

1 secretaryship.

2 MS. JOCHIMS: All in favor to those motions.

3 (All responded aye.)

4 MS. JOCHIMS: Again, did we vote to
5 establish our date? The established date and time of our
6 regular meeting is currently the third Tuesday of the month
7 at 7:00 p.m. Do I have a motion?

8 MR. GATES: So moved.

9 MS. KANE: Second.

10 MS. JOCHIMS: All in favor.

11 (All responded aye.)

12 MS. JOCHIMS: Item three in our agenda is
13 our year-end report that was provided to us. Do I have a
14 motion authorizing the summary of the 2008 hearings as the
15 year-end report from the Zoning Hearing Board?

16 MS. KANE: So moved.

17 MR. GATES: Second.

18 MS. JOCHIMS: All in favor.

19 (All responded aye.)

20 MS. JOCHIMS: Hearing No. 1-09, Derek and
21 Stacy Niemeier. Come up to the podium and provide your name
22 and address.

23 MR. NIEMEIER: Derek Niemeier, 4028
24 Ridgemont Drive, Gibsonia, 15044.

25 COURT REPORTER: Don't mumble at the end.

1 MR. NIEMEIER: Again, my name is Derek
2 Niemeier. This is my wife, Stacey. We are here to request
3 a variance for building an addition to our existing
4 residence.

5 I guess the rear setback rules as they are
6 right now is a 50-foot setback. We are requesting to reduce
7 that approximately 16 feet to where the rear setback would
8 be roughly 35 feet.

9 Some of the reasons that we plan on doing
10 this, when we purchased the house in 2004 we had plans of
11 obviously staying there for a while. It was a good starter
12 home. It currently has two bedrooms, one of them roughly
13 ten by ten.

14 Couple of the options we looked for in
15 expanding on the structure to making it more livable, giving
16 us more living space, we did look into possibly building a
17 second story.

18 However, this existing structure was built
19 back in the '50s. According to most of the people we have
20 talked to, the structure is not built to support a second
21 story or the load of the second story. So we were told that
22 that was probably not the best idea.

23 So some of the other things we have, the
24 house is not built square on the lot. So no matter what way
25 we look at this we are going to run into a setback for some

1 of the zoning regulations no matter which way we decide to
2 build.

3 If we were to change it any other way other
4 than what we have stated on here, we run into the
5 possibility of turning some of the bedrooms, making them
6 captive, if in the event of an emergency we're unable to
7 escape if we moved it out.

8 So the best option seemed to try to build it
9 back. It seemed like it only made sense with the way the
10 existing driveway is for us just to be able to pull right
11 into the garage.

12 Of course, as you can see, it does come very
13 close to the 50-foot setback. If we were to only build to
14 the 50 foot, we would not really have a whole lot of room to
15 make a significant change to the square footage of the
16 existing home.

17 So with that being said, it appears that we
18 are land-locked without being able to try to make this
19 adjustment. After building this existing structure, we are
20 planning on updating the exterior of the home as was shown
21 in this drawing to try to update and make it more appealing
22 as well.

23 So I think that was pretty much it, all I
24 had.

25 MS. JOCHIMS: Okay. Good.

1 MS. KANE: I have a couple questions. So
2 have you calculated how much square footage of living area
3 you're going to have with this addition as you have it
4 planned?

5 MR. NIEMEIER: I don't know that we've
6 actually talked about that. Let me ask my father-in-law.
7 We've been working together on trying to come up with this
8 structure. Have we talked about the square footage?

9 MR. DANKMYER: Well, the structure is 80 by
10 40.

11 MS. KANE: How big is the garage?

12 MR. DANKMYER: It would 40 by about maybe
13 30.

14 MR. NIEMEIER: Right now our current
15 structure has about approximately 900 square feet.

16 MR. DANKMYER: Without the garage.

17 MR. NIEMEIER: No, with the existing
18 structure. I'm saying 900 square feet with no garage.

19 MS. KANE: So you're looking to have roughly
20 a 2,800 square foot house when you're done. I guess I'm
21 wondering, you know, a garage that's 30 by 40 is a huge
22 garage. I mean, have you thought about what the-- I mean,
23 you could pull three cars in there almost nose to nose, six
24 if you had two garage doors.

