

West Deer Township Zoning Hearing Board Minutes
October 19, 2023
Zoning Cases: Z 15-23, Z 16-23, Z 17-23

The Meeting was called to order with the following members in attendance:
Joseph Gizienski, Sean Parkinson, Scott Woloszyk, Dan Smullin, and H. Nelson Crooks.

Absent Member(s): Sean Parkinson, Neil Tristani, and Ryan Becker.

Other Attendees:

Branden Fulciniti, Solicitor
Joseph Shook, Assistant Manager
Dorothy Moyta, Zoning & Planning
David Thomas, Code Enforcement Official
Veronica Trettel, Court Reporter
Dana Wangler, Member, Kerrigan Development, LLC, Property Owner (Z 15-2023)
Slade Miller, Attorney for Kerrigan Development, LLC.
Michael Sonick, Property Owner (Z 16-2023)
Joshua Martin, Property Owner (Z 17-2023)

Note: All public hearings were advertised in the newspaper, signs were posted on the sites and all the property owners within 300' of the parcel that is seeking a variance were notified about the public hearing via US mail.

Zoning Case: Z 15-23: *Represented by Dana Wangler, Slade Miller.*

Mr. Shook introduced the case. Variance: Use Variance at 111 Starr Rd., Cheswick, PA 15024, Parcel # 1361-B-210, (Lot size: 43,560 SF), from Ordinance No. #394, Article V Zoning Districts, Section 5.4 Authorized Land uses By District.

Property is Zoned R-3: Suburban Residential.

Mr. Wangler and Mr. Miller presented the case. Kerrigan Development has entered into an agreement to buy the property. The new business will be made up of 3 smaller businesses that are largely e-commerce. There isn't much road traffic. Mr. Wangler is a long term West Deer resident; he has been operating his business out of his home on Marshall St. for about 16 years. The business is very low impact; he hasn't had any complaints from neighbors. The business consists of a brokerage, name plates and a gift shop. They operate from Monday to Friday from 8:00 AM to 4:00 PM. They use Fed Ex for deliveries. There would be a gift shop in the front of the building.

Kerrigan Development will be investing money into the building with modifications, HVAC updates, and landscaping. The building will be more visually appealing when they are done. They

have involved an architect. A concept of the proposed building was passed around among the Zoning Board members.

They have retained a structural engineer and are pleased with the inspection report. The existing building would not be able to be used as a residence without extreme modifications. Kerrigan Development has 5 employees and 4 are West Deer residents. The operation is not noisy.

They have an affidavit from the current owner. Her business there is classified as existing-non conforming. Her uncle received a variance for the business in the early 1970's. The property meets all the characteristics for a use variance. It could not be used as a residence at this time without a large influx of money. The parking can be used for the business.

Comments/ Questions from the Board

Questions/ Comments from the Board are as follows. (*Mr. Kiss's answers are in italics*)

1. Mr. Crooks asked if the footprint of the existing building will remain the same. *Mr. Wangler said basically yes with the addition of a patio. They are happy with the square footage.*
2. Mr. Crooks asked how they will reconfigure the space. *Mr. Wangler said that they will have the gift shop out front with the offices behind. They will take out the coolers and open up the back for production.*
3. Mr. Crooks asked if there will be any outside storage. *Mr. Wangler said no.*
4. Mr. Crooks asked what the traffic level would be. *Mr. Wangler said that there would be 4-5 employee cars and 3-4 cars for the gift shop area.*
5. Mr. Crooks asked if there would be new exterior lighting. *Mr. Kiss said yes and other exterior changes.*
6. Mr. Crooks asked if there would be signage. *Mr. Wangler said yes and all signage, lighting, and alterations would comply with Township requirements.*
7. Mr. Crooks asked if all operations now on Marshall St. would be moved to Starr Rd. *Mr. Wangler said that yes currently he has 1700 SF in his basement being used for operations.*
8. Mr. Crooks asked if there was public sewage available at the site. *Mr. Wangler said yes.*

Mr. Wangler said that he has been looking for property for some time. The deal at the old Knights of Columbus building fell through and the property that he still owns on Saxonburg Rd. has become too expensive to develop.

Comments from the Public

1. Susan Rosselle of 99 Starr Rd. is concerned about the rezoning of commercial if another business comes in. She was told that a different business would need to obtain a variance.
2. Andrea Paskorz of 18 Paskorz Lane lives across the street. She confirmed that this is not rezoning and just a variance for this use. She doesn't want to have a noisy business there. She also sees that using that building for R-3 would be a hardship.

3. Carla Reinheimer is the current owner of 111 Starr Rd. She said that it's been a family business; she's paid commercial taxes for 3 years. The business hasn't been inactive; Mr. Wangler stopped in the first day the property went up for sale to inquire.

The Board adjourned to the closed Conference room to discuss the case.

First motion by Mr. Crooks and second motion by Mr. Smullin to **Recommend Approval, for 3 businesses, voting was unanimous, of Zoning Case Z15-23 for a Use Variance at 11 Starr Rd. with the following conditions:**

1. Building and site comply with all West Deer Township requirements.

The variance was granted.

Any aggrieved parties have 30 days to file an appeal with the Court of Common Pleas.

