

APRIL 6, 2016

The Zoning Hearing Board of Butler Township met on Wednesday, April 6, 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 6:33 p.m.

Secretary Giesler read **Appeal #16-04** received February 15, 2016. The applicant is the property owner Ellen O'Brien Gaiser Addiction Center. They are asking for a special exception for the expansion of an existing nonconforming use and reduced minimum parking. The property is located at 165 Old Plank Road, Butler, PA (Map & Parcel 46-10A).

Chair Haughey swore in all who wished to testify.

Attorney Matt Marshall with Dillon McCandless King Coulter & Graham L.L.P; Ms. Linda Franiewski, Executive Director of the Ellen O' Brien Gaiser Addiction Center; Mr. Gary Miller and Mr. Tom Myers with the Ellen O' Brien Gaiser Addiction Center; and Mr. Rich Forsythe and Ms. Marlene Myers with 4-Most Group, Inc. were in attendance to represent the appeal.

Ms. Franiewski gave an overview of the Ellen O' Brien Gaiser Addiction Center and what they are proposing. She explained that there is an increased demand for inpatient drug and alcohol treatment and a need to separate patients by sex. She stated that the original building, an old farmhouse, will remain as the residential unit for the men, the newer existing building is administrative, and the new proposed addition to that building will house women patients.

The applicant submitted Butler Township Zoning Hearing Board Disposition Notice dated August 19, 2009, which was entered into the record as Applicant Exhibit 1.

The applicant submitted a Deed dated February 5, 2010 between Butler "A" Center, Inc. and Ellen O' Brien Gaiser Addiction Center, which was entered into the record as Applicant Exhibit 2.

The applicant submitted the Butler Township Zoning Hearing Board Application dated January 22, 2016, which was entered into the record as Applicant Exhibit 3.

The applicant submitted Gaiser Site Coverage, which was entered into the record as Applicant Exhibit 4.

The applicant submitted a Revised Parking Study, which was entered into the record as Applicant Exhibit 5.

Mr. Forsythe of 267 Pittsburgh Road was called to testify about the lot coverage and the hardship topographically. Mr. Forsythe explained that they would not be able to exceed 29 parking spaces without a variance for the lot coverage requirements. In addition it would require extensive grading of a steep and wooded site.

The Zoning Hearing Board went off record at 7:22 p.m.

The Zoning Hearing Board was back on record at 7:29.

Mr. Joe Gray of 75 Dutchtown Road was in attendance to ask for some kind of barrier between his property and the Ellen O' Brien Gaiser Addiction Center.

Motion by Starcher to grant the special exceptions for the expansion of an existing nonconforming use and reduced minimum parking conditioned upon:

1. The facility being no larger than 45 residents with 27 occupied bedroom spaces,
2. The applicant keeping the policy of not allowing residents to have vehicles,
3. The applicant erecting some type of fence along the eastern side of the property to provide separation between the use and the residences on the east, and
4. The building permit for the proposed expansion be applied for no later than April 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 first hearing at 7:47 p.m.

Chair Haughey opened the second hearing at 7:48 p.m.

Secretary Giesler read **Appeal #16-05** received February 15, 2016. The applicant is the property owner Butler Hotel Associates, LP. They are asking for a variance for signage. The property is located at 610 Butler Crossing, Butler, PA (Map & Parcel 11-2B).

Chair Haughey swore in all who wished to testify.

Ms. Leslie Peters, Esquire and Mr. J. P. Morgan with Horizon Properties, 375 Southpointe Boulevard, Suite 410, Canonsburg, PA 15317 and Ms. Jennah Markawicz, General Manager of the Hampton Inn were in attendance to represent the appeal.

J. P. Morgan explained that because of the other commercial buildings, the placement of utility poles, and the configuration of the private access, they needed to turn the sign that was original approved and in doing so they have encroached into the setback by four feet. The directional sign that was approved was ineffective.

Ms. Markawicz explained that they have had several customer complaints because the customers could not find how to get to the Hampton Inn.

Mr. Morgan stated that the variance would not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare. Mr. Morgan stated that the variance will represent the minimum variance that will afford relief and will represent the least modification possible to the regulation at issue.

The Zoning Hearing Board went off record at 8:04 p.m.

The Zoning Hearing Board went back on record at 8:06.

Motion by Vice-Chair Holman to grant a variance of four feet of the setback requirements for the sign, seconded by Starcher and carried unanimously.

The sign has already been constructed.

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 8:08 p.m.

Theresa Gesler