



P R O C E E D I N G S

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3 MS. KANE: This is the June meeting for the  
4 Zoning Hearing Board. Tonight we have one hearing. It's  
5 Hearing 02-10. We're going to start off by asking anyone  
6 who is going to make comments or explain to please stand and  
7 attest that any information you give tonight will be true to  
8 the best of your knowledge.

9 ALL WITNESSES,

10 having been first duly sworn,

11 testified as follows:

12 MR. SCHMITT: Do I have to do that even if I  
13 want to ask you a question?

14 MS. KANE: Yes. Thank you. This application is  
15 for relief from Chapter 27 - Zoning, Part 5, Section 27-503,  
16 Table 1 - District Designations Special Exception, and it  
17 includes a request to convert three single-family dwelling  
18 buildings that were used for a personal care home back to  
19 three single-family dwelling buildings.

20 The property is located at 4011 Cook Road. The  
21 parcel owner, who is present, is Timothy A. McTighe. Would  
22 you like to begin your explanation.

23 MR. SCHLEICHER: Sure. Hi. My name is John  
24 Schleicher. I'm with Gibson-Thomas Engineering. As you  
25 noted, the property is located at 4011 Cook Road, which is

1 on the west side of Cook Road about three-tenths of a mile  
2 north of Cook Road at the southerly intersection with Route  
3 8. The property contains three dwelling structures on three  
4 separate lots.

5 They are three individual properties that were  
6 unrecorded in subdivisions. The proposal, as you noted, is  
7 for a special exception use to allow residential use on the  
8 property, which was the previous use prior to a personal  
9 care home, which I believe received special exception use  
10 some time ago.

11 In a nutshell -- and I can go through Part 7 of  
12 the ordinance, I'll go through item by item -- but generally  
13 the proposed residential use is less impact than the  
14 previous use of a personal care home and the property I  
15 backed off parking for the residential use.

16 In moving on to Part 7 of the zoning ordinance,  
17 Section 27-701, Granting an Evaluation of Special Exception  
18 Uses, there are general criteria for evaluation of special  
19 exception uses.

20 Under Section 3, Demonstration of Development  
21 for Special Exception Uses Sought, will meet the primary  
22 criteria outlined below, will not endanger public health and  
23 safety, is located where proposed, will not deteriorate the  
24 environment or generate nuisance conditions such as traffic  
25 congestion, noise, dust, smoke, glare or vibration, we do

1 believe that this use conforms and is actually, again, less  
2 impact than the existing use of a personal care home.

3 It meets all other requirements of the chapter  
4 in the zoning district where the use is proposed. It meets  
5 the requirements of the township building code, is in  
6 general conformity with the township comprehensive plan and  
7 is attractive and in harmony with the area in which it is  
8 proposed.

9 The property owner intends to make some  
10 improvements to the structures. Again, it conforms with the  
11 neighborhood. I have some photographs. I don't know if I  
12 have to label these.

13 MS. KANE: No. We have the same photographs  
14 that were included in our packet.

15 MR. SCHLEICHER: Great. The one structure is a  
16 brick dwelling. The other two are frame. Again, the  
17 neighbor to the immediate north is very similar in  
18 construction and building materials.

19 In Item B under 27-701, Item 3, is an  
20 appropriate use on the proposed lot as a special exception  
21 use in that it satisfies the requirements of this part --  
22 that's more of a statement -- as are the remaining items in  
23 that list.

24 Unless there's any questions, that is the extent  
25 of my presentation.

1 MS. KANE: I want to clarify that these are  
2 three separate lots as you indicated.

3 MR. SCHLEICHER: Three unrecorded lots.

4 MS. KANE: Okay. But the structures are not  
5 proportioned one to one. One of these lots has two  
6 structures on it.