25 You show one garage door on the

1 illustration. But if that's 30 feet wide, you know, a
2 typical garage built for two cars would be 16 feet wide or
3 you might have two nine-foot doors with two feet in between
4 and two feet on either side and that's generous.

5 Are you set with everything being this size
6 or is this just your starting point? Have you laid out the
7 interiors?

8 MR. NIEMEIER: Yes, we have tried to lay out
9 the interior. A lot of the internal space would be moving
10 back that way as well. Just to make it symmetrical on the
11 location, it just made sense for us to build the way that we
12 had it drawn out there.

13 MS. KANE: I guess when I saw this I
14 wondered. Do you drive a tractor-trailer? Are you going to
15 come back and ask for a home business because you're going
16 to work on cars in this garage? All these would play into
17 my decision-making. So you're not going to have a home
18 business here?

19 MR. NIEMEIER: No.

20 MS. KANE: You're not going to want to paint
21 cars or fix cars in the garage or have any kind of sideline
22 like that, you're not going to sell motorcycles out of your
23 garage?

24 MR. NIEMEIER: No.

25 MS. KANE: It is a big space.

1 MR. NIEMEIER: It is.

2 MS. KANE: It's bigger than your existing
3 home.

4 MR. NIEMEIER: It is, yes.

5 MS. KANE: I guess I'd also want to know
6 have you talked to any of your neighbors. Are these your
7 neighbors here?

8 MR. NIEMEIER: Yes, these are two of our
9 neighbors here.

10 MS. KANE: Is it within sight of either of
11 your homes, do you feel?

12 MR. BOLTRALIK: Mark Boltralik,
13 B-o-l-t-r-a-l-i-k. I'm at 4034. My property is to the left
14 of their property. Essentially on our property line it's
15 filled with pine trees. So from my concern it wouldn't, you
16 know, I don't see anything.

17 MS. KANE: He's still within the 15-foot
18 side yard setback there.

19 MR. NIEMEIER: Yes.

20 MS. KANE: This other gentleman here.

21 MR. STAAB: I'm across the front of the
22 house.

23 COURT REPORTER: Your name, sir?

24 MR. STAAB: My name is Robert Staab,
25 S-t-a-a-b. We go by 7028 Ridgemont. That's the private

1 road that goes up in between there. I'm on that as well,
2 but my house faces on Georgiann Drive, which that's 5345.
3 But it's right across from the front.

4 MR. GATES: You said 5345?

5 MR. STAAB: Georgiann, right. So I get to
6 see what you're seeing here. I will state that I think that
7 looks better than a two-story, even though it's not
8 feasible. What is the side that faces him? Will I be in
9 the back of the garage?

10 MR. NIEMEIER: This view would actually be
11 from Mark's property. Looking at it where the existing, the
12 front of the house is, where we have our front door is still
13 roughly on this side. So this would be standing in front of
14 Mark's property looking straight over.

15 MR. STAAB: I'm sorry. Is that not an
16 L-shape there?

17 MR. NIEMEIER: It is. The garage is coming
18 out this way.

19 MR. STAAB: The doors face down the hill,
20 down Ridgemont?

21 MR. NIEMEIER: This is actually facing
22 towards Mark's property. This is the existing driveway as
23 it is right now moving right into the garage. Yours will
24 be-- I'm here looking at--

25 MR. STAAB: Oh, I thought I was right across

1 from the front porch. So I'm--

2 MR. NIEMEIER: You're in this area right
3 here. Mark will be over here.

4 MR. STAAB: Show me on the picture. Where
5 am I on the picture?

6 MR. NIEMEIER: You're probably roughly where
7 I'm standing. Coming out of your driveway you would see the
8 garage.

9 MR. STAAB: I can't conceive what the
10 drawing is and what's actually going to happen.

11 MR. DANKMYER: Show him the picture of the
12 existing home.

13 MR. STAAB: You're saying I'm going to be
14 facing here?

15 MR. NIEMEIER: Yes.

16 MR. STAAB: So I can't see what, I have no
17 idea what's facing me?

18 MR. NIEMEIER: These are just a couple
19 pictures from the existing residence. This right here would
20 be roughly this side of the house. The garage would be
21 right here.

