

West DEER TOWNSHIP ZONING HEARING BOARD MINUTES
March 16, 2023
Zoning Cases: Z 01-23A, Z 05-23

The Meeting was called to order with the following members in attendance:

Joe Gizienski, Sean Parkinson, Neil Tristani, Dan Smullin, Chad Dolby H. Nelson Crooks, and Scott Woloszyk.

Absent Member(s): None.

Other Attendees:

Branden Fulciniti, Solicitor
Dorothy Moyta, Zoning & Planning
Veronica Trettel, Court Reporter
Matthew Schmidt, Hampton Technical Associates, Inc. (Z-01-23 A)
Guy C. Moretti, Applicant (Z01-23 A)
Patrishia Caplan, Applicant (Z 05-23)

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 01-23A: (Continued from Zoning Case Z 01-23.) *Represented by Matthew Schmidt.*

Variance: Zoning Front and Rear Yard Setbacks Variance and Permitted Use Variance from Ordinance No. #394: Article 210 Attachment II, Conventional Development Dimensional Table

Property is Zoned C-2 Highway Commercial.

A zoning variance application was submitted for front and rear side yard setback variances and use variance at 1515 Saxonburg Blvd., Tarentum, PA 15084, Parcel # 2013-G-00237 and Parcel # 2013-G-235 (Lot size: 9,763 SF).

Mr. Schmidt presented the case. He stated that his client wants to expand his self-storage business. 50' is the required front yard setback and they are asking for 30' feet. 30' is the required rear yard setback and they are asking for 16' feet. If the variance is granted. They will combine the 2 parcels. Since the initial hearing the parcels and map have been updated on the Allegheny County GIS viewer.

Comments/ Questions from the Board

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

1. Mr. Crooks noted that the sheet reads "minimum coverage" when it should read "maximum coverage."

2. Mr. Crooks asked to please explain how the gate works at the entrance to the property and whether the gate was automatic and people would have a fob. *Mr. Moretti said that it's a manual gate with 24 hour Surveillance. He's also thinking of putting in a split rail fence.*
3. Mr. Crooks was concerned about incoming cars getting far enough off the road to avoid an accident before they got past the gate. He wanted this to be part of the conditions.
4. Mr. Crooks asked if there are any utilities to the building. *Mr. Moretti said that there are exterior lights. There is no plumbing.*
5. Mr. Crooks asked if there is a manager at the storage facilities during the day. *Mr. Moretti said that a person is only there when they are signing someone up.*
6. Mr. Crooks asked if there is a fire hydrant as it's a requirement for self-storage. *Mr. Moretti said that he has insurance for the units.*

Comments from the Public

There were no comments from the public.

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

First motion by Mr. Crooks and second motion by Mr. Gizienski to Recommend Approval of **Zoning Variance Z01-23A for the Commercial Storage Facility** – 1515 Saxonburg Blvd. with the following conditions:

1. The 2 parcels must be consolidated into one property.
2. Entrance gate must be 30' from Saxonburg Blvd.
3. No external storage shall be inside of the fence.
4. No commercial storage shall be outside of the fence.
5. No hazardous substances shall be stored on the site.

The vote was unanimous in favor of approval. Mr. Crooks didn't need to vote as he is an alternate. The variance was granted.

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

Zoning Case: Z 05-23: *Represented by Patrisha Caplan.*

Variance: Use of Pool Cover on lieu of 4' fencing required for in-ground swimming pool by West Deer Ordinance No. #394: Article 210-92 B Swimming Pools.

Property is Zoned R-2 Semi-Suburban Residential.

A zoning variance application was submitted for Use of Pool Cover on lieu of 4' fencing required at 1320 Logan Rd., Gibsonia, PA 150442011-M-50, Parcel # 2011-M-50 (Lot size 31.28 Acres).

Ms. Caplan presented the case. She stated that the Pool Cover that she has installed is approved for use by the 2015 ICC building code. It's also approved by the PA Swimming Pool and Spa Code with a ASTM F 1361 and ASTM 936 rating. The pool cover is controlled by a key pad but

can also be moved manually if necessary. The closed cover can hold 2000 lbs. Ms. Caplan included a brochure of the Pool Cover in her submission.

Comments/ Questions from the Board

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

1. Mr. Crooks asked Ms. Caplan what hardship she could put forth in not being able to put up a fence. *Ms. Caplan had no definitive answer,*
2. Mr. Dolby asked if there was a reason that Ms. Caplan couldn't put up a fence. He stated that we're here to help with hardships not change the law.
3. Mr. Crooks stated that the Zoning hearing board is not tasked with evaluating the safety of pool covers but to uphold the Zoning Ordinance. *Ms. Caplan said that the West Deer Zoning ordinance was vague and that she believes that the pool cover is safer than a fence.*
4. Mr. Nelson asked what would happen in a power failure. *Ms. Caplan said that there is a manual override.*
5. Mr. Woloszyk asked if a pool permit was obtained prior to installing the pool. *Ms. Caplan said no.* Mr. Woloszyk said that the fence requirement would have been explained when a pool permit was procured.

Comments from the Public

There were no comments from the public.

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

Mr. Nelson made a motion to approve **Zoning Case Z 05-23 Swimming Pool Cover In lieu of Fence**. Mr. Gizienski seconded the motion.

Mr. Gizienski and Mr. Smullin voted yes. Mr. Parkinson, Mr. Woloszyk, and Mr. Dolby voted no. The variance was denied.

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