

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

JANUARY 4, 2023

MINUTES

The meeting was called to order at 7:30 p.m. by Vice Chairman Gary Grysiak.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence observed.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Gary Grysiak, Larry D'Agostino, Michael Gaydos, Heather Wilkins, Bruce Dice and Paul Whealdon.

APPROVAL OF MINUTES

Mr. Grysiak reported the approval of the minutes of the December 7, 2022 meeting would be considered until next month.

NEW BUSINESS

23-1-A

JESSICA PFLANZ

The applicant is requesting a special exception from Table 201 A of the Monroeville Zoning Ordinance No. 1442, as amended, to operate a Pet Sitting Service from a single-family residence. The property is located at 356 Woodhaven Drive, Tax Parcel No. 855-E-155, in the R-2, One-Family Residential Zoning District.

Mr. Dice explained the zoning hearing Board meets every month and usually deals with variances. He reported this application is a special exception which is different from a variance because the standard of proof is the applicant does not have to prove a hardship. He further explained in the case of a special exception this use is a matter of right if the applicant satisfies all the requirements under the ordinance. He suggested this refers to whether there are traffic problems, dogs barking, noise problems or parking issues. He reported those are the kinds of things that this board will seek concerning this matter. He inquired whether this business has been operating for a period of time and was informed it has been operating for a period of two years. He stated there was never any complaints prior to this application by anyone about the use. He felt there must not have been any issues with dogs barking, parking problems or issues with parking cars. He reported that puts the applicant in a favorable position with the board to take testimony and consideration. He stressed that it is important to recognize that this applicant has this use as a matter of right if she satisfies the requirements under the ordinance. He reported the board would take testimony from the applicant first then any party that feels interested in providing testimony, positive or negative. He inquired whether the municipality received a series of letters.

Mr. Whealdon answered and reported he received letters and emails too many to read. Mr. Dice inquired about the number of letters and Mr. Whealdon answered 51 letters in favor and three in opposition. Mr. Dice marked the letters as exhibits and enter them into the record noting there are 51 ayes, in support of the application and three nays, in opposition which will be part of the record. Mr. Whealdon added the business has been in operation for approximately two years and the municipality has never received any complaints.

Ms. Jessica Pflanz, the applicant, came forward to present her application. She read a statement into the record. She stated she is a deaf, single mom to a teenage boy with Autism and she offers a pet sitting service from her home. She pointed out that she has a degree in office administration but she has never used it to obtain a job because no one was willing to install the proper equipment for her. She explained she cannot hear the telephone or conversations not in front of her so she could never find employment in her field. She explained it is against the law but she did not have the knowledge or funds to legally pursue it. She was dismayed that someone who used to be so nice to her and her son could come up with false and unfounded accusations against her as if it were the truth. She added they also rallied other neighbors to stand by those unfounded accusations. She felt it was absurd and could not understand why anyone would create such ridiculous lies about her. She stated she has never hurt anyone and she helps anyone in the neighborhood. She suggested it is unfair that she has been put in this situation. She requested the chance to run her pet sitting service not only for herself but for her friends and clients who need her as much as she needs them. She pointed out she is not doing anything wrong or destructive but she did not apply for a Monroeville business license because she was unaware that it was needed. She thought she only needed Rover and she has been with them since 2015 in Texas and Maryland and she never needed to get a business license. She reported she pays federal and state taxes and a percentage to Rover.com. and she has applied and paid for the Monroeville Business License as they see her as at home employee. She was concerned because her and her son have to walk on egg shells in their own home and the neighbors are paranoid if their dogs are barking. Again, she felt it was unfair.

Ms. Pflanz referred to the multiple copies of letters from a wide-range of people attesting to the fact that her residence is quiet, clean, free and clear of any odors and is in no way chaotic or destructive to her neighbors. She reported there are many other letters referring to the fact that her clients drop off and pick up their animals which does not interfere with anyone coming or going down Woodhaven Drive especially not the neighbors.

