

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

JUNE 1, 2022

MINUTES

The meeting was called to order at 7:30 by Chairman James Rosipal.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

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

ROLL CALL

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

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the regular meeting of May 4, 2022, a motion was duly made by Mr. Grysiak to approve them, as submitted and Mr. D'Agostino seconded it. Upon a voice vote, the motion carried unanimously.

NEW BUSINESS

22-11-A

HUONG NGUYEN

The applicant is requesting a variance from Section 207.3(d), Lot and Yard Requirements, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a pergola that will encroach into the required 30-foot front yard. The property is located at 228 Garden City Drive, Tax Parcel 743-D-21, in the R-2, One-Family Zooning District.

Mr. Huong Nguyen, the applicant, came forward to present his application. He requested permission to place a pergola in the front of his house to improve the look. He reported none of his neighbors had any objections. He explained the pergola is a 12-foot square and he showed a photograph of what he was proposing.

Mrs. Wilkins inquired whether it would be attached to the house and Mr. Huong answered negatively. Mr. D'Agostino questioned whether it would be up against the house and Mr. Huong answered negatively. He stated it was 40 to 50 inches away from the house. He pointed out the location on a photograph and a map. He stated it was located in the middle of the house.

Mr. Grysiak inquired whether it would serve as a front porch and Mr. Huong answered affirmatively. Mr. Gaydos questioned how far out from the house it would be towards the street and Mr. Huong was uncertain. Mr. Whealdon reported the application says 12 feet and four feet from the house so it would be 16 feet from the house. He asserted those houses are typically 30 to 40 feet from the right-of-way line so there should not be an issue.

There being no further discussion, Mr. Gaydos duly made a motion to approve Application 22-11-A and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

22-12-A

MICHAEL HAMPSHIRE

The applicant is requesting a variance from Section 207.3(a), Lot and Yard Requirements, of the Monroeville Zoning Ordinance No. 1443, as amended, to install an 8 by 12 foot shed that will encroach approximately two feet into the required 10-foot side yard setback for accessory structures to the south and approximately nine feet into the required 10-foot side yard setback for accessory structures to the west. The property is located at 613 Winterberry Road, Tax Parcel 742-L-258, in the R-2, One-Family Zoning District and is a corner lot with two front yards.

Mr. Michael Hampshire, the applicant, came forward to present his application. He reported he is out of space in the garage and house so he was proposing to place a 8 by 12 foot shed in the back yard of a corner lot. He explained it is out of the way and the neighbors have not objections. He added it runs along the property line and he got approval last year for deck variance for his yard. He stated it is a pre-built shed kit from Lowe's.

Mr. Grysiak inquired whether there was a shed around the property and Mr. Hampshire answered negatively. Mr. D'Agostino questioned whether it is a do-it-yourself project and Mr. Hampshire answered affirmatively. Mr. Grysiak inquired whether it has been purchased and Mr. Hampshire answered negatively.

There being no further discussion, Mr. D'Agostino duly made a motion to approve Application No. 22-12-A and Mr. Grysiak seconded it. Upon a voice vote, the motion carried unanimously.

22-13-A

WILLIAM SHAY

The applicant is requesting a variance from Section 207.3(a,) Lot and Yard Requirements, of the Monroeville Zoning Ordinance No. 1443, as amended, to install an 18 by 24-foot garage that will encroach approximately five feet into the required ten-foot side yard setback for accessory structures. The property is located at 746 Illini Drive, Tax Parcel 1106-R-150, in the R-2, One-Family Zoning District.

Mr. William Shay, the applicant, came forward to present his application. He proposed to build a 18 by 24-foot garage that is in line with the driveway because that is the most convenient location. He reported his neighbors have no objections.

Further discussion ensued. Mr. Grysiak inquired whether he purchased the material yet and Mr. Shay answered negatively. Mr. Gaydos questioned when it would be built and Mr. Shay answered after everything is approved.