7 MR. SCHLEICHER: Correct. And they would all be  
8 nonconforming.

9 MS. KANE: So you wouldn't go ahead to have  
10 these three lots, you'd keep it just one person?

11 MR. SCHLEICHER: That's correct.

12 MS. KANE: Do you intend here to rent these  
13 homes?

14 MR. SCHLEICHER: Yes.

15 MS. KANE: You went before the Planning  
16 Commission?

17 MR. SCHLEICHER: Yes. We got a positive  
18 recommendation from the Planning Commission.

19 MS. KANE: But they did want you to be certain  
20 that they were separate sewer hook-ups?

21 MR. SCHLEICHER: Yes. We did confirm that there  
22 were three separate sewer taps existing.

23 MS. KANE: Any other questions here?

24 MR. GATES: Just on your lot number 11, again,  
25 it has no separate access to the road and you couldn't if

1 you ever sold lot number 11 off you'd have to get easements  
2 and cross-easements for access. Is that correct?

3 MR. SCHLEICHER: That's correct.

4 MR. GATES: So, as we sit, Mr. McTighe has to  
5 continue to own all of these houses?

6 MR. SCHLEICHER: Yes. And that is the  
7 intention.

8 MR. GATES: It notes that it doesn't comply with  
9 the side yard requirements, the front yard requirements, and  
10 I believe the same was made with the Planning Commission,  
11 that was an existing nonconforming lot. And is that a  
12 correct statement?

13 MR. SCHLEICHER: Yes, sir.

14 MR. WALZER: Basically before the ordinance was  
15 written the nursing home was a nonconforming business. That  
16 used to be residential, Don. Is that what you were talking  
17 about? And the nursing home was a nonconforming use in  
18 those houses.

19 Once the ordinance came, that ordinance was  
20 commercial which the uses of a special exception and also  
21 just talking to a few of the folks out here I think one of  
22 the concerns was the parking.

23 MR. GATES: Like the side yard, Jeff, 112.6  
24 being our ordinance requires 25, that was preexisting prior  
25 to the ordinance.

1                   MR. WALZER: That's correct. Any setbacks there  
2 are nonconforming obviously.

3                   MR. MCTIGHE: John, do they know the garages can  
4 go, too, or something.

5                   MR. SCHLEICHER: Well, let me, as I get into the  
6 parking, let me mention that there's an existing one-story  
7 frame garage that is going to be razed in the near future.  
8 Structurally it's not up to the owner's standards at the  
9 very least.

10                   There's an existing driveway off of Cook Road  
11 between two of the existing structures approximately 80 feet  
12 in length that terminates at the existing garage. Now, the  
13 garage pad area will be used for parking, and with that and  
14 existing driveway there are approximately six off-street  
15 parking spaces on the property.

16                   In addition to that there's an existing gravel  
17 berm along Cook Road that I believe may be used for parking,  
18 but the primary parking would be off-street, again,  
19 containing two spaces per building.

20                   MS. KANE: Would anyone in the audience like to  
21 comment on anything?

22                   MR. SCHMITT: I got my question answered.

23                   COURT REPORTER: Sir, what is your name?

24                   MR. SCHMITT: Jim Schmitt. I live across the  
25 street.

1 MS. KANE: Any other questions or comments?

2 MR. GATES: I have nothing further.

3 MS. KANE: Well, with nothing further then I'd  
4 like to move that a special exception be granted to Mr.  
5 McTighe with the condition, well, having met the condition  
6 of the three sewer taps that the special exception be  
7 granted.

8 MS. JOCHIMS: Second.

9 MS. KANE: All in favor.

10 (All responded aye.)

11 MS. KANE: Thank you very much.

12 MR. SCHLEICHER: Thank you.

13 MR. MCTIGHE: Thank you.

14 MS. JOCHIMS: Anything else?

15 MS. KANE: I don't think we have any other  
16 business to conduct, so I'd like to move that we adjourn.

17 MS. JOCHIMS: I'll second.

18 MS. KANE: All in favor.

19 (All said aye.)

20 (Whereupon, at 7:14 p.m., the proceedings  
21 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 written proceedings and that this copy is a correct transcript of the same.

Dated at Penn Hills Township, Pennsylvania, this 22nd day of June 2010.

\_\_\_\_\_  
Karen L. Cross  
Reporter - Notary Public

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