

**West Deer Township Zoning Hearing Board Minutes**  
**May 11, 2023**  
**Zoning Cases: Z06-23, Z07-23**

The Meeting was called to order with the following members in attendance:  
Joe Gizienski, Neil Tristani, Dan Smullin, and H. Nelson Crooks.

**Absent Member(s)**: Sean Parkinson, Scott Woloszyk, and Chad Dolby.

**Other Attendees:**

Branden Fulciniti, Solicitor  
Dorothy Moyta, Zoning & Planning  
Mary Spagnola, Court Reporter  
Robert Wenskovitch, Applicant/ Property Owner, (Z06-23)  
Geoff Hanks, Applicant/ production manager, Ryan Homes (Z07-23)

**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.**

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**Zoning Case: Z 06-23:** *Represented by Robert Wenskovitch.*

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

Property is Zoned R-2 Semi-Suburban Residential.

A zoning variance application was submitted for front and side yard setback variances at 23 Deer Hollow Lane, Tarentum, PA 15084, Parcel # 1220-J-279 (Lot size: 16,272 SF).

Mr. Wenskovitch presented the case. He stated that he is looking to build a 28' x 34' 3 car garage and he needs to encroach into the setbacks to achieve this.

**Comments/ Questions from the Board**

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

1. Mr. Crooks noted that Mr. Wenskovitch is going slightly over the amount of setback variance requested in the original variance request.
2. Mr. Crooks asked whether any trees will need to be removed in the building of the garage.  
*Mr. Wenskovitch said that 2 trees will be removed and one will remain.*
3. Mr. Crooks asked whether there will be any utilities beyond electrical in the new garage.  
*Mr. Wenskovitch said no water, gas, or sewage.*

4. Mr. Crooks asked if the existing carport will remain. *Mr. Wenskovitch said no; they have an existing smaller garage and the carport will come down when the new 3 car garage is built.*
5. Mr. Crooks asked whether they could build the garage in the backyard. *Mr. Wenskovitch said that it would take up the entire backyard and his grandchildren would have no place to play.*

### **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. Gizienski and second motion by Mr. Smullin to Recommend Approval of **Zoning Variance Z06-23 for the 3 Car Garage** – 23 Deer Hollow Lane. The vote was unanimous in favor of approval. The variance was granted.

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

### **Zoning Case: Z 07-23:** *Represented by Geoff Hanks.*

Variance: Zoning 20 Front and (2) Side Yard Setbacks Variance from Ordinance No. #394: Article 210 Attachment II, Conventional Development Dimensional Table for 20 parcels in the Oakwood Heights 2 - Housing Development – homes yet to be built.

Property is Zoned R-3 Suburban Residential.

A zoning variance application was submitted for front and side yard setback variances for 20 parcels along Ashley Rd and Dana Dr. in the Oakwood Heights 2 Housing Development, Gibsonsia, PA 15044 (Average Lot size: 25,000 SF).

Mr. Hanks presented the case. He passed out diagrams and showed a drone photo. He is seeking this variance in a pro-active manner so that people will be able to choose the 10' rear deck option on their homes without all seeking a variance independently.

### **Comments/ Questions from the Board**

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

1. Mr. Crooks asked whether this variance will reduce the length of the driveway and if it will be a problem for 2 cars to park there. *Mr. Hanks feels that will not be a problem; these front yards are more generous than in any of their other housing plans.*
2. Mr. Tristani asked why they are asking for 10' and not 5'. *Mr. Hanks said so there is enough room that the deck doesn't intrude on the stormwater pipes in the back of the property.*

3. Mr. Smullin asked if the if the cars the driveway would now be blocking the sidewalk. *Mr. Hanks so that there is 37' to the curb from the garage door and 31' from the sidewalk to the garage door; it would depend on the size of the vehicle.*

### **Comments from the Public**

1. Jeff Gally of 31 Ashley Rd. felt that if the Zoning Hearing Board grants Ryan Homes these variances, they'll extend variances to more properties.
2. Scott Kallen of 34 Ashley Rd. stated that they never got the fire hydrant that was promised them. Also he feels that this variance will cause street parking to increase. He feels that the intersection at Ashley Rd and West Starz Rd. is a dangerous one and this variance will add to that.
3. Pat Luty of 413 West Starz Rd. lives behind the 2 new model homes. She says that all their green space is disappearing. She feels that Ryan should have looked at the yard setbacks in the original design and shouldn't be asking for a variance now before the homes are built.
4. Nathan Rabinold of 1219 Pin Oak Ct. is happy with the way Ryan Homes has been working on the new Oakwood Heights 2.

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

Mr. Gizienski made a motion to approve **Zoning Case Z 07-23 Front and Side Yard Setback variances for 20 parcels along Ashley Rd and Dana Dr. in the Oakwood Heights 2 Housing Development.** Mr. Smullin seconded the motion.

Mr. Gizienski, Mr. Tristani and Mr. Smullin voted yes. Mr. Crooks voted no. The variance was approved.

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

Mr. Gizienski voted to adjourn. Mr. Crooks seconded. The meeting was adjourned.