Whereupon, Mr. D'Agostino duly made a motion to approve Application No. 22-13-A and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

22-14-A
MAPLECREST, LLC

The applicant is requesting a variance from Table 201 A, Permitted Uses, Conditional Uses, Yard and Area Requirements, of the Monroeville Zoning Ordinance No. 1443, as amended, to construct a residential home that will encroach ten feet into the required 30-foot Front Yard Building Setback along Nelson Drive. The property address is 355 Nelson Drive, Tax Parcel 7841-E-114, in the R-2, One-Family Residential Zoning District.

Mr. Gregg Heinemann from Sandyhill Development came forward to present his application. He reported because of the final grading on Lot 228 to keep with the consistency of the neighborhood of having all first-floor master bedrooms they are requesting to move a Grand Bahama which is the smallest of the Ryan Homes up ten feet from 30 to 20 feet. He stated they will not encroach on any of the utility easements or setbacks and all the sidewalks will fit. He asserted this would allow them to have a bigger back yard and keep the consistency of the house types in that area.

Mr. Grysiak inquired whether there is currently a house located to the left or right of the proposed house. Mr. Heinemann was uncertain. He added it would be located at the end of the cul-de-sac. Mr. Grysiak questioned whether it would not stand out because of the way it is moved and Mr. Heinemann answered negatively. He explained it will fill better.

Mr. Whealdon explained it is located at the end of the cul-de-sac on a curve and is already off set. He felt no one would notice the ten feet.

Mr. Rosipal inquired whether there were any objections and Mr. Whealdon answered negatively. He added Maplecrest is still in charge of the home owner's association so they make the rules.

There being no further discussion, Mrs. Wilkins duly made a motion to approve Application No. 22-1-A and Mr. Grysiak seconded it. Upon a voice vote, the motion carried unanimously.

22-15-A
HAGERICH

The applicant is requesting a variance from Section 207.3(a), Lot and Yard Requirements, of the Monroeville Zoning Ordinance No. 1443, as amended, to install a 24-foot diameter above ground pool that will encroach approximately two feet into the required ten-foot Side and Rear Yard Setback for Accessory Structures. The property is located at 714 Cottonwood Drive, Tax Parcel 637-K-080, in the R-2, One-Family Zoning District.

Mr. James Hagerich, the applicant, came forward to explain the application. He reported they want to get a bigger pool so they have to shift what is currently at the location two feet to the right.

Mr. Grysiak inquired whether he has purchased the pool and Mr. Hagerich answered affirmatively. Mr. Rosipal questioned whether the trampoline is located next to the pool and Mr. Hagerich answered affirmatively.

There being no further discussion, Mr. D'Agostino duly made a motion to approve Application No. 22-15-A and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

22-16-A
#1 COCHRAN

The applicant is requesting a variance from Section 201 C, Permitted Uses, Conditional Uses, and Yard and Area Requirements, of the Monroeville Zoning Ordinance No. 1443, as amended, to construct a vehicle sales business that will encroach into the required 40-foot building setback along William Penn Highway. The property address is 4515 William Penn Highway, Tax Parcel 977-E-009, in the C-2, Business/Commercial Zoning District.

Mr. Ray Gusty from Farringer, McCarty and Grey came forward representing the applicant. He pointed out Route 22 on the drawing, the location of the Cochran Mega Center, the existing Mazda Building and the yellow area is the existing building and the brown area is the proposed expansion. He explained the red line is the 40-foot building line. He reported the existing building encroaches 29 feet into the 40-foot setback and the proposed addition encroaches approximately 30 feet at the worst case into the setback. He explained in order to make the dealership function properly the addition has to be located next to the showroom because there are no other options. He stated this reflects Mazda's desire to upgrade their brand image and part of the addition is a Jewel Box which a showroom where they feature a vehicle on a lift. He showed an example of a Jewel Box in Pine Township with a car on a lift and one underneath. He reported there is a service write up area, a customer lounge and a reception area. He again stated in order to make the area function it has to be located next to the showroom.

