

MUNICIPALITY OF MONROEVILLE

ZONING HEARING BOARD

JUNE 7, 2023

MINUTES

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

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: Gary Grysiak, Larry D'Agostino, Heather Wilkins, Michael Gaydos, Robert Hutchison, Bruce Dice and Paul Whealdon.

APPROVAL OF MINUTES

The Zoning Hearing Board considered approval of the minutes of the Regular Meeting of May 3, 2023. Whereupon, Mr. D'Agostino duly made a motion to approve and Mrs. Wilkins seconded it. Mr. Grysiak pointed out that on Page Two, Fourth Paragraph, First Sentence the word "mental" should be changed to "metal" and on Page Three, Second Paragraph, First Sentence the word "tandem" was inadvertently misspelled at "tantum". Upon a voice vote, the motion to approve the minutes, as amended, carried unanimously.

NEW BUSINESS

23-9-A

NICOLE KELLY

The applicant is requesting a Dimensional Variance from Section 207.3(a), Lot and Yard Requirements, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a six by eight-foot storage shed that will encroach approximately five feet into the required Ten-Foot Side Yard Setback for Accessory Structures. The property is located at 602 Buttercup Drive, Tax Parcel 742-F-118, in the R-2, One-Family Zoning District.

Ms. Nicole Kelly, the applicant, came forward to explain the application. She stated they want to put up a six by eight foot shed on the side yard to store outdoor supplies and mountain bikes. She added it will be located between the two houses.

Mr. Grysiak inquired whether it would be to the right of the property looking at it from the street and Ms. Kelly answered affirmatively. Mr. Grysiak inquired whether it was a prefab building and Ms. Kelly answered affirmatively. She stated they would have to put it together.

Mr. Dice questioned where the shed would be located on the picture shown. Ms. Kelly answered about half back the house on the right-hand side.

Mr. Grysiak questioned whether there was a fence between her house and the neighbor on the right. Ms. Kelly answered there is an old metal wire fence.

Mr. Gaydos inquired whether it would be located by the bushes and Ms. Kelly answered negatively. She explained it would be back further where the tree is hanging down. Mr. Gaydos questioned whether there is a fence there already and Ms. Kelly answered there is a small wire fence. She reported they already got approval for the fence around the yard so one will be one installed. She stated currently there is an old chicken wire fence.

Mr. Grysiak asserted the new fence would go behind the new shed and Ms. Kelly concurred.

Mr. D'Agostino inquired about the type of fence and Ms. Kelly answered it would be a six-foot wood fence. Mr. D'Agostino asserted it would cover the shed and Ms. Kelly concurred.

Mr. Whealdon reported the neighbor immediately to the right of the property had voiced some opposition. He felt she was going to attend the meeting because she wanted the ten-foot requirement maintained. He stated she did not want it any closer than ten feet.

Mr. Grysiak inquired whether the fence could be located on the property line since, it has already been approved and Mr. Whealdon answered affirmatively. Mr. Grysiak stated it might not make any difference if the fence is blocking the shed and Mr. Whealdon concurred.

Mr. Dice asserted the six-foot fence is going to substantially block the view of any shed and Mr. Whealdon agreed. Ms. Kelly concurred.

Mr. Gaydos questioned whether the six-foot fence will be located on the property line and Ms. Kelly answered affirmatively. Mr. Gaydos inquired when the fence would be installed and Ms. Kelly estimated in the Fall. Mr. Gaydos questioned whether the shed would be done prior to the fence and Ms. Kelly answered affirmatively.

There being no further discussion, Mr. D'Agostino duly made a motion to approve Application No. 23-9-A and Mrs. Wilkins seconded it. Upon a voice vote, the motion carried unanimously.

23-10-A

SHIRLEY GOPPMAN

The applicant is requesting a Dimensional Variance from Section 207.3(a), Lot and Yard Requirements, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a ten by 12-foot storage shed that will encroach approximately 15 feet into the required 30-Foot Front Yard Setback for Accessory Structures in the front yard of the property that faces Holy Cross Drive. The property is located at 1239 Old Concord Road, Tax Parcel 980-A-195, in the R-1, One-Family Zoning District and is a corner lot.

Ms. Shirley Goppman, the applicant, came forward to explain her request. Ms. Goppman reported she had someone put in a cement slab in her yard as a base for their shed and when she came to get a permit she was informed that she was not back far enough. She submitted a letter that she wrote to her neighbor and he approves of it (see attached). She explained the picture with the hill shows her neighbor's yard.

Mr. Grysiak questioned whether it is an old slab or a new one and Ms. Goppman answered it is new. She added she was not happy with it.

Mr. D'Agostino inquired whether it was located on her property and Ms. Goppman answered it is her property but a little bit of the back end is located on his property. She explained she has the whole corner lot but it goes a little bit onto the neighbor's property.

Mr. Grysiak questioned whether it is on the neighbor's property or whether it is just going into the side yard and Ms. Goppman answered affirmatively. She added the neighbor is not objecting to it. Mr. D'Agostino stated part of the shed will be located on her property and part of it is on the neighbor's property. Ms. Goppman explained the current slab is infringing on his property a few feet. Mr. Whealdon indicated he was unaware of that.

Mr. Dice inquired whether the shed would be located on her property and Ms. Goppman answered affirmatively. She explained the slab is ten feet by 12 feet and the shed would be ten by 12 feet. Mr. Dice stated it would stay on her property and Ms. Goppman agreed. Mr. Dice stressed that she should not build across the property line and Ms. Goppman agreed. Mr. Dice stated the slab does not matter but the shed must stay on her property and Ms. Goppman agreed. Further discussion ensued. Mr. Dice stressed that the shed should not be built on the neighbor's property.