22 COURT REPORTER: Excuse me. I can't hear.

23 MS. JOCHIMS: We need to take down the
24 testimony that's discussed, please.

25 MR. STAAB: Myself I cannot picture this

1 drawing the way the roads are situated. I'm having--

2 MR. NIEMEIER: This would be the private
3 drive coming right up along here.

4 MR. STAAB: Oh, this is the drive?

5 MR. NIEMEIER: That would be the private
6 drive right there.

7 MR. STAAB: So this is the extension of
8 Ridgemont?

9 MR. NIEMEIER: Yes.

10 MR. WALZER: Just for confusion, maybe you
11 could take each, like, piece of that and show on the survey
12 where it's at.

13 MR. NIEMEIER: Yes. This right here would
14 be your private drive.

15 MR. STAAB: Right here?

16 MR. NIEMEIER: Yes, exactly. Then that is
17 what goes all along the side here. So I guess if you kind
18 of flip this, this garage right here is right along here and
19 this is the driveway coming out towards your place right
20 here.

21 MS. KANE: So your driveway comes off of a
22 private drive?

23 MR. NIEMEIER: Yes.

24 MRS. NIEMEIER: Well, it's not really
25 private.

1 MR. WALZER: He's confused. You're taking
2 the garage door right here? Is that right here?

3 MR. NIEMEIER: Yes.

4 MR. WALZER: So you're going to take this
5 piece right here. Is that right here?

6 MR. NIEMEIER: Yes.

7 MR. WALZER: This porch is right here?

8 MR. NIEMEIER: Yes.

9 MR. WALZER: Okay?

10 MR. STAAB: So this is facing-- No, it
11 isn't.

12 MR. NIEMEIER: Some of those are a little
13 bit old, but they kind of give you an idea.

14 MS. JOCHIMS: Yes.

15 MR. STAAB: This is facing Mark?

16 MS. JOCHIMS: You're facing the porch, and
17 that would be your direct view?

18 MR. BOLTRALIK: Yes. The garage would then
19 face--

20 MR. STAAB: Well, then this garage door is
21 coming in from the other side.

22 MR. NIEMEIER: It's facing directly out.

23 MS. KANE: It's kind of at an angle.

24 MR. STAAB: Are you saying this is not a
25 right angle?

1 MS. KANE: It's less than 90 degrees apart.
2 It's hard to draw in that respect.

3 MR. STAAB: Well, it's not a right angle.
4 Well, I guess maybe that's okay. Part of this is my--

5 MR. NIEMEIER: No, that's fine. It's the
6 way that the house sits. It's very difficult for us.

7 MR. STAAB: I thought it was that way. You
8 have no drawings to what-- Are you making any changes to
9 this part of the house other than the roof?

10 MR. NIEMEIER: Well, the whole place will be
11 re-sided to match the addition and everything.

12 MR. STAAB: You're not going to do new
13 windows? You're doing quite a bit of change here.

14 MR. NIEMEIER: Yes.

15 MR. STAAB: So you're not going to be doing
16 a similar change on there. This is where you are right now;
17 right?

18 MR. NIEMEIER: Yes, that's correct, in the
19 back of the house.

20 MR. STAAB: But you know what, that back of
21 the house faces down.

22 MR. NIEMEIER: Yes, that heads down over the
23 hill.

24 MR. STAAB: So that doesn't face me.

25 MR. NIEMEIER: No. This side here on the

1 side, I guess where we have shrubs before right in between
2 the actual driveway and the fence where you would be looking
3 at that side fence.

4 MS. KANE: Mr. Niemeier, between you and the
5 people behind you there appear to be some trees. Is this
6 behind your house or on the side of it?

