

West Deer Township Zoning Hearing Board Minutes
August 17, 2023
Zoning Cases: Z 12-23

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): Neil Tristani and Chad Dolby.

Other Attendees:

Branden Fulciniti, Solicitor
Joseph Shook, Assistant Township Manager/ Zoning Officer
Dorothy Moyta, Zoning & Planning
Nina Spagnola, Court Reporter
Michael Viccari, Applicant, Property Owner (Z 12-2023)

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 12-23: *Represented by Michael Viccari.*

Variance: Use Variance at 6 Burger Rd., Cheswick, PA 15024, Parcel # 1359-D-141, (Lot size: 15611 SF), from Ordinance No. #394, Article V Zoning Districts, Section 5.4 Authorized Land Uses By Districts, A. Residential Uses.

Property is Zoned C-2: Highway Commercial.

Mr. Shook presented the case. A zoning variance application was submitted for allowance for change of use for a 4-story apartment building on a C-2 parcel. History: 4 apartment units and a storage space were fitted out in an existing 2 story building that was previously a commercial business with a living unit above. Mr. Viccari did not obtain permits before constructing the new units within the existing structure and the use is not permitted. 4 families now reside in the building. The 4 mailboxes alerted the county assessor to the new use of the building and this was reported to West Deer Township.

Mr. Viccari said that he purchased the building a couple years ago and thought that he was allowed to build apartment units there. He said that he has invested a lot of money in the building. He did not obtain permits to build the units.

Comments/ Questions from the Board

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

1. Mr. Crooks asked if Mr. Viccari was the owner. *Mr. Vicarri said yes.*
2. Mr. Crooks asked what was built inside the building. *Mr. Viccari said 4 apartment units: 2 above and 2 below. Also, there is a garage inside one end of the building*
3. Mr. Crooks asked if the units all share an entrance. *Mr. Viccari said that 3 units share an entrance and the other one has its own entrance.*
4. Mr. Crooks asked if each unit had 2 entrances. *Mr. Vicarri said that the unit downstairs with the separate entrance has only one entrance and the other 3 units have 2 exit doors.*
5. Mr. Crooks asked if the units have separate utilities. *Mr. Vicarri said yes.*
6. Mr. Crooks asked if the units had separate water utilities. *Mr. Vicarri said no.*
7. Mr. Crooks asked if the units had public sewage. *Mr. Viccari said yes.*
8. Mr. Crooks asked what kind of heating the units had. *Mr. Viccari said that they had forced air using heat pumps.*
9. Mr. Crooks asked if they had a dumpster. *Mr. Viccari said yes and that they had paid for the dumpster.*
10. Mr. Crooks asked when the building was purchased and if the company that did the renovations was licensed. *Mr. Viccari said the building was purchased in 2020 and he didn't know about the company, JK Contracting.*

Comments from the Public

1. Kathy Valenti of 26 Burger Rd. stated that Mr. Vicaari was burning piles of ill smelling and toxic waste over a period of weeks. She had to use her inhaler to breathe. She and another neighbor who attended said that they put up with the burning for a long time. They have a quiet road and Allegheny County was eventually called in when the fires were reported. Ms. Valenti asked why the Zoning Hearing Board would want to let such a landlord as Mr. Viccari operate in West Deer Township when he has such disregard for the welfare of the community.

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

First motion by Mr. Crooks and second motion by Mr. Gizienski **Recommend Approval of Zoning Case Z12-23 for a Use Variance at 6 Burger Rd. for 4 apartment units in a C-2 Existing building with the following conditions:**

1. The owner (Mr. Viccari at present) obtains all necessary permits.
2. The owner conforms with all requirements of the Township to include fire alarms, building codes, compliant property screening, code compliant oonstruction, alarms, sprinklers, inspections, and parking requirements.

Mr. Gizienski, Mr. Parkinson, Mr. Woloszyk, Mr. Smullin and Mr. Crooks voted yes. The variance was granted.

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

Mr. Crooks motioned to adjourn the meeting. Mr. CSmullin seconded the motion. The meeting was adjourned.