Mr. Whealdon inquired whether the neighbor she is referring to is Jaqueline La Buff and Ms. Goppman answered negatively. She added she lives across the street on Holy Cross. She stated her neighbor is Paul Damon. She further explained her house is located on the corner of Old Concord and Holy Cross Drive but her front door and front yard is on Old Concord and her side yard is on Holy Cross. Further discussion ensued. Ms. Goppman read the letter into the record (see attached). Mr. Whealdon pointed out the letter states that the slab is located four feet from the property line so it does not cross the property line.

Further discussion ensued. Mr. Dice advised that if she builds across the property line there is a risk. He indicated the board would take the position that the shed will be located on her property and it qualifies as a hardship because the house is located on a corner lot.

There being no further discussion, Mrs. Wilkins duly made a motion to approve Application No. 23-10-A, and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

23-11-A

RUNNELL WILSON

The applicant is requesting a Dimensional Variance from Section 210, Fences, of the Monroeville Zoning Ordinance, No. 1443, as amended, to construct a six feet tall, solid fence in the front yard of the property that faces Firethorn Drive. The property address is 517 Firethorn Drive, Tax Parcel 637-M-012, in the R-2, Single-Family Residential Zoning District and is a corner lot.

The applicant was not present. Mr. Whealdon reported the municipality sent letters and called all of the applicants. He was uncertain why the applicant was not present.

Mr. Grysiak indicated the zoning hearing board has some precedent for when an applicant does not attend the meeting to either deny the application or table the matter until the next meeting.

Whereupon, Mr. Gaydos duly made a motion to table Application No. 23-11-A and Mr. D'Agostino seconded it.

Mr. James Snyder, a resident of 506 Firethorn Drive, came forward to express his concerns. He questioned whether the applicant means the front yard to be from the driveway. He explained that his property is located slightly diagonal across the street.

Mr. Grysiak explained the applicant wants to put his fence at the top of the diagram where the solid line is from the back corner of his property out toward Firethorn. Further discussion ensued. Mr. Grysiak reported since the applicant is located on a corner lot, the applicant does not need permission for three quarters of the fence but there is a small section from the dashed line to the street that does. He pointed out the area in question is where the circle is on his copy. Mr. Whealdon explained the diagram that the applicant sent to the municipality and he pointed out the property line. He stated the applicant drew a line on top of the property line to indicate the fence. He pointed out the area where the applicant needs the variance because it is in front of the house. Further discussion ensued.

Mr. Snyder indicated he has no problem if that is all the applicant wants. He added he was concerned with it going around the corner.

Mr. Dice explained the board has a motion to table the application which means if it is approved the application will be heard again next month. He asserted the resident is welcome to come back at that time to question the applicant but his current testimony will be preserved in the record. Further brief discussion ensued. Upon a voice vote, the motion to table carried unanimously.

#### 23-12-A

#### THE MANNIK AND SMITH GROUP

The applicant is requesting a Dimensional Variance from Section 207.3, Lot and Yard Requirements, of the Monroeville Zoning Ordinance, No. 1443, as amended, to install a dumpster enclosure that will encroach approximately 30 feet into the required 40-Foot Building Setback for Accessory Structures in the front yard of the property that faces Old Abers Creek Road. The property is located at 1731 Golden Mile Highway, Tax Parcel 1243-A-117, in the C-2, Business/Commercial Zoning District and is a "Through Lot" with two front yards.

Mr. Whealdon suggested this property may have three front yards because of Rickenbacker.

Mr. Dice suggested this application has the characteristics of an approval of a variance because of the front yards and Mr. Whealdon agreed.

Mr. Kyle Wrentmore from the Mannik Smith Group came forward to explain the request. He reported the Family Dollar that has been at that location for a few years has been closed down. He pointed out Golden Mile Highway, Route 286. He proposed to demolish the existing building and build a new Burger King Restaurant with the new prototype with a double drive-through and make it look nice. He suggested the front yard setbacks may be the issue off of all three roads and the Family Dollar got variances for them too. He indicated they are requesting relief on the accessory structure for the dumpster enclosure to be located within the building setback off of Old Abers Creek Road and it will be kept off of the property line so it will still be outside the parking setback. He explained there is a grade change going west on the property but there is no vision impairment for people coming from the west

or any private drives. He stated it would be screened and enclosed and there are a couple of details on the dumpster enclosure in the packet.

Mr. Grysiak inquired when they plan on opening the restaurant and Mr. Wrentmore answered they are proposing to open this year. He stated they would demolish and open this year. He reported they would be before the planning commission with the site plan and conditional use in two weeks and he was hopeful they could bid the site in a couple of months.

Mrs. Wilkins questioned the word prototype and inquired whether other Burger Kings have the double drive-through. Mr. Wrentmore reported most of the newer ones do but the older ones have the single drive-through so they are doing a combination of just façade rehabs.

Mr. D'Agostino inquired whether it would be a dine-in restaurant and Mr. Wrentmore answered affirmatively.

There being no further discussion, Mr. D'Agostino duly made a motion to approve Application No. 23-12-A and Mr. Gaydos seconded it. Upon a voice vote, the motion carried unanimously.

#### ADJOURNMENT

There being no further business to come before the Zoning Hearing Board, at this time, Mr. Hutchison duly made a motion to adjourn the meeting at 7:55 p.m. and Mr. D'Agostino seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Gary Grysiak  
Chairman

GG/sam