

DECEMBER 7, 2016

The Zoning Hearing Board of Butler Township met on Wednesday, December 7, 2016 at 6:30 p.m. at the Butler Township Municipal Building, 290 South Duffy Road, Butler, PA 16001.

The following Members were present: Chair Greg Haughey, Vice-Chair Tom Holman, and Heather Starcher.

Also present were Secretary Theresa Giesler, Zoning Officer Jesse Hines, Solicitor Gwil Price, and Court Reporter Kelly Ferrari.

Chair Haughey called the meeting to order at 6:30 p.m.

Chair Haughey opened the first hearing at 6:32 p.m.

Secretary Giesler read **Appeal #16-14** received October 19, 2016. The applicant is the property owner Howard Killmeyer. He is asking for a variance from Butler Township's Codified Ordinance, Chapter 300-22.C.(6) Fences. The property is located at 123 Irene Drive (Map & Parcel 19-E143).

Chair Haughey swore in all who wished to testify.

Attorney Sean Gallagher of Murrin, Taylor & Gallagher was in attendance to represent the applicant. Attorney Gallagher explained that the fence was built approximately 10 years ago. He questioned Mr. Killmeyer on the fence. Mr. Killmeyer explained that he had trees where the fence is currently located and when he removed the trees he erected the 6' fence for privacy.

The applicant's attorney submitted the following:

1. A photo showing the 6 foot high solid fence, which was entered into the record as Applicant Exhibit A,
2. Penn Fencing Layout showing the fence being 72' long, which was entered into the record as Applicant Exhibit B,
3. Letter from Jesse Hines, Zoning Officer, dated September 22, 2016, which was entered into the record as Applicant Exhibit C,
4. Petition that the property owner sent to neighbors, which was entered into the record as Applicant Exhibit D,

Zoning Officer Hines explained that he observed the fence that looked new so he checked the computer and a permit was never issued for the fence. He also checked an aerial and a row of trees showed instead of the fence; therefore, he issued a notice for construction without a permit.

Solicitor Price asked the applicant if he used the side yard for living space and if this fence is used to screen this space from the road. The applicant stated yes for privacy.

Sam Zurzolo of 212 Greenwood Drive was in attendance to show support for the applicant. He explained that it is a very well taken care of fence and needed for privacy.

The Zoning Hearing Board went off record at 6:54 p.m.

The Zoning Hearing Board was back on record at 6:56 p.m.

Motion by Vice-Chair Holman to grant the variance to keep the six foot high vinyl fence in its current location and grant any variances necessary to allow said fence to remain, including, but not limited to, variances from the required setbacks, variances as to the fence not being 50% open, and variances required to have a six foot high fence as opposed to a four foot high fence, seconded by Starcher and carried unanimously.

Chair Haughey informed all present that anyone aggrieved by the decision of the Zoning Hearing Board may appeal to the Court of Common Pleas within thirty days of the written decision.

Chair Haughey adjourned the first hearing at 6:58 p.m.

Chair Haughey opened the second hearing at 7:00 p.m.

Secretary Giesler read **Appeal #16-15** received November 7, 2016. The applicant is Mark Wood with Pittsburgh Sign and Lighting, LLC. The property owner is UG Butler PA LLC. He is asking for a variance from Butler Township's Zoning Ordinance, Chapter 300-27.G. Signs authorized in commercial and industrial districts. The property is located at 300 Greenwood Plaza, Map & Parcel 10-23D.

Chair Haughey swore in all who wished to testify.

The applicant, Mark Wood of 281 Universal Road, Pittsburgh, PA was in attendance to represent the appeal. He explained that he is asking for a variance to have a 3rd wall sign at Aspen Dental.

The Zoning Hearing Board went off record at 7:08 p.m.

The Zoning Hearing Board went back on record at 7:10 p.m.

Motion by Starcher to grant the variance to allow a third wall sign to be installed as set forth in the application and decision no later than June 1, 2017, seconded by Vice-Chair Holman and carried unanimously.

Chair Haughey informed all present that anyone aggrieved by the decision of the Zoning Hearing Board may appeal to the Court of Common Pleas within thirty days of the written decision.

Chair Haughey adjourned the second hearing at 7:12 p.m.

Theresa Giesler