proposed lot would not be for retail use.

Mr. Donahoe referred to the first application for a front yard setback of ten feet and indicated it is hard to determine the location of the front yard because there is no front. He stated it was included that they would need a ten-foot front yard setback variance if it were considered to be abutting the yard looking at the existing storage lot. He explained the screening is required if it contiguous to any residential district but looking at the map there is no effect on the residential district. Mr. Stevenson admitted Exhibit Nos. D and E as part of the record and Mr. Dice clarified that they are photographs of Valley Honda.

Mr. Donahoe explained this is not something that will be accessible to retail and the lighting will be for security reasons. He suggested they did not need parking lines because it does not have public access. He stated they did not need the paving because gravel would be sufficient to serve their purpose. He suggested their hardship is that the proposed location for the storage lot will be right under the power lines. He submitted that the property could not be used for any other purpose beneath those Duquesne Light Power Lines and it is adjacent to an oil and gas well. He stated it is under a preexisting oil and gas well lease. He also mentioned that if the extension of the Interstate 43 were ever to proceed it would take the property.

Mr. Kaling briefly explained they are developing this in the context with a majority of the provisions of the ordinance. He stated they achieved the grades and the layout on the plan would be like a public parking lot with the number of spaces and drive isles in compliance with the ordinance. He added the maximum grade on the lot is in accordance with the ordinance. He reported the landscaping requirements and other issues are part of the request and would go along with the public parking facility. He explained it is a simple rectangular parking lot. He referred to the property lines and suggested there is no buildable area outside of the power line right-of-way because it falls over a cliff. He suggested there is no buildable area on the property and no public road access so there is no appropriate use for the property in a commercial setting. He felt the variances requested are more justified than if it would be a commercial development.

Mr. Affenberg reported the Dodge Dealership has been at that location since 1994 and the KIA Store and Chrysler Building since 2004 and those two buildings were switched around in 2012. He added they added the top lot in 2008. He stated this would make it easier for security reasons instead of using their current off-site lot.

Mr. Stevenson explained that each application would be dealt with individually.

Whereupon, Mr. Tieren duly made a motion to approve Application No. 17-5-A and Mr. Rosipal seconded it. Upon a voice vote, the motion carried unanimously.

Further, Mr. Rosipal duly made a motion to approve Application No. 17-6-A and Mr. Tieren seconded it. Upon a voice vote, the motion carried unanimously.

There being no discussion, a motion was duly made by Mr. Tieren to approve Application No. 17-7-A and Mr. Rosipal seconded it. Upon a voice vote, the motion carried unanimously.

Furthermore, Mr. Rosipal duly made a motion to approve Application No. 17-8-A and Mr. Tieren seconded it. Upon a voice vote, the motion carried unanimously.

Whereupon, Mr. Rosipal duly made a motion to approve Application No. 17-9-A and Mr. Tieren seconded it. Upon a voice vote, the motion carried unanimously.

There being no further discussion, a motion was duly made by Mr. Stevenson to deny Application No. 17-10-A and Mr. Rosipal seconded it. Upon a voice vote, the motion carried unanimously.

Mr. Stevenson explained everything was approved except the screening because of the house located in that area. Mr. Kaling inquired whether the board was referring to the back lot. Mr. Stevenson answered affirmatively and explained it is between where the residential and commercial areas are located that screening is required. Mr. Dice pointed out there is a definition of screening in the ordinance.

ADJOURNMENT

There being no further business to come before the zoning hearing board, at this time, a motion was duly made by Mr. Tieren to adjourn the meeting at 7:56 p.m. and Mr. Rosipal seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Robert Stevenson
Chairman

RS/sam