Ms. Pflanz pointed out that Mr. Kelly has no proof of any of the accusations of her. She pointed out the letters written on her behalf came from a variety of people, a lot of them neighbors, friends and acquaintances who barely know her but were willing to speak on her behalf because Mr. Kelly is not telling the truth. She was grateful for anyone who was willing to write a letter and those willing to stand up for the truth. Again, she stressed because these false complaints got this far, she lost money, time wasted, and many sleepless nights worrying that anyone would believe their lies.

Mr. Grysiak pointed out that Rover.com is a booking agency for the Pet Sitting Service. Ms. Pflanz explained they provide the website and the advertisements and she does the Pet Sitting Service for them. She stated she is the lone employee and does not have anyone working for her or advertising the business on her property. She explained she has people dropping off their dogs off so they can go on vacation and the dogs are part of the family. She reported they are not crated or kenneled and there

is nothing in her house that makes it into a kennel or actual business. She stated it is just dogs coming to stay with them and be with a loving family.

Mr. D'Agostino inquired whether Rover.com has any guidelines or requirements for a dog sitter and whether someone inspects the home and Ms. Pflanz answered negatively. She explained they run a background check on every sitter that applies to the site and there are reviews from the clients. She added she has a lot of reviews and repeat clients. Mr. D'Agostino questioned whether she looks at the dogs medical records and Ms. Pflanz answered affirmatively. She explained she requires all the dogs have their vaccine records and recommend they have Bordetella and Rabies shots. She reported she does a meet and greet at her house and they meet her son and dogs to make sure everyone gets along. She stated she does not accept dogs that are constant barkers and are aggressive. Mr. D'Agostino inquired about the number of dogs she has and she answered two. Mr. D'Agostino questioned the highest number of dogs she has at one time and Ms. Pflanz answered she watches no more than two to four dogs at a time. She stated most of the times she only has one or two but in the summer she had up to five dogs but when one was coming another one was leaving. She added there are times when she has no dogs at all. Mr. D'Agostino questioned whether it is seven days a week and Ms. Pflanz answered affirmatively.

Mr. Grysiak questioned the typical length of stay for a dog and Ms. Pflanz answered it depends on the owner. She stated the shortest stay has been day care where they come to stay for the day and the longest stay was approximately three weeks.

Mr. Gaydos inquired how long the dogs would be at her house for day care and whether it was early morning until late at night. Ms. Pflanz answered it varies with the owners and explained she has one dog that comes from 10 a.m. to 7 p.m. Mr. Gaydos questioned whether there was a time cutoff at night and Ms. Pflanz answered 9 p.m. Mr. Gaydos inquired whether her yard was completely fenced and Ms. Pflanz answered affirmatively. She added it is completely fenced with a six-foot privacy fence.

Mr. D'Agostino questioned the normal routine when someone drops of their pet. He added they saw video of people both pulling into the driveway and parking out front. Ms. Pflanz stated she requests they pull into the driveway and she is uncertain why they pull into the street.

Mr. Grysiak inquired whether she cleans up the fenced in yard or she has a service. Ms. Pflanz answered she does the cleanup with her son.

Mr. D'Agostino questioned whether there is a ordinance limiting the number of pets or dogs someone can have in Monroeville and Mr. Whealdon answered negatively. He stated the municipality does not limit the number of pets.

Ms. Priscilla Swab, a resident of 352 Woodhaven Drive, came forward to express her support of the request. She briefly reported how she moved in next door to the applicant this past Spring with her special needs daughter. She reviewed prior to moving in she spent a lot of time there, in the backyard pool and she has never seen anything close to what was described. She added she has had meals on the deck and has never heard an abundance of barking or smelled foul odors. She reviewed how she has a low tolerance to smells and bad odors. She reported she would be aware of any strong odors or dogs barking and she only hears dogs barking on the hill behind their house on Center Road. She reviewed

how she is in the back yard a lot with no problems and she has noticed that her dogs are never in the front yard. She asserted she only sees dogs in the front yard when people come for the meet and greet.

