

**West Deer Township Zoning Hearing Board Minutes**  
**September 21, 2023**  
**Zoning Cases: Z 13-23, Z 14-23**

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

**Absent Member(s)**: Neil Tristani, and Chad Dolby.

**Other Attendees:**

Branden Fulciniti, Solicitor  
Dorothy Moyta, Zoning & Planning  
David Thomas, Code Enforcement Official  
Veronica Trettel, Court Reporter  
Neil R. Kiss, Property Owner (Z 14-2023)  
Monica Lee Stallard, Property Owner (Z13-23)

**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 14-23:** *Represented by Neil R. Kiss.*

Variance: Dimensional Variance at 507 Shadow Ct., Gibsonia, PA 15044, Parcel # 1667-J-17, (Lot size: 23,665 SF), from Ordinance No. #394, Article V Zoning Districts, Section 5.5.1 Conventional Development Dimensional Table.

Property is Zoned R-2: Semi-Suburban Residential-Low/Medium Density.

Mr. Kiss presented the case. Variance: Dimensional Variance at 507 Shadow Ct., Gibsonia, PA 15044, Parcel # 1667-J-17, (Lot size: 23,665 SF), from Ordinance No. #394, Article V Zoning Districts, Section 5.5.1 Conventional Development Dimensional Table.

Property is Zoned R-2: Semi-Suburban Residential-Low/Medium Density.

Mr. Kiss presented the case. They would like to install a ground mounted solar system on the southwest edge of the property. The proposed installation is approximately 3.5 ft. wide and would overlap the 15 ft. setback by approximately 19' at the maximum. He is requesting a 2' variance for the 15 ft. setback to ensure that the installation can be properly installed. The hillside is very steep into the neighbor's yard and is not useful. Only the panels will overhang into the setback and not the ground mounts. The panels are matte black and will not reflect, cause glare, or create heat in the neighborhood. The electric bill keeps going up. (Mr. Kiss handed out the same information that was previously distributed to the members.)

## **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 Mr. Kiss if he installed the fence. *Mr. Kiss said no; it was there 13 months earlier in August 2022 when they moved in.*
2. Mr. Crooks asked what the distance was from the fence to the property line. *Mr. Kiss said that it varied from 18" – 20".*
3. Mr. Crooks said that it appears that the solar panel supports will be outside of the fence. *Mr. Kiss said that the supports will be between the fence and the property line.*
4. Mr Crooks asked if the supports could be put inside the fence. *Mr. Kiss said that he has 2 small children and he doesn't want them to get hurt or injured on the supports or panels.*
5. Mr. Crooks asked if the large pines belonged to Mr. Kiss. *Mr. Kiss said yes.*
6. Mr. Crooks asked when the pool was installed. *Mr. Kiss answered last summer.*
7. Mr. Crooks asked if they had a shed. *Mr. Kiss said no.*
8. Mr. Crooks noted that the property elevation is higher on Mr. Kiss's side and slopes down to the neighbor's property.
9. Mr. Woloszyk asked if there would be grass under the mounted solar. *Mr. Kiss said grass or rock depending if the grass grows. He noted that this will be 13' from the property line.*
10. Mr. Smullin noted that this is about 1' off the ground in 2 section – 42' long.

## **Comments from the Public**

1. Shannon Waldschmidt of 505 Shadow Ct. is the neighbor of Mr. Kiss and presented a handout to the Zoning hearing board to include a photoshopped image of what the solar installation would look like from her house and from several other vantage points in the neighborhood. She made the following points:
  - a. She is not against solar but this installation will significantly alter the look of the neighborhood.
  - b. This solar installation will be visible from every room in her house and will affect hers and other's views and sightlines.
  - c. Her children may be injured if they accidentally run into these solar mounts as they are on her side of the fence.
  - d. Mr. Kiss graded 7 months ago in anticipation if this project and without a permit. They graded to create a steep change between yards.
2. Amanda Matheson of 504 Shadow Ct. lives across the street. She feels that by granting this request, they are opening up the allowance of other encroachments in the neighborhood. Energy costs are rising but everyone still pays to maintain the grid. Also, Ms. Matheson feels that there's not enough information regarding lightening strikes, etc.

## **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 Z14-23 for a Dimensional Variance at 507 Shadow Ct. with the following conditions:**

1. The solar mounts are 2' from the property line.

Mr. Gizieski, 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.

**Zoning Case: Z 13-23:** *Represented by David Thomas.*

Variance: Dimensional Variance at 1908 Saxonburg Blvd., Tarentum, PA 15084, Parcel # 1670-H-328, (Lot size: 13,480 SF), from Ordinance No. #394, Article V Zoning Districts, Section 5.5.1 Conventional Development Dimensional Table.

Property is Zoned C-2: Highway Commercial.

Mr. Thomas presented a timeline of the case. Both the pool and the deck encroach on the setback.

Ms. Stallard said that she inherited the house from her parents about a year ago. She didn't know that she needed a permit to put the pool in but when she got the violation letter, she came into the Zoning and Planning office to get a pool and deck permit. She said that she didn't understand what a setback meant. Ms. Stallard said that both the deck and the pool are about 4' from the Back Yard. Ms Stallard said that the neighbors are OK with everything.

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

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

1. Mr. Crooks asked what were the required setbacks in the C-2 Zone. *25' Side Yard, 30' Rear Yard.*
2. Mr. Crooks asked how the Township was made aware of the encroachment . *Mr. Thomas said that a nearby resident called.*
3. Mr. Crooks asked if this was an above ground pool. *Ms. Stallard answered yes.*
4. Mr. Crooks asked if the pool was installed in April. *Ms. Stallard said that the pool was installed in October.*
5. Mr. Crooks asked if the deck was permanent. *Ms. Stallard said yes.*
6. Mr. Crooks asked if the setbacks could have been met. *Ms. Stallard said yes.*
7. Mr. Crooks asked if the residence had all utilities. *Ms. Stallard said yes.*
8. Mr. Crooks asked when the house was built. *Ms. Stallard said 1950-1951*
9. Mr. Crooks asked how the deck plans were obtained. *Ms. Stallard said that it was a kit.*
10. Mr. Woloszyk asked whether the Amish contractors asked to see a permit. *Ms. Stallard said no.*
11. Mr. Woloszyk asked how many inspections had been done. *Ms. Stallard said 3.*

### **Comments from the Public**

None

**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 Z13-23 for a Dimensional Variance at 1908 Saxonburg Blvd. for an existing Pool and Deck** in the current location:

Mr. Gizienski, 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.