Mr. Grysiak inquired whether the current showroom will remain unchanged and Mr. Gusty answered affirmatively. Mr. Grysiak stated this would be an enhancement to get people to come into the lot and Mr. Gusty concurred. He pointed out the addition would go where the current vehicle display area is now located. He stated it would be changed from pavement to a building.

Mr. Gaydos questioned whether it would block any of the cars coming out onto Route 22 and Mr. Whealdon answered negatively. He added it would be the same height as the existing building. Mr. Gusty explained there would be right in and right out and there would still be visibility and it will not be blocked.

Mr. Grysiak inquired whether that whole side of the road is the Mazda dealership and Mr. Gusty answered affirmatively.

Ms. Deborah Story, a resident from Shackelford Drive, came forward to express her concerns. She reported she lives above Cochran and they have done a lot of damage. She stated the house next to her is empty and lost a lot of its yard. She explained all the trees that used to be a buffer have slowly been taken away. She reported her dining room is now bright at night from Cochran. She stated she hears all the beeping and trucks. She explained whatever was done to the hillside has made it slide ever since. She inquired whether this would create any more movement or damage. She felt she would never be able to sell her home and explained how she no longer has a nice big yard. She asserted she cannot afford to have a retaining wall put in to save her yard. She wanted to make sure whatever they are doing will not affect the hillside. She suggested no large machinery should hit it, be pushing or digging out. She reported how she takes pride in her home and community and she wanted to make sure her house is safe. She added the house on the other side has not lost as much yard. She

mentioned how they came in years ago to stop some of the changes. She explained it took two years for the ground to start move and it move mores with each heavy rain.

Mr. Whealdon requested she point out her house. Ms. Story pointed out the Mazda and her home above. Mr. Whealdon inquired whether Cochran owns the rectangular property between the homes and Ms. Story answered affirmatively. Mr. Gusty explained if the variance is granted all the work is out along the front and there would be nothing toward the back. He was concerned if she is having trouble then Cochran should also have trouble with the slide. Ms. Story asserted the trees are catching them. Mr. Dice questioned who owns the trees. Mr. Gusty answered both parties. He indicated they would review the issue. Ms. Story requested they sure up the property. Mr. Dice suggested they meet to work something out but he was uncertain how any of that impacts this request because it is in a different location. Further discussion ensued. Ms. Story asserted she does not have an issue if the project is at the front and they sure up the property and nothing would go into the hillside. She was concerned if they were going to move ground. Mr. Gusty indicated they would not move any ground into the hillside. Again, he was concerned it she has an issue then Cochran would have an issue and it will be reviewed.

Mrs. Lois Drumheller, a resident of Scott Drive, came forward to express her concerns. She reported she has lived at this address since 1998 and she got to know a lot of her neighbors. She explained most of them are gone but they probably would have loved to channel any hardship that Cochran has. She felt they do not have enough of a hardship to justify having any additional thing done to it. She suggested the hillside is no longer a long steep slope and now is a 45-degree angle. She reviewed a photograph of how the hillside was carved out and she felt that goes back to everything done that had degraded that hill and caused it to look the way it does. She suggested an aerial view would show where all of the trees are located to the east that are holding everything in place and all the ones that were taken out. She pointed out it may not have been Cochran's fault but it has never been restored which she felt was a bigger crime. She reported the residents at 186, 199, and 201 Shackelford are no longer here but were horrified with the things that happened. She again stated she does not see the hardship if they want that beautiful jewel box. She pointed out they have a campus that has C-2 zoning at the beginning of 2.2 acres and sometime back in 2007 Cochran tried to get the remaining 32.2 acres rezoned from S Conservancy to C-2 Business. She reported the planning commission did not approve it. She stated there is nothing but stormwater problems and nothing was done about it. She pointed out there are gabion baskets on the Spritz Car side to try to catch the stuff that cannot be returned to its normal state from Cochran going in on the south side. She was concerned with how they got permission to install a light so they could go across from the south side over to the single area where Subaru is located to go over to the showroom. She could not understand why there was a hardship to put another thing on the property because they have all kinds of space. She mentioned to continue the development on that north end in the Subaru location and walking down the street someone could see what happened there. She felt it is an insult to the people that are gone. She again disagreed that they have a hardship for a variance. She felt Cochran has a lot of land on the other opposite side of the street and the people on Shackelford losing property may be related and it has not been restored. She requested this be denied because there is not a hardship on behalf of Cochran.