Ms. Swab pointed out the applicant has a special needs son and she has a special needs daughter. She referred to the difficulty of working outside the house while trying to raise any child alone and especially one with special needs. She pointed out both of them are single mothers and the applicant is deaf along with her son. She was concerned that someone would take the only employment she has off the table. She reported she is also very knowledgeable about dog care. She felt the pet sitting service is the perfect scenario for the applicant to have in her home which provides the income and meet the needs of her special needs son. She wondered why anyone would attack a young, disabled woman who has a disabled special needs son and try to force her to give up the only form of income that she has. She stated she was informed that it was reported that the stench or dog feces is so strong and the noise of dogs continuously barking is so loud that neighbors were unable to enjoy sitting on their porches. She pointed out she is the neighbor with the porch closest to 356 Woodhaven Drive next door. She explained other Woodhaven Drive neighbors that have front porches are either too far from 356 Woodhaven Drive or are located on the other side of the street or on Logan's Ferry Road. She disagreed with the complaints about the smell and noise.

Ms. Sharon Peckman, a resident of 352 Woodhaven Drive, came forward to express her concerns. She reported she has many medical issues and never leaves her house but she is constantly outside. She stated there is no truth to the accusations. She explained when she lost her son and husband her dogs were everything to her and she is starting to live again. She indicated she would not leave her dogs with anyone except Jessica. She attended the meeting because the truth and integrity mean the world to her. She could not understand the accusations and explained they have a tight knit neighborhood. She was grateful for her neighborhood and to have a couple of dogs. She reported the neighbor may hear her dogs and she had one that recently passed that was very loud.

Mr. Patrick Kelly, a resident of 360 Woodhaven Drive, came forward to express his concerns. He explained how he has two residents this one and one in Northern Pennsylvania. Mr. Dice inquired whether he currently occupies the house in Monroeville and Mr. Kelly answered affirmatively. He stated the house is for sale but he lives there until it closes. Mr. Kelly did not like to be accused of lying and he referred to the handouts with all the various violations from the Monroeville Code. He stated the dog sitting has not been going on for two years but it became an issue this Spring. He reported this neighborhood has dealt with noise and traffic using Center Road and Logan's Ferry Road along with vehicles using Woodhaven Drive as a shortcut. He added he has to deal with addition traffic, noise and odor from pet sitting businesses in the middle of a residential area. He explained how he has experienced dog plates thrown over the fence, litter, dog sticks, paper cups and plastic. He reported he was home for Thanksgiving and experienced dog barking at 4:30 a.m. and it woke everyone up in the house. He added the same thing happened around the Christmas holidays. He reported he has experienced tire marks from her driveway across his property which is approximately 20 yards. He stated it happened when the neighbor was packed with people dropping off and picking up dogs and he had pictures. He felt the only way it could have happened is when people are jammed in her driveway dropping off dogs and having to wait to get out. He suggested to say nothing is going on is an understatement.

Mr. Kelly referred to the letters mentioned. He had a petition of over 14 names of people who live in the neighborhood and some have lived there over 50 years. He reported those people are in opposition to this request because they know the neighborhood will be ruined. He felt if she wants a dog sitting service, she should get a commercial area like everyone else. He read some of the addresses on the petition. He stated they have not seen the letters and do not know who they came from and whether or not they are authentic. Mr. D'Agostino challenged him on the letters because they are written letters from neighbors and other people. He pointed out the petition is just signatures and there is no way of knowing whether they are forged. Mr. Kelly suggested that is the purpose of the petition and the people on it can be called and he collected the signatures. Mr. D'Agostino recommended that the people from the signatures should have attended the meeting. Mrs. Wilkins also pointed out the petition does not specify what the petition is for and it is on the first page. Mr. D'Agostino referred to the letter where it states the applicant is violation of Zoning Ordinance No. 1443, Table 201 – A, Single-Family Residential. Mr. Whealdon explained No. 1443 is the Zoning Ordinance and Table 201 is the use table which stipulates what is permitted in each district in a table format. He added pet sitting is not listed in the R-2 as a permitted or a conditional use but in Ordinance 1443, the municipality allows for home businesses.

