

ZONING HEARING BOARD MEETING
March 27, 2019

The Zoning Hearing Board Meeting, duly advertised and posted in accordance with the law, was called to order by the Vice Chairman at 8:00 P.M., Wednesday, March 27, 2019, in the Upper St. Clair Township Municipal Building Board of Commissioners' Meeting Room, located at 1820 McLaughlin Run Road.

PRESENT:

BOARD MEMBERS

Dwight Ferguson, Chairman
Gregg Zegarelli, Vice Chairman
Anderson T. Bailey, Member
Robin Weissert, Alternate 1
Steven Gibbs, Alternate 2

TOWNSHIP STAFF

Randy Hindman, Chief Building Inspector
Ansley Basso, Recording Secretary

TOWNSHIP ATTORNEY

Irving Firman, Township Attorney

COURT REPORTER

Missy Fenster – Network Disposition Services

ABSENT:

None.

PUBLIC:

Approximately 20

BOARD REORGANIZATION

ELECTION OF CHAIRMAN, VICE CHAIRMAN, HEARING OFFICERS AND SECRETARY

On motion by Mr. Zegarelli, seconded by Mr. Bailey, Mr. Ferguson was elected Chairman. On motion by Mr. Bailey, seconded by Ms. Weissert, Mr. Zegarelli was elected Vice Chairman. On motion by Mr. Zegarelli, seconded by Mr. Bailey, all members of the Zoning Hearing Board, including the Alternates present, would be Hearing Officers for taking testimony in the event of a lack of quorum. On motion by Mr. Ferguson, agreed upon unanimously, Ms. Basso was elected Recording Secretary. Mr. Zegarelli abstained from his nomination for Chairman.

CONSIDERATION OF THE FEBRUARY 22, 2017 MEETING MINUTES

Mr. Bailey asked that the February 22, 2017 minutes include that while he was present at the meeting, he recused himself.

On motion by Mr. Ferguson, seconded by Mr. Zegarelli, the above minutes were approved and accepted for filing with the adjusted change as mentioned above.

ADMINISTRATION OF OATH OF TRUTH

¹ References to the record will be abbreviated as follows: Transcript (T) followed by date; Exhibits (Ex.); Township (Twp.); Applicant (App.); Code of the Township (Code).

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The Chairman administered the Oath of Truth to all wishing to testify and then explained the procedures for the hearing.

OLD BUSINESS

None.

NEW BUSINESS

ZHB19-0001 – 223 TROTWOOD DRIVE – DAVID AND MEGAN NICKLAS

Application by David and Megan Nicklas under the provisions of Section 130.8.2.3.2 of the Township Code for a Special Exception for the placement of a recreational sports court, as an Accessory Use to a single family dwelling located, at 223 Trotwood Drive, Zoned R-1, Single Family Residential District.

Mr. Ferguson opened the meeting and introduced case **ZHB19-0002 – 1825 MCLAUGHLIN RUN ROAD – UPPER ST. CLAIR SCHOOL DISTRICT** which has requested a continuance regarding the case and would resume during the April 24, 2019 meeting. On motion by Mr. Zegarelli, seconded by Mr. Bailey, the hearing is continued to Wednesday, April 24, 2019, beginning approximately at 8:00 PM in the Township of Upper St. Clair Municipal Building Board of Commissioners' Meeting Room.

Upon request by Mr. Ferguson, Mr. Nicklas, 211 Trotwood Drive, introduced his case. He gave a brief overview of the various documents that he has submitted to the Township in regards to an ongoing grading permit and various Applicant Exhibits 1-4 for ZHB19-0001. Mr. Ferguson confirmed the submission of the Applicant Exhibits 1-5, which was entered into record.

Mr. Hindman introduced the Township Exhibits 1-5, as well as Procedural Facts, Substantive Facts and the Township's Position of the application.

Mr. Bailey asked Mr. Nicklas if the proposed submission was solely for a tennis court, to which Mr. Nicklas confirmed that it will be multi-use. Mr. Bailey continued to ask if the lot was consolidated with Mr. Nicklas' primary residence next door. Mr. Nicklas confirmed that the two lots have been consolidated and recorded with Allegheny County.

Mr. Zegarelli confirmed that the proposed surface material of the sports court will be asphalt and directed to Mr. Hindman regarding any Storm Water Management plans that would be needed. Mr. Hindman confirmed that Mr. Nicklas is currently working with the Township and Gateway Engineers on a Grading Permit which includes the proposed Storm Water Management Plan.

There was some discussion as to whether the sports court and accessory structure would be in the side yard or front yard. Mr. Nicklas introduced a new exhibit, Applicant Exhibit 6, to the board for further review, which displays building setbacks. Mr. Ferguson confirmed that the southern boundary line is the rear-yard. Mr. Ferguson continued to ask details regarding the proposed fence to which Mr. Nicklas has not finalized details on. Mr. LaQuatra, LaQuatra Bonci

Architects, confirmed that the site improvement plan indicated an illustrative overview of the landscaping proposed.

Mr. Ferguson asked if the proposed vegetation is existing or if it would be newly planted vegetation. Mr. Nicklas replied that the applicant submitted documents reflect existing vegetation and new vegetation. The existing mature trees along the rear of the property line would remain, and the landscaping planted would be supplemented to be esthetically pleasing. Mr. LaQuatra, LaQuatra Bonci Architects, confirmed that the site improvement plan indicated an illustrative overview of the landscaping proposed. The board continued discussion on the landscaping plans, and confirmed that the planted landscaping would need to reflect the mature, lustrous site improvement plan – schematic design submitted (Ex.3). Mr. Ferguson further commented that he was concerned with the absence of mature landscaping on the site improvements plan – construction documents (Ex. 3).

