

MARCH 9, 2016

The Zoning Hearing Board of Butler Township met on Wednesday, March 9, 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 Heather Starcher and Member Tom Holman.

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 6:31 p.m.

Motion by Holman to appoint Greg Haughey as Chair, seconded by Starcher and carried unanimously.

Motion by Starcher to appoint Tom Holman as Vice-Chair, seconded by Haughey and carried unanimously.

Motion by Vice-Chair Holman to reappoint Theresa Giesler as Secretary at the current rate of compensation, seconded by Starcher and carried unanimously.

Motion by Vice-Chair Holman to reappoint Gwil Price as Solicitor at \$105.00 per hour, seconded by Starcher and carried unanimously.

Motion by Vice-Chair Holman to permit any Member to act as hearing officer, seconded by Starcher and carried unanimously.

Chair Haughey opened the first hearing at 6:35 p.m.

Secretary Giesler read **Appeal #16-01** received January 19, 2016. The applicant is the property owner Eberhard Carroll. He is asking for a special exception for an agribusiness, specifically a Malt House. The property is located at 960 Bullcreek Road, Butler, PA (Map & Parcel 48-2).

Chair Haughey swore in all who wished to testify.

The applicant, Mr. Eberhard Carroll, was in attendance to represent the appeal. Mr. Carroll gave an overview of his appeal.

Vice-Chair Holman went over the list of standards and criteria for an agribusiness. The applicant testified that the agribusiness will meet all of the standards and criteria for an agribusiness.

Starcher went over the performance standards. The applicant testified that the agribusiness will comply with the performance standards.

The applicant testified that there will be no outside employment, no routine visits of customers to the operation, and access will be provided over the adjacent oil well road.

The Zoning Hearing Board went off record at 6:43 p.m.

The Zoning Hearing Board was back on record at 6:45.

Motion by Vice-Chair Holman to grant the special exception for an agribusiness, seconded by Starcher and carried unanimously.

The construction of the proposed building and silo shall begin on or before March 9, 2017.

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 6:47 p.m.

Chair Haughey opened the second hearing at 6:49 p.m.

Secretary Giesler read **Appeal #16-02** received January 22, 2016. The applicants are property owners Andrew & Nina Babay. They are asking for a special exception for a garage larger than 1,024 square feet. The property is located at 132 ½ Buttercup Road, Butler, PA (Map & Parcel 33-73).

Chair Haughey swore in all who wished to testify.

The applicants, Andrew & Nina Babay, were in attendance to represent the appeal. Mr. Babay gave an overview of the appeal.

Vice-Chair Holman discussed the standards and criteria for a private garage larger than 1,024 sq. ft. The applicants testified that the proposed structure will meet the requirements in Section 300-22.C.(7) and 300-23.B.(1).

Mr. Dave Bestwick of 119 Deer Run Drive was in attendance and questioned the number of stories. The applicants' stated that it was one-story.

Mr. Richard Kelly of 140 Buttercup Road was in attendance and questioned the type of construction and lighting. The applicants' stated that they will have lighting near the garage doors and the construction will resemble a house with siding.

The Zoning Hearing Board went off record at 6:59 p.m.

The Zoning Hearing Board went back on record at 7:02.

Motion by Vice-Chair Holman to grant the special exception for a 30' x 70' detached private garage, seconded by Starcher and carried unanimously.

The construction of the garage shall be completed on or before March 9, 2017.

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 7:04 p.m.

Chair Haughey opened the third hearing at 7:05 p.m.

Secretary Giesler read **Appeal #16-03** received February 8, 2016. The applicant is Signstat, and the property owner is Mosites-Butler LP. They are asking for a variance from the number of wall signs permitted on one side of the business at King's Restaurant. The property is located at 191 New Castle Road, Butler, PA (Map & Parcel 21-G1).

Chair Haughey swore in all who wished to testify.

Mr. Bill Miller with Signstat was in attendance to represent the appeal. Mr. Miller gave an overview of the appeal.

The applicant submitted six photos showing the signage at the Butler King's Restaurant as well as other King's Restaurants, which was entered into the record as Applicant Exhibit 1.

The Zoning Hearing Board went off record at 7:15 p.m.

The Zoning Hearing Board went back on record at 7:24 p.m.

The applicant asked if he could amend his application to ask for an interpretation.

Motion by Vice-Chair Holman to permit the applicant to amend his application and make the interpretation that by repositioning the sign it would comply with the Ordinance and a variance would not be needed, seconded by Starcher and carried unanimously.

The construction must be completed on or before January 1, 2017.

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 third hearing at 7:30 p.m.

Theresa Giesler