Mr. Kelly referred to all the other codes and ordinances listed on Page 1. He wanted to make sure the facts are straight on what is going on here. He stated it just started and it was not two years ago when she moved in, it started in the Spring with the noise and the smell. He felt if this is permitted there will be more people that will want it to be different zoning and commercial uses and it will ruin the neighborhood. He stated this was not something that was fabricated or made up.

Mr. Dice inquired when this application was filed and Mr. Grysiak answered December 6, 2022. Mr. Dice questioned whether any complaints were filed from Mr. Kelly before the date of the application and Mr. Whealdon answered negatively. He added that is what precipitated the application. Mr. Dice asserted that was the first time there was any complaints and Mr. Whealdon agreed. Mr. Dice pointed out that from the Spring of 2022 to December 2022 there were no complaints and Mr. Whealdon concurred.

Mr. Bob Stevenson, came forward and introduced himself as the current Ward Three Councilman where the property under discussion is located. He reported he did a site visit to the property three times and he did not see any dog feces, did not smell anything and he did not see a dog. He stated he saw one car go the property in three visits. He was in favor of this application and would like to see it move forward. He reported he served on the zoning hearing board and he felt the board exists to grant things to people in the community that do not comply with the ordinance. He suggested it is to help the people of the community and the residents that live here.

Ms. Susanna Schmidt came forward with her father, Mr. Ronald Schmidt, residents of 355 Woodhaven Drive, to express their concerns. Ms. Schmidt questioned how many of the letters submitted in favor are from in the neighborhood and how many are her clients. She contended that people who do not live in the area and deal with what they deal with on Logan's Ferry Road and the traffic off of Center Road do not understand how bad it gets. She reported the speeding level is bad and having cars parked on the street makes it worse. She stated her father has lived in Monroeville since 1946 and has seen a lot of changes. She explained how she has been working outside a lot over the Summer and if the wind blows in the right direction she could smell the odor but she was uncertain

where it was coming from. She felt it was coming from across the street. She reported she has security on her house so she has seen incidences and has seen video that shows pick ups or drop offs after 9 p.m. and some at 5:30 to 6 a.m. in the morning. She suggested she has proof that there is activity after 9 p.m. and has video. She reported there have been dogs in the front yard after 10 p.m. and there is no clean up. She has no idea whether this is the extent of the activity at the property because she cannot see into the back yard but she knows what she smells and what she hears. She stated she does hear barking. She reported Sunday night all she heard on her alarm system was dogs barking and she is uncertain where it was coming from. She suggested when she sees dogs dropped off, then dogs barking, then lights in the back yard, she assumes that is where the barking is coming from. She referred to the sections within the ordinance where it talks about smell and noise level. She was unaware that a business was being operated out of the home. She was concerned that if this becomes official whether it would get worst in the future such as the smell and noise level. She questioned whether it can be retracted once it is out there.

Mr. Schmidt referred to the comment about there being no complaints in two years. He stated he had complaints. He explained how the neighbor had two dogs and this party had three dogs and adopted another one to save it. He asserted there are not just two dogs in the house and there are five dogs on the back porch. He explained how all the dogs bark if any dogs are brought up the street. He felt they have a hardship and should not have to tolerate it. He suggested if this is allowed in this section of Monroeville then everyone will want it to take care of dogs. He stated there are no jobs. He reported he has seen the good and bad in the municipality and felt this is not good.

Mr. D'Agostino asserted they were unaware that the business was being run and he inquired who brought it to her attention and Ms. Schmidt answered Mr. Kelly. She then googled it and found out that she was running a business through Rover. She asserted she does not pay attention to what is going on other than what she can see or smell. Mr. D'Agostino questioned why they never made a complaint when there were problems for the past two years. Ms. Schmidt answered she did not know where it was coming from and then she started to pay more attention and looking at her security camera. Mr. Dice questioned whether she is sure it is coming from the location of the applicant and Ms. Schmidt answered affirmatively. She asserted there are other things that tell you what it going on. She pointed out when she walks on the street there are four dogs barking at her and there are two dogs barking at her when she pulls in. She stated she has been closing her windows and doors because of the barking and she cannot sit on the front porch if she wants peace and quiet because the traffic going up and down the streets.