Mr. Gusty respected the resident's opinion but stated the variance has nothing to do with any of those issues. He stated anything concerning stormwater, lighting or traffic is irrelevant to the proposed variance. Mr. Rosipal verified that it would be put in where the display cars are located and Mr. Gusty

answered affirmatively. Mrs. Wilkins asserted they would box in the cement pad and Mr. Gusty concurred. Mr. Rosipal inquired whether they would go out the back and Mr. Gusty answered negatively. He stated nothing will be done in the back and it will all be in the front.

Mr. D'Agostino inquired whether there would be any heavy machinery needed and Mr. Gusty answered negatively. Mr. D'Agostino questioned whether there would be any shaking of the ground or vibration of the hillside and Mr. Gusty answered negatively.

Mr. Gaydos inquired whether it would cause any additional light to shine on the hillside or onto the houses behind Mazda. He stated it would be a showcase piece. Mr. Gusty was uncertain and would have to review it. He asserted it sits low enough so there should not be a problem. He pointed out the municipality has an ordinance restricting that the light cannot encroach beyond the property line and in the site plan project they would have to provide a photometrics plan reflecting there is no spillage into the adjoining properties.

Mr. Grysiak inquired whether the resident's concerns will be reviewed and Mr. Gusty answered affirmatively. Mr. Whealdon reported he forwarded the email of the one other person in opposition to the project so there are currently three people in opposition to the application. Mr. Dice recommended the letter be made part of the record (see attached).

There being no further discussion, Mr. Gaydos duly made a motion to approve Application No. 22-16-A and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

22-17-A

BEAR COMPANY SIGNS

The applicant is requesting a variance from Section 307.12 of the Monroeville Zoning Ordinance, No. 1443, as amended, to reuse an existing free-standing sign in addition to a recently installed free-standing sign. The property is located at 3900 Monroeville Boulevard, Tax Parcel 743-J-021, in the C-2, Business/Commercial Zoning District.

Mr. William Dumas came forward representing the applicant. He explained they installed the majority of the signs on the building. He stated the newest tenant is interested in repurposing the free-standing sign at the lower end of the lot which is a pole on the ground. He reported they are proposing to put a light box on it to hopefully increase their business. He explained they got a permit to place a sign on the building but with the flow of traffic it is facing front and the traffic traveling on the road in front would not see it. He suggested it is an identification sign but not helping them draw any business or clients.

Mr. D'Agostino inquired about the light box and whether it is a lit sign and Mr. Dumas answered affirmatively. He reported it would be constructed of aluminum, having internal LED lights and double faced. Mr. Whealdon clarified that it would be internally illuminated not a spot-light shining on it. Mr. Dumas agreed. He added it is one sign with two faces. Mrs. Wilkins verified that it would be one sign on the existing pole. Mr. Dumas stated it would be one sign on that pole.

Mr. Grysiak inquired whether the smoke shop is open and Mr. Dumas answered affirmatively. Mr. Gaydos inquired whether this would be a second sign on the property and Mr. Dumas answered affirmatively. Mr. Grysiak questioned whether they are within the guidelines for the square footage of

the smoke shop and Mr. Whealdon answered negatively. He explained one sign is allowed on the building and one free-standing sign and both of those are already existing. He stated this would be a second free-standing sign which is why they need the variance.

Mr. Dumas asserted the current free-standing sign is the tenant panel at the end of the driveway then they have a sign on the building. Mr. Whealdon showed a photograph of the sign recently approved and installed. He then showed a photograph of the existing pole with nothing on it and the proposed sign.

