

**ZONING HEARING BOARD MEETING  
MINUTES  
May 28, 2008**

The Meeting of the Zoning Hearing Board of the Township of Upper St. Clair, duly advertised and posted in accordance with law, was called to order by the Chairman at 8:00 PM, Wednesday, May 28, 2008 in the Board of Commissioners Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

**PRESENT**

**BOARD MEMBERS**

David E. Tungate , Chairman  
Dwight D. Ferguson  
Robert L. Allman, II , Vice Chairman

**TOWNSHIP STAFF**

Mr. Randy Hindman , Chief Inspector

**TOWNSHIP ATTORNEY**

Charles P. McCullough

**RECORDING SECRETARY**

Carla Esselstyn

**COURT STENOGRAPHER**

Lina Hershberger, Pittsburgh Reporting Service

**ELECTION OF OFFICERS**

Mr. Tungate was nominated as Chairman and Mr. Ferguson as Vice Chairman. The motions were seconded and carried.

For the purpose of taking testimony in the event of a lack of quorum, each member was nominated to act as a Hearing Officer. The motion was seconded and carried.

On motion by Mr. Tungate seconded by Mr. Allman, Mrs. Esselstyn was nominated and elected Recording Secretary.

**CONSIDERATION OF THE MINUTES FROM THE JUNE 27, 2007 AND APRIL 23, 2008 MEETINGS (PREVIOUSLY DISTRIBUTED)**

On motion by Mr. Tungate, seconded by Mr. Ferguson, carried by voice vote, the above minutes were approved and accepted for filing as written.

**ADMINISTRATION OF OATH OF TRUTH**

The Chairman explained the procedure for the hearing and then administered the oath of truth to all those wishing to testify.

OLD BUSINESSZHB08-0001 - 1757 MOYNELLE DRIVE, DANNY P. CERRONE, JR.

This was an appeal continued from the April 23, 2008 meeting of the Board. The Applicants were requesting a seven (7) foot variance to the rear of the single family dwelling for the construction of a ten (10) foot six (6) inch by eleven (11) foot six (6) inch addition. Mr. Cerrone was the attorney present representing the Pookmans.

The record was closed at the April 23, 2008 hearing. Mr. Cerrone asked that the record be opened for additional testimony and exhibits. Applicant exhibit #14, *Supplemental Narrative and Exhibits in Support of Application* and exhibit #15, undated revised construction drawings of *Proposed Laundry Annex*, was placed into the record.

Mr. Cerrone stated that the Pookmans wished to amend their application to a request for a five (5) foot variance for the construction of a twelve (12) foot by eight (8) foot rear addition.

Mr. Pookman stated that the proposed addition would house a shower and a side-by-side washer and dryer. He felt that the addition could not be made any smaller and still be functional. He also felt that the left rear of the house was the better location for an addition. To build on the right rear location would be cost prohibitive. Much excavation would be necessary, a fence would need to be relocated; an air conditioner must be moved; it would be necessary for water lines to be located through concrete walls, etc. Additionally, there are no houses to the rear of the Pookman property. Scott Township owns the land and has made it a park.

There was discussion on use variance versus dimensional variance between the Board and Mr. Cerrone.

The Board felt that the five criteria required by the Municipalities Planning Code, to grant a variance, were not met.

MOTION: THAT the variance request be denied

Motion by Mr. Allman, seconded by Mr. Ferguson, carried by unanimous voice vote.

OTHER BUSINESSADOPTION OF 2008 CALENDAR OF MEETING DATES AND FILING DEADLINES

On motion by Mr. Tungate, seconded by Mr. Ferguson, carried by voice vote, the calendar of meeting dates, as provided, was approved.

ADJOURNMENT

There being no further business, on motion by Mr. Allman, seconded by Mr. Ferguson, carried by unanimous voice vote, the meeting was adjourned at approximately 8:30 P.M.

Respectfully submitted,  
Carla Esselstyn  
Recording Secretary