Mr. Talerico, legal counsel to Mr. and Mrs. Marthinson, 225 Trotwood Drive, submitted a letter (Objectors Ex. 1) to the Zoning Hearing Board on behalf of his clients. Mr. Talerico reiterated the inconsistency between the submitted exhibits. Mr. Talerico asked if the landscaping rocks located on Mr. Nicklas' property were permitted. Mr. Ferguson replied that the landscaping and grading plans are not being under review by the Zoning Hearing Board. Mr. Hindman further commented that the landscaping rocks obtained were done so without a permit and the Township issued a stop work order until the grading permit was approved. Mr. Ferguson commented that any additional comments regarding the grading permit, and pond will not be considered under review, as that is not a decision that would be made by the board. Mr. Zegarelli commented that the approval from the Zoning Hearing Board is based off of the proposed plans complying with the Township Zoning Code. Mr. Firman further commented that the concern regarding the timeliness of completion or violation of code would be handled by the Township rather than the Zoning Hearing Board. Discussion continued as to the building permit process that Mr. Nicklas would need to comply with in order to obtain any building permits for the sports court and accessory structure.

Mr. Spina, 208 Devonwood Drive, discussed his concern over the size of the proposed sports court due to the standard regulation tennis courts being 2,808 sq. ft. and the proposed court being 7,200 sq. ft.. He commented that he is concerned that the approval of the sports court would be pre-mature due to the grading permit having not yet been approved. Mr. Spina showed the board a video from his property, which showed significant flooding to which he believes was caused by Mr. Nicklas' property. Mr. Nicklas disputes the comment that it was due to his property.

Ms. Holmgren, 212 Trotwood Drive, asked what plan would be implemented to confirm that the pond mentioned would not have stagnant water. Mr. Nicklas reiterated that the pond is not under review by the Zoning Hearing Board. Ms. Holmgren then asked what type of material is being proposed for fencing, to which Mr. Nicklas answered that it would be chain link.

Ms. Howell, 216 Devonwood Drive, asked what governing body would be able to review all facets of the discussed topics that are not under review by the board. Mr. Hindman continued to comment that the Township Community Development Department would handle any of those questions.

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Ms. Spina, 208 Devonwood Drive, confirmed with the board that the only item under review is the sports court. Ms. Spina continued to discuss concern over the location of the sports court and possible interference with a natural waterway, and lighting for the sports court. The board made comment that there is no permissible lighting for sports courts.

Mr. Navarra, 222 Trotwood Drive, commented on potential water run-off issues. Mr. Navarra continued in concern that the sports court would cause potential property value decline to the neighborhood.

Mr. Talerico asked for a motion for continuance of review for Mr. Nicklas' application on the grounds that the neighboring properties could gather evidence for submittal.

Ms. Marthinson, 225 Trotwood Drive, commented in regards to Mr. Talerico's motion, that she believes her neighborhood was not given proper notice for the above case to have been able to provide objector exhibits.

Mr. Coyle, 2001 Murdstone Road, prompted continued discussion regarding property value increase or decrease based off of the approval of the sports court. Mr. Coyle asked for evidence provided by the applicant to display property value increase, contingent on the approval by the Zoning Hearing Board. Mr. Zegarelli explained the role of the board to which offers guidance and approval based solely off of aligning criteria and the Township Zoning Code. Discussion continued that the applicant does not have to provide any documents regarding property value evaluation. The Board further explained the exact code section in the Residential Zoning Code (130.8.2.3.2.1), 1 to which sports court requirements can be referenced.

Discussion between the Board members as to what is considered front, side and rear yards, and referenced that the documentation is available for review through the Township.

Ms. Howell, 216 Devonwood Drive, asked what the exact size of the proposed sports court, to which Mr. Nicklas answered that the size of the tennis court does fall into a standard size court, however it includes additional square footage for walking room between the fence and actual court.

Mr. Hindman spoke on behalf of the Township, that the sports court square footage does not exceed twenty-five percent in total lot coverage.

Mr. Ferguson further commented that he was concerned with the absence of mature landscaping clarification on the site improvements plan (Ex. 3) and the absence of fence details. Mr. Ferguson would like to see revised plans with indication of the fence location, and clarification on the maturity of the landscaping used. Mr. Ferguson suggested that the Board could continue the hearing, so that the Applicant could submit new drawings indicating the suggested details. Mr. Bailey agreed that he does not feel as if there is enough supporting evidence to make a decision.

Mr. Zegarelli disagreed with Mr. Ferguson and Mr. Bailey believes that the missing information is a moot point in the overall approval, and the missing information could be conditions of approval.

MOTION: THAT the hearing for Application ZHB19-0001, by David and Megan Nicklas,

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for a Special Exception for the placement of a recreational sports court as an Accessory Use to a single family dwelling located at 223 Trotwood Drive, Zoned R-1, Single Family Residential District be continued to allow for time to submit a revised site plan showing the fencing and landscaping for the proposed sports court.

On motion by Mr. Zegarelli, seconded by Mr. Bailey, the hearing was continued to Wednesday, April 24, 2019, beginning at approximately 8:00 PM in the Township of Upper St. Clair Municipal Building Board of Commissioners' Meeting Room.

The Vice Chairman then asked if there were any other comments before the Board moved to adjourn. There being none, the meeting was adjourned at approximately 10:15 PM

ADJOURNMENT

Respectfully submitted by,
Ansley Basso
Recording Secretary

A full transcript of this meeting is located in file ZHB19-0001
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