7 MR. NIEMEIER: Yes, that is behind our
8 house.

9 MS. KANE: So this is wooded back here?

10 MR. NIEMEIER: No. I'm sorry. This part
11 right here with these trees, this is back along this side.
12 That would be the tree line back here.

13 MS. KANE: What's happening--

14 MR. NIEMEIER: This is Mr. Staab's location
15 here. This is Mark's.

16 MS. KANE: Right. What's happening here?

17 MR. NIEMEIER: That is where we are planning
18 on building the addition. This is, someone recently
19 purchased that.

20 MS. KANE: Are there trees?

21 MR. NIEMEIER: There is a couple of pine
22 trees along there.

23 MS. KANE: Are they going to be able to
24 stay, do you think?

25 MR. NIEMEIER: I don't see why not.

1 MR. DANKMYER: We're 35 feet from there.
2 They're on the line.

3 MR. NIEMEIER: We still have 35 feet.

4 MS. KANE: And you're coming from-- They're
5 at 1265, and you're going to be building at 1260. You're
6 going to be below them?

7 MR. NIEMEIER: Yes.

8 MR. DANKMYER: Plus they got a stockade
9 fence up there because they have an inground pool.

10 MS. KANE: Right.

11 MR. STAAB: I don't want to hold up the
12 meeting because I don't think there's anything that I even
13 can say that would stop this from going on because, you
14 know, the variance is to the back of the house, which is
15 opposite from me.

16 MR. GATES: Let me say that maybe if you
17 want to make a statement I think you should speak loud
18 enough so the court reporter can hear you, sir.

19 MR. STAAB: Well, I'm just saying I don't
20 think there's anything that I can say tonight to affect this
21 because the variance that he's looking for is on the other
22 side of the house from me.

23 MS. KANE: Right.

24 MR. STAAB: So what changes on the side
25 facing me, although I don't understand it, doesn't enter

1 into the picture as far as I'm considered.

2 MR. GATES: Thank you.

3 MS. KANE: And notification was sent to the
4 people who live behind every property adjoining this; right?

5 MR. WALZER: Yes, they were. It's in your
6 packet.

7 MS. KANE: My biggest concern was just that
8 the size of the garage, to me, I was a little worried about
9 what you were planning to do in the garage. But if it's
10 going to be a garage, you know, I guess I would have no
11 objection.

12 And if anybody ever wanted to make it other
13 than that they would have to come back to get a permit to
14 run a business or something like that there. But it seems
15 to me that by doing this you're wanting to stay in the
16 township.

17 MR. NIEMEIER: Absolutely.

18 MS. KANE: You're accommodating the house to
19 accommodate your living in the township for a period of
20 time, a good period of time if you're making this
21 investment.

22 MR. NIEMEIER: Absolutely.

23 MR. GATES: Jeff, this is not a lot in a
24 recorded plan that has its own side yard and its own
25 building lines, is it?

1 MR. WALZER: No. Well, I don't know if it's
2 a recorded plan or not, to be honest with you. It probably
3 is some kind of recorded plan, but it's not one that has
4 like a PRD or--

5 MS. KANE: Convenance.

6 MR. GATES: Does it have setback lines,
7 building lines?

8 MR. WALZER: Well, all plans would by
9 ordinance. By our ordinance it does.

10 MR. GATES: But some of the plans are more
11 restrictive than what the township requires.

12 MR. WALZER: No. Some are less. I don't
13 think there's anything more.

14 MR. GATES: Okay. Sometimes people get a
15 variance from us and they think that's all they need and
16 then they violate the--

17 MR. WALZER: Well, I guess what you're
18 asking is, no, there's no convenance in this plan. This
19 predates any plan with convenances in there.

20 MR. STAAB: Possibly it was originally
21 called the Terre Vista plan or something like that. There
22 were two different plans up there.

23 MR. NIEMEIER: I thought they had mentioned
24 something similar to that.

25 MR. GATES: Well, we have nothing to do with

1 that.

2 MR. NIEMEIER: They said there were three
3 homes part of what they considered a plan but it really
4 wasn't sufficiently named or anything, to our knowledge.

