

## ZONING HEARING BOARD MEETING

January 27, 2016

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, January 27, 2016, in the Upper St. Clair Township Municipal Building Board of Commissioners' Meeting Room, located at 1820 McLaughlin Run Road.

**PRESENT:**           **BOARD MEMBERS**  
Dwight Ferguson, Vice Chairman  
Gregg Zegarelli, Member  
Robin Weissert, Alternate 1  
Anderson T. Bailey, Alternate 2

**TOWNSHIP STAFF**  
Randy Hindman, Chief Building Inspector  
Amy Martin, Recording Secretary

**TOWNSHIP ATTORNEY**  
Christopher W. Cahillane, for the Township Attorney

**COURT REPORTER**  
Shauna L. Haley - Pittsburgh Reporting Service

**ABSENT:**           David Tungate, Chairman

**PUBLIC:**             Approximately 15

### BOARD REORGANIZATION

**ELECTION OF CHAIRMAN, VICE CHAIRMAN, HEARING OFFICERS AND SECRETARY**  
On motion by Mr. Ferguson, seconded by Mr. Zegarelli, Mr. Tungate was elected Chairman. On motion by Mr. Zegarelli, seconded by Ms. Weissert, Mr. Ferguson was elected Vice Chairman. On motion by Mr. Ferguson, seconded by Mr. Zegarelli, 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, seconded by Mr. Zegarelli, Ms. Martin was elected Recording Secretary.

### CONSIDERATION OF THE SEPTEMBER 23, 2015 MEETING MINUTES

On motion by Ms. Weissert, seconded by Mr. Bailey, the above minutes were approved and accepted for filing as written. Mr. Zegarelli stated that he would abstain from the approval of minutes because he recused himself from the September 23, 2015 meeting.

### ADMINISTRATION OF OATH OF TRUTH

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

### OLD BUSINESS

None.

<sup>1</sup> 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).

NEW BUSINESS

**ZHB16-0001 – 1735 SCARLETT DRIVE – BRIAN AND DANIELLE UFFELMAN**

Application by Brian and Danielle Uffelman 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 1735 Scarlett Drive, Zoned R-1, Single Family Residential District and R-LI, Low Intensity Residential District.

Mr. Zegarelli stated, for the record, that he lives in Deerfield Manor which is in the same development as the mailing address listed on the application for the Applicants.

Upon request by Mr. Ferguson, Mr. Hindman introduced the case and read into the record his memo to the Zoning Hearing Board which included Applicant Exhibits 1-6, Township Exhibits 1-4, as well as Procedural Facts, Substantive Facts and the Township's Position on the application.

The Vice Chairman then asked to hear the Applicant's presentation.

Frank Kosir was present, on behalf of the Applicant, as legal counsel. He gave a brief overview of the site plan, where a single family residence is under construction, on the 2.1 acer lot. Mr. Kosir stated that the proposed 4,876 square foot sports court would be constructed in compliance with all the setback requirements and entirely within the portion of the property zoned R-1 because the portion of the property that is R-LI Zoning District is not in the buildable area of the lot. Mr. Kosir then asked his client, Danielle Uffelman, for her testimony regarding the construction of her proposed sports court. Mrs. Uffelman stated that the multipurpose sports court would be made of a rubber material and used primarily for tennis, basketball and street hockey. She further stated that the any nets and hoops used on the court would be removable. Mr. Kosir asked if they would have a fence around the sports court that is less than ten (10) feet. Mrs. Uffelman confirmed that the fence around the court would be less than ten feet. Mr. Kosir also asked if there would be any lighting around the court. Mrs. Uffelman replied that they would not have any lighting around the court.

Mr. Ferguson asked if the proposed fencing was indicated on the site plan. (Ex. 3)

Mr. Kosir replied that applicant submitted photographs of the proposed fencing and it would be chain link and they would also have a landscape buffer.

Mr. Ferguson asked if the fencing would be around the perimeter of the court only. Mr. Kosir replied in the affirmative.

There were then some comments by Mr. Ferguson and clarifications by Mr. Kosir about the landscaping on the site plan. (Ex. 3)

Mr. Ferguson further commented that he was concerned with the absence of mature landscaping and the absence of fencing detail on the site plan. (Ex. 3) Mr. Ferguson stated that he would like to see revised plans with mature landscaping on the north, east and west sides of the lot and Code compliant fencing.

Mr. Zegarelli suggested that the Board could continue the hearing, so that the Applicant could submit new drawings with Mr. Ferguson's suggested details, or they could approve the application with those details being conditions of approval.

Mr. Cahillane confirmed that it is the prerogative of the Board to approve the application with

specific conditions however; historically the Board has continued hearings to allow the applicant to amend or submit new exhibits for their application.

MOTION: THAT the hearing for Application ZHB16-0001, by Brian and Danielle Uffelman, for a Special Exception for the placement of a recreational sports court as an Accessory Use to a single family dwelling located at 1735 Scarlett Drive, Zoned R-1, Single Family Residential District and R-LI Low Intensity 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. Ferguson, seconded by Mr. Zegarelli, the hearing was continued to Wednesday, February 24, 2016, 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 8:30 PM

ADJOURNMENT

Respectfully submitted,  
Amy Martin  
Recording Secretary

A full transcript of this meeting is located in file ZHB16-0001  
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