Zoning Case: Z 16-23: *Represented by Michael Sonick.*

Variance: Use Variance at 25 Millerstown Culmerville Rd., Tarentum, PA 15084, Parcel # 2013-M-257, (Lot size: 2.5 Acres, from Ordinance No. #394, Article V, Zoning Districts, Section 5.4 Authorized Land uses By District.

Property is Zoned R-2: Semi-Suburban Residential.

Mr. Shook said that Mr. Sonick is requesting to place a double wide on his parcel while he finishes the home that he is building on the parcel. A mobile home is not permitted in R-2. Mr. Sonick is looking to for the mobile home to be there for 5 years.

Mr. Sonick said that he has another job and building the house is taking a long time as he is doing most of the work by himself.

Comments/ Questions from the Board

Questions/ Comments from the Board are as follows. (*Mr. Sonick's answers are in italics*)

1. Mr. Smullin asked if Mr. Sonick had already purchased the mobile home. *Mr. Sonick said no.*
2. Mr. Parkinson asked if Mr. Sonick would have hook-ups to the mobile home from the house under construction. *Mr. Sonick said yes.*
3. Mr. Crooks asked if Mr. Sonick was going to do all the work by himself. *Mr. Sonick said yes.*
4. Mr. Crooks asked if Mr. Sonick would stop in the winter. *Mr. Sonick said yes; he did this year.*
5. Mr. Crooks said that the mobile home should be removed within 30 days of the Certificate of Occupancy.

Comments from the Public

1. Robert Anderson of 17 Millerstown Culmerville Rd lives next door and he said that Mr. Sonick has been building for 3 years and he doesn't want to look at that for another 3-5 years and he doesn't want to look at mobile home for another 3-5 years.
2. Jim Colnar at 42 Tarentum Culmerville Rd. said that he doesn't agree with the trailer being there for a 5-year period and several neighbors agree with him.

The Board adjourned to the closed Conference room to discuss the case.

First motion by Mr. Crooks and second motion by Mr. Smullin to **Recommend Approval of Zoning Case Z 16-23, voting was unanimous, for a Use Variance at 25 Millerstown Culmerville Rd. to have a mobile home on the Property for 2 years** with the following conditions:

1. Building and site comply with all West Deer Township requirements in the R-2 district.
2. The Mobile home is removed in 2 years regardless of the completion status of the house.

. The variance was granted.

Any aggrieved parties have 30 days to file an appeal with the Court of Common Pleas.

Zoning Case: Z 17-23: *Represented by Joshua Martin.*

Variance: Dimensional Variance at 4364 Bakerstown Culmerville Rd., Gibsonia, PA 15044, Parcel # 2010-A-10, (Lot size: 30,015 SF), from Ordinance No. #394, Article V Zoning Districts, Section 5.5.1 Conventional Development Dimensional Table.

Property is Zoned C-2: Highway Commercial.

Ms. Martin said that he is looking to build a 30' x 56' x 18' high garage close to the house . His wife has myasthenia gravis and will be in a wheelchair in the future, His residence is not a place of business.

Comments/ Questions from the Board

Questions/ Comments from the Board are as follows. (*Ms. Martin's answers are in italics*)

1. Mr. Crooks asked of this was for personal or business use. *Mr. Martin said personal.*
2. Mr. Crooks asked if there were other structures beside the residence on the property. *Mr. Martin said that there is a shed that he is planning to demolish.*
3. Mr. Crooks asked why the garage couldn't be located within the setbacks. *Mr. Martin said because of existing conditions with the driveway this was the only place that he could locate the shed.*
4. Mr. Crooks asked if there would be lights and utilities. *Mr. Martin said that there would be electrical with lights.*

5. Mr. Crooks asked if there was a permit to move the driveway from PennDOT. *Mr. Martin said yes.*
6. Mr. Woloszyk couldn't understand the hardship and why the garage couldn't be located elsewhere on the parcel. Mr. Martin said that the entry to their house is in the back and that it needs to be there so his wife will be able to use. .
7. Mr. Woloszyk asked if the garage could be made smaller.

Mr. Shook wanted Thomas presented a timeline and synopsis of the case up until the time that the pipe was broken and the stop work order was given.

Mr. Thomas presented a timeline and synopsis of the case up until the time that the pipe was broken and the stop work order was given. They are meeting with Jason Dansak from the septic division of ACPD on Tuesday at 10:00 AM.

Comments from the Public

1. Mike Bergman of 7 Bairdford Rd. said that Mr. Martin has excavated up to the property line. Mr. Bergman is concerned about erosion, whether the broken pipe was in his leech field, and how his septic system will be disrupted and what he'll need to do to fix the problem.
2. Carolyn Danko of 3 Bairdford Rd. thinks that Mr. Martin could make his garage building smaller. She is concerned that all his excavating might affect mine subsidence and also affect the quality of the well water.

The Board adjourned to the closed Conference room to discuss the case.

First motion by Mr. Crooks and second motion by Mr. Smullin to **Recommend Approval of Zoning Case Z 17-23 for a Dimensional Variance at 4364 Bakerstown Culmerville Rd. to build a garage.**

Mr. Gizienski voted yes. Mr. Woloszyk, Mr. Smullin, Mr. Dolby, and Mr. Crooks voted no.

The variance was denied.

Any aggrieved parties have 30 days to file an appeal with the Court of Common Pleas.