5 MS. JOCHIMS: Are those just markings on the
6 addition?

7 MR. NIEMEIER: No. Again, that was an older
8 picture while we were doing some of the remodeling the first
9 time when we were first moving in. That was some of the
10 best pictures I had that could kind of illustrate how the
11 house sits right now.

12 MR. GATES: I believe you said that the
13 hardship is that to make your property less than you have
14 these captive bedrooms and captive bedrooms, of course,
15 would be a fire hazard in the event of a fire.

16 MR. NIEMEIER: Yes, sir.

17 MR. OPALINSKI: These captive bedrooms that
18 you're talking about would be on this side of the property?

19 MR. NIEMEIER: Currently right now the
20 bedrooms are back in here. If we were to build any closer
21 and had to move this out, we run the risk of still trying to
22 get the square footage that we want but it would end up
23 cutting off some of these and may end up covering.

24 Or if we had to build on a different way we
25 could run the risk of making these captive because of where

1 our building lines are. To fall within those it's really
2 difficult for us to build any other way other than on that
3 side.

4 MR. OPALINSKI: I guess you're attempting to
5 comply with the setback and pushing the square footage over
6 to this side.

7 MR. NIEMEIER: Well, what happens on this
8 side is this part of the land starts sloping down. It's a
9 very steep grade down to the next house down below us. So I
10 don't know exactly what we would have to do or--

11 (Inaudible.)

12 COURT REPORTER: Mr. Niemeier, excuse me.
13 I'm hearing mumbling.

14 MR. NIEMEIER: I'm sorry. What the question
15 was was to see if we could comply with the regulations and
16 build out further. One of our concerns with that is the
17 steep grade that is on that back side of the house that goes
18 down into that tree line.

19 Then just to make it, again, to make the
20 rooms the sizes that we would have to to have significant
21 square footage added was to come up with this. We did look
22 at several different drawings, and it seemed like this one
23 was the most--

24 MR. WALZER: I think this picture shows you.
25 It's going back over this way.

1 MS. KANE: So your current house is situated
2 at an angle to the road?

3 MR. NIEMEIER: Uh-huh.

4 MS. KANE: The back of the house the lot
5 goes downhill?

6 MR. NIEMEIER: Yes.

7 MS. KANE: The far side of the house it goes
8 a little uphill at that point to the people behind you?

9 MR. NIEMEIER: Yes, that's correct.

10 MS. KANE: And to the people next to you,
11 this gentleman goes, what, uphill a little bit?

12 MR. NIEMEIER: It goes through our driveway
13 and then it goes up a little bit where there's a tree line.

14 MR. WALZER: The property off to the
15 right-hand side goes down pretty steep if you were looking
16 at the front of his house. In fact, it's real steep.

17 MS. KANE: I'm going to ask you this one
18 more time, I guess. You have an interior layout of what the
19 different rooms are going to be. Is that right?

20 MR. NIEMEIER: We have tried to draw them up
21 on the computer and that. As far as the interior, we wanted
22 to see exactly where we would stand with the zoning board.

23 MS. KANE: Well, let me ask you this. Is
24 this the maximum size you would go to and there's a
25 possibility that it's going to be smaller than this?

1 MR. NIEMEIER: Oh, I wouldn't think any
2 bigger than that, no.

3 MS. KANE: How about smaller?

4 MR. NIEMEIER: Would it be any smaller?

5 MS. KANE: Like it might be 31 feet deep
6 instead of 36 feet deep, in which case you'd be 40 feet to
7 the property line.

8 MR. NIEMEIER: Well--

9 MS. KANE: I mean, if it's not an option, if
10 you know what you're going to put there, just tell me.

11 MR. NIEMEIER: Well, again, we did have it
12 planned out and we put a lot of thought into trying to
13 figure out how we were going to do this. That's why we
14 wanted to come with something reasonable. I guess we're
15 only talking about five feet, but five feet could be--

16 MS. JOCHIMS: It could be critical.

17 MR. WALZER: They stopped in my office. We
18 were trying to look at this. Basically, he could have built
19 the garage detached at 35 feet, and he was trying to wrap,
20 because of the house being crooked, he was trying to wrap it
21 and doing all kinds of things.