Mr. Grysiak inquired whether the height would interfere with the site distance and Mr. Dumas answered negatively. He explained there is ten feet from the bottom of the sign to the ground and it sits back far enough from the road and there is a lot of space from the parking lot to the sign.

Mr. Gaydos questioned whether there would be a second sign on top of the building. Mr. Whealdon stated there is already a sign on the building. Mr. Dumas indicated the one for the smoke shop has not been installed. Mr. Rosipal inquired whether there would be two signs and Mr. Dumas answered there would be three. Mr. Rosipal pointed out that is prohibited by the ordinance. Mr. Whealdon reported they are allowed a sign on the building and a free-standing sign. He added they are requesting two free-standing signs. Mr. D'Agostino questioned whether they would have two free-standing signs and one on top of the building. Mr. Whealdon stated it would be on the face of the building not on top. Mr. Dumas explained they were approved for a roof mounted sign to put above the entrance of the smoke shop. Mr. Whealdon was uncertain of the details but they are approved for a sign on the building. Mr. Dumas asserted they may have a banner and other inexpensive signage. Mr. Gaydos inquired whether the sign on top of the building would face towards the road or angled to be seen traveling down the road. Mr. Dumas answered it would face the road and Mr. Whealdon added it would be parallel with the boulevard. Further discussion ensued.

Mr. Grysiak suggested they are trying to repurpose the pole and Mr. Dumas agreed. Further discussion ensued. Mr. Grysiak inquired whether it has to be seven by eight feet and Mr. Dumas indicated no final decision has been made about the size.

Mr. Rosipal was concerned that if the third sign is approved they would have two illegal signs. Mr. Whealdon explained they are allowed one on the building and one free standing sign. Further discussion ensued regarding the request for a third sign. Mr. Rosipal clarified they are requesting a second free-standing sign which is against the ordinances and Mr. Whealdon agreed. He explained they are currently maxed out on the number of signs allowed and they are requesting one more free-standing sign to reuse an existing pole.

Mrs. Wilkins inquired there has been any opposition to using the pole and Mr. Dumas answered negatively. He added the permitted sign on the building on the roof is to identify the business and the proposed sign is for drive up business to the site.

Mr. Gaydos inquired about the size of the sign on the roof and Mr. Dumas answered it has 28-inch letters and is 24 feet wide or 56 square feet. He added they are allowed 200 plus square feet for the four tenants.

Mr. Grysiak pointed out it would be an unused rusted pole or a repurposed sign to advertise the Elite Smoke Shop. Mr. Dumas concurred. Further discussion ensued regarding that it is a vape shop.

Mr. Grysiak inquired whether this would set a precedent for everyone in the building to want a pole sign out front. Mr. Whealdon suggested they could request it but there is no legal precedent that the board has to grant anything. He pointed out this is technically not a hardship and it can be arbitrarily denied. He asserted it is at the zoning hearing board's discretion to allow a second free-standing sign. He stated there are no concerns about setting a precedent. Mr. Dumas explained how C.S. Kim has their signs facing both ways so they do not have that issue.

There being no further discussion, Mr. Grysiak duly made a motion to deny and Mr. Gaydos seconded it. Further discussion ensued. Mr. Dumas stated if it is too big he could make it smaller. Mr. Rosipal stated it would be illegal because it would not comply with the established municipal ordinance that does not allow that many free-standing poles. Further discussion ensued regarding how the pole was originally used. Mr. Dumas explained it was illegal when it was used for Johnston the Florist. Mr. Whealdon explained the existing nonconforming status is removed when it is changed. Further discussion ensued. Mr. Dumas explained they thought they would be able to use this pole for a sign because it is existing.

Mr. D'Agostino seconded the motion and upon a voice vote, the motion carried unanimously.

ADJOURNMENT

Mr. Rosipal congratulated the Gateway Class of 2022 and mentioned Mr. Whealdon's daughter, Becca, who is graduating.

Whereupon, Mr. D'Agostino duly made a motion to adjourn the meeting at 8:27 p.m. and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

James Rosipal
Chairman

JR/sam