

West Deer Township Zoning Hearing Board Minutes
November 16, 2023
Zoning Case: Z 18-23

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

Absent Member(s): Joseph Gizienski, and Chad Dolby.

Other Attendees:

Branden Fulciniti, Solicitor
Joseph Shook, Assistant Manager
Dorothy Moyta, Zoning & Planning
Veronica Trettel, Court Reporter
Brett Schaltenbrand, Clendenning Holdings LLC, Property Owner
(Z 18-2023)
H. William White, III, Attorney for Clendenning Holdings LLC.

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 18-23: *Represented by Brett Schaltenbrand, H. William White, III .*

Mr. Shook introduced the case. Variance: Use Variance at 4347 Clendenning Rd., Gibsonia, PA 15044, Parcel # 1833-H-010, (Lot size: 1.05 Acres), from Ordinance No. #394, Article V Zoning Districts, Section 5.4 Authorized Land Uses by District. For a Bed and Breakfast to be eligible for Conditional Use, the owner must live on the site. The owners don't live on the site in this situation, hence the requested variance.

Property is Zoned R: Rural Estate.

Mr. White presented the case. He agrees with the Township position, commonly referred to as dominance variant where the owner must occupy the premises. The owner is Clendenning holdings, LLC. They site is 1 acre. The owner lives across the street at 4348 Clendenning Rd. which is comprised of 87 acres.

Mr. White made several points to include:

1. The Owner lives on 87 acres across the street at 4348 Clendenning Rd.
2. It would be a hardship for the Owner to move to 4347 Clendenning Rd.
3. The owner had rented out 4347 Clendenning Rd. and had trouble with the renters.
4. Section 210.23 bed and breakfast harmonizes the balance better than a single renter.

5. The applicant didn't create the current conditions.
6. Granting the variance will not alter the character of the neighborhood.
7. The Township has the right to put certain conditions on the use of the site such as screening for refuse or parking requirements.

Comments/ Questions from the Board

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

1. Mr. Crooks asked how many guests can lodge at the bed and breakfast. *Mr. Schaltenbrand said 18 people. There are 5 bedrooms and 4 bathrooms.*
2. Mr. Crooks said then that Mr. Schaltenbrand would have to use one of the bedrooms and bathrooms if he lived there. *Mr. Schaltenbrand said yes.*
3. Mr. Crooks asked what kind of spaces are inside the house and how would events happen at the site. *Mr. Schaltenbrand said that they have a large kitchen, a great room, an open beverage cart.*
4. Mr. Crooks asked what the event occupancy would be. *Mr. Schaltenbrand said 32 guests for an indoor occupancy event. Outdoor occupancy is undetermined.*
5. Mr. Crooks asked if the guests could bring liquor. *Mr. Schaltenbrand said yes.*
6. Mr. Crooks asked if 4348 Clendenning Rd. was Mr. Schaltenbrand's primary residence. *Mr. Schaltenbrand said yes.*
7. Mr. Crooks asked how much parking was on the site. *Mr. Schaltenbrand said that 15 cars could park; there was a 10' long driveway.* Mr. Crooks said that it didn't look like 15 cars would fit there.
8. Mr. Crooks asked if they would only park on the house side of Clendenning. *Mr. Schaltenbrand said yes.*
9. Mr. Crooks asked how they would respond to an emergency at the 4347 Clendenning Rd. *Mr. Schaltenbrand said that they would leave a number as well as instructions with the party renting the house.*
10. Mr. Crooks asked if Mr. Schaltenbrand would be in attendance at events at the house. *Mr. Schaltenbrand said no.* Mr. White added that there is a 3- page application in progress that outlines rules and noise levels. There is a \$1000.00 deposit required. This is not a budget Holiday.
11. Mr. Crooks asked what the length of stay would be. *Mr. Schaltenbrand said that it would be a minimum of 3 days. Holiday weekends would be 3-5 days,*
12. Mr. Crooks asked how they would check people in. *Mr. Schaltenbrand said that they have a key pad with a possible 250 combinations.*
13. Mr. Crooks asked if the kitchen on the first floor could provide enough food for 18 people. *Mr. Schaltenbrand said that breakfast as part of the stay was an option.*
14. Mr. Woloszyk said that Mr. Schaltenbrand has 2 residences – one on Clendenning Rd. and 1 in Canonsburg. It appears that the residence in Canonsburg is his primary residence as relates to voting.

Comments from the Public

1. **Mary Oxley of 4288 Clendenning Rd.** lives on an adjacent property. She asks that they do not allow the use of motorized vehicles such as quads and snowmobiles. She is concerned about the road and the tight curve and the proximity from a housing plan. She is also concerned about event parking and public water. She feels that the kitchen facility needs to be inspected.
2. **Steve Vitunic of 4268 Clendenning Rd.** has property down the road. He says that although this isn't a typical neighborhood, it's been a good neighborhood since 1966. He didn't realize that Mr. Schaltenbrand was renting out the house. Since Mr. Schaltenbrand doesn't live there, what if an event gets out of control. During the 2016 election, the renters had a very distasteful banner on the house with the f bomb. His primary concern is events. The devil is in the details – what will be the scale and frequency of the events ? The road is in bad condition. Also, there's a failed lake on the property.
3. **Ray Elter of 1054 Beacon Hill Rd** says that the properties were divided in the past and all parcels had to be a minimum of 3 acres. This property is non-conforming – the size is irrelevant except for the safety issue. His property has a 50' ROW (right of way). There is no public sewer line there. He has seen sewage with toilet tissue coming out of the back of the house. Also, sometimes the sewage goes into the road. Road safety is an issue. There was a vehicle that went into the pond. They need to have guardrails. The road will be an issue with guests unfamiliar with the road. The lot isn't of a sufficient size for events.

Mr. White said that they are willing to work with the township to address safety concerns. They share the public's concerns.

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 Use Variance Zoning Case Z18-23 for a Bed and breakfast and Event Center at 4347 Clendenning Rd. with the Owner not at that same address.**

Mr. Parkinson, Mr. Tristani, Mr. Woloszyk, Mr. Smullin, 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.