Mr. Grysiak reported the videos he watched were people pulling in a driveway, taking a dog out or picking it up, and backing out of the driveway. He stated occasionally a car would park in front of the house and do the same thing for a period of a few minutes. He inquired how that is different from a house guest coming to the house and bringing their pet and who is to say when the neighbors can come and go. Mrs. Schmidt suggested her point is how many animals are coming into the house that create the excess barking and smell that the neighbors have to deal with. She stated if it was occasionally it would be okay but she was unaware that there was a business. She felt it would be okay if she was just dog sitting. She suggested that the problem got worse this Summer but she did not see much of it last Summer. She reported she does not pay attention to what others are doing unless it affects her and her property.

Mr. Grysiak inquired if this were granted whether the neighbors could still report issues of concerns that have not happened yet and Mr. Dice affirmatively. Mr. Whealdon reported when the violation was brought to his attention, the code enforcement officer and the animal control officer did a site visit and found no violations. He stated there was no odor and no noise.

Mrs. Linda Scott, a resident of 401 Woodhaven Drive, came forward to express her concerns. She explained she is located on the other side on the corner of Logan's Ferry Road or three houses down. She reported even from that distance she noticed an excessive amount of noise from the dogs barking and she can hear it across Logan's Ferry Road. She understands special needs and limitations so she has full sympathy and empathy. She could not understand how someone does not know they need a business license. Mr. Dice explained she has applied for a business license and it has nothing to do with this hearing. He stated this is a zoning matter not a business license hearing. Mr. Grysiak reported things are being rectified and she was under the assumption that the agency she was working through was taking care of the administrative issues. Again, Mr. Dice explained this is a zoning matter not a business license hearing. Mrs. Scott pointed out it is a residential business and she could not understand why she didn't share this with anyone and she tried to keep it to herself. Mr. Dice reported letters were sent to the neighbors once she made application. Mrs. Scott agreed that is when she knew about it. She asserted other neighbors have dogs and the noise is minimal but she has a number of dogs. She stated they purchased the property in a residential area assuming there would not be any businesses allowed. She reported this is where she chose to retire with her husband and most of the people on Woodhaven are an older demographic and they have owned and lived in their homes for a number of years. She explained they have owned and lived in their homes for a number of years and much of their financial equity is in their homes. She reported they need to maintain their property values and marketable if they need to access this equity. She questioned who would recommend a home on the market for sale fully knowing that a pet sitting service is being operated next door. She felt home based businesses clearly affect home marketability. She suggested people move to the suburbs for a quiet place to raise families and retire because there are no business. She reported she has lived in Monroeville for 40 years and knows the community and Woodhaven is a quiet side street established in a coveted neighborhood. She stated they value their privacy and peaceful lifestyle and she felt an established noisy home-based business interferes with that lifestyle and their quality of life. She stated this business currently seems small but there is no law governing the expansion. She wanted to know how the neighbors would know if there are one or two dogs or twelve and it becomes a commercial operation. She inquired what reassurance neighbors have that it is not going to happen. She stated it is pet sitting and questioned whether it included dogs, cats, birds, rodents and snakes. She pointed out there is no provisions for it and there is no way of knowing whether it would become a large-scale commercial facility. She wished her business much success but inquired how she survived on one or two clients and what kind of revenue could be generated from it. She expressed her concerns for the pets getting loose and running the streets.

Mrs. Scott stated that if it is a small business and does her best to keep things quiet there is no concern. She wanted to know what protects the neighbors from this getting out of hand.

Mr. Grysiak inquired whether she is concerned that it would turn into a business with employees. He stated she is one individual trying to have a business. Mrs. Scott stated there are no laws limiting her to a certain number. Mr. Dice stated there are limitations. He explained the zoning ordinance is set up so if a business is running with employees and multiple dogs, and numerous

deliveries then she would have to be located in a commercial district. He stated this is a home-based use which comes in the form of a special exception. He reported it is not commercial in the sense that it meets the requirements of a Petco. He stated if that happens the code enforcement officers would address it and there were site visits with no issues.