22 MS. KANE: Yeah, because you would have
23 needed, if you had attached this just at right angles to
24 your existing home, you would obviously be closer to the
25 back property line than 35 feet. I see where you've tried

1 to optimize that.

2 MR. WALZER: They looked at that, but it
3 wasn't feasible. Then it needed a variance on the side. Do
4 you know what I mean?

5 MR. STAAB: Can I?

6 MS. KANE: Yes.

7 MR. STAAB: This doesn't affect me, again,
8 because I'm on the other side of the whole thing. Two
9 observations. You asked about the size of the garage. We
10 not only need the garage, but we need a shed and we need
11 storage space. So rather than put up a smaller garage and
12 putting a shed there somewhere, whatever, I think this makes
13 it neater, a unified solution.

14 The back property, which is the variance
15 that you're talking about, that neighbor isn't here. It is
16 a pretty good sized slope. When I built, I downsized my
17 house a bit by just a few feet to save a few bucks. I've
18 always been sorry for that.

19 MR. NIEMEIER: In one of those pictures I
20 believe you can see how steep it is going back up into that
21 neighbor's yard behind us. You can see where the fence is
22 for the pool.

23 MR. STAAB: There's two terraces there,
24 aren't there, in the back? Doesn't it go kind of like--

25 MR. NIEMEIER: Yeah, I guess it does kind of

1 level out.

2 MR. STAAB: Do you know how far back this
3 goes to that first terrace more or less?

4 MR. NIEMEIER: It think it would probably go
5 back to just, I think we were talking roughly where those
6 two trees are.

7 MR. STAAB: To about the foot of that first
8 terrace?

9 MR. NIEMEIER: I would say roughly, yeah.

10 MS. JOCHIMS: Anything else?

11 MR. OPALINSKI: I'm good.

12 MR. GATES: I have no further questions.

13 MS. JOCHIMS: Anybody else like to speak?

14 MR. BOLTRALIK: I just, you know, I did an
15 addition in 2003, and, you know, I would welcome this as far
16 as, you know, bringing up the property values in that area.
17 It is an older community of, you know, probably most of the
18 homes there are like two or three bedrooms, about a thousand
19 square foot or less.

20 But we're seeing a transition of, you know,
21 newer people, newer homes there. I would welcome, you know,
22 anything definitely to increase the value of the homes in
23 that area.

24 MS. JOCHIMS: Thank you. Do I have a
25 motion?

1 MS. KANE: Okay. I move to grant Mr. and
2 Mrs. Niemeier a variance of the 15-foot rear yard setback so
3 that they can build their addition.

4 MR. GATES: Second.

5 MS. JOCHIMS: Not to split hairs -- I'll
6 call for a vote -- it does say a 16-foot reduction to the
7 required 50-foot rear yard building line. Is it 15 or 16?

8 MR. NIEMEIER: It would actually be, there
9 would be roughly 35-- It would be a 35-foot setback after
10 the addition.

11 MR. WALZER: If we put that on we were
12 thinking of the overhang.

13 MS. JOCHIMS: Okay.

14 MS. KANE: I'll amend my motion to grant a
15 16-foot variance to the 50-foot rear yard setback in order
16 to erect a 40 by 80 addition to the existing home.

17 MS. JOCHIMS: Does that change your second?

18 MR. GATES: No.

19 MS. JOCHIMS: All in favor.

20 (All responded aye.)

21 MS. JOCHIMS: Thank you.

22 MR. NIEMEIER: Thank you.

23 MS. KANE: I move we adjourn.

24 MS. JOCHIMS: I will second. All in favor.

25 (All responded aye.)

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MS. JOCHIMS: We are adjourned.
(Whereupon, at 7:36 p.m., the proceedings
adjourned.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this copy is a correct transcript of the same.

Dated at Penn Hills Township, Pennsylvania this 23rd day of March 2009.

Karen L. Cross
Reporter - Notary Public

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