Mr. Joe Scott, a resident of 401 Woodhaven Drive, came forward to express his concerns. He was confused because it sounds like a kennel operation instead of a house-sitting business. He pointed out someone said there were no provisions governing this. He inquired what would keep her from getting twelve dogs or fifteen or twenty. Mr. Dice answered if that happens the code enforcement officer would cite her. Mr. Scott agreed with his wife that they bought this property to be away from the home businesses. He understood people have the right to make a living and he agreed this did not get out of hand until this Summer. He reported they were just informed that it would be commercial and it would be forever. He felt they should not have to be subjected to that. He also questioned the 51 names and where they are in relation to this.

Ms. Mary Yarosik, a resident of 315 Woodhaven Drive, came forward to express her concerns. She reported she walks up and down the street twice daily because she has dogs and she also drives up the street to get to Logan's Ferry Road or Center Road. She stated she is well aware of the property and its condition. She explained she was unaware this business was being conducted until she was notified. She reported she has also been to her neighbors front and back porch and never heard dogs next door or smelled anything. She felt the house is very well maintained for the street. She mentioned there are many dogs located in the immediate area and almost every other house has a dog. She stated there are dogs located on Center Avenue that can be heard and they are big and they bark. She also pointed out a neighbor that has two collies that bark all the time and there are three dogs across from her that barks all the time. She again stated there are dogs everywhere and she has never seen numerous vehicles. She stated she only sees one vehicle at the house never a bunch of cars coming and going. She took pictures at many times of the day and has never seen any vehicles coming or going from there. She has never had a dog there. She felt if this is a matter of adhering to a code she has lists of people in the area that do not fit the code for numerous reasons of having businesses. She reported in her experience on a daily basis going passed that house, she has never seen numerous vehicles, smelled anything or seen dogs.

Ms. Priscilla Swab again came forward to report she has two dogs not four and her dog that just passed was very noisy. She felt some of the issues were her dog and her new rescue did get loose the other day. She suggested the applicant is getting blamed for things that her dogs were doing.

Mr. Kelly inquired whether he could get a copy of the minutes and he pointed out there have been several people concerned that it would get out of hand. Mr. Whealdon stated a video of the meeting will be available on the municipal website and it can be seen on You Tube.

Mr. Grysiak requested a recap of what the zoning hearing board is dealing with on this issue. Mr. Dice explained this is strictly a zoning matter dealing with a special exception and special exceptions under the Municipalities Planning Code are uses as a matter of right if the elements of the ordinance have been satisfied. He mentioned the issues include parking, travel, smells and odors, barking and others. He stated there has been conflicting testimony on those issues but he stressed the applicant does not have the burden of proving a hardship.

Whereupon, Mr. Gaydos duly made a motion to go into executive to discuss this matter at 8:34 p.m. and Mr. Grysiak seconded it. Upon a voice vote, the motion carried unanimously.

(A brief break was taken at 8:34 p.m.)

The meeting reconvened at 8:40 p.m.

Mr. Grysiak requested the applicant come forward. He inquired about the maximum number of pets she would anticipate watching at any point in time. Ms. Pflanz answered it would vary with the pets but she would never do more than four to five dogs at a time. Mr. Dice clarified that would mean five dogs as guests in addition to her two dogs. Mr. Pflanz pointed out her one dog is 17 years old. Mr. D'Agostino indicated that would be seven total dogs at the house and Ms. Pflanz agreed. She added that is very rare that will happen.

A brief discussion ensued. Whereupon, Mrs. Wilkins duly made a motion to approve the Special Exception with the condition that the capacity would be five guest dogs at this location at any one time. Mr. D'Agostino seconded it and upon a voice vote, the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Zoning Hearing Board, at this time, a motion was duly made by Mr. Gaydos to adjourn the meeting at 8:42 p.m. Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Gary Grysiak
Vice Chairman

GG/sam