

MAY 9, 2018

The Zoning Hearing Board of Butler Township met on Wednesday, May 9, 2018 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 Joe Gray.

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 6:31 p.m.

Secretary Giesler read **Appeal #18-05** received March 23, 2018. The applicant is the owner of record Courtyards at Krendale LP. They are asking for a variance from Butler Township's Zoning Ordinance, **§300-22.C.(6) Fences**. The property is located along Benbrook Road, Butler, PA (Map & Parcel 17-3A).

Chair Haughey swore in all who wished to testify.

Mr. Brett Schultz with Weaver Homes / Courtyards at Krendale L.P. PO Box 449, Mars, PA was in attendance to represent the appeal. He stated that they would like to add a six foot privacy fence behind three of the quadraplexes to help minimize the noise and light from the busy road.

There was discussion regarding the location, color and responsibility of the fence, as well as the total acreage of the lot, and distance from the right-of-way.

Mr. Edward Kirkwood of 3206 Tudor Drive, Butler, PA was in attendance and questioned the location of the beginning and end of the fence.

Ms. Anne Mikolajczak of 3406 Tudor Drive, Butler, PA was in attendance to express her concern that a plastic fence can decrease the value of her property.

Mr. John Kepple of 208 Tudor Drive, Butler, PA was in attendance. He does not want a fence and recommended putting a higher mound. If the fence is approved, he would like adequate landscaping on both sides so that it looks decent from Benbrook Road.

The applicant submitted the following:

1. A Site Plan, which was entered into the record as Applicant Exhibit 1, and
2. The Recorded Courtyards at Krendale Plan, which was entered into the record as Applicant Exhibit 2

Discussion was held regarding sight distance and it was determined that the fence will not be within the sight distance triangle.

Mr. Eric Krenitsky of 139 Winterwood Drive, Butler, PA was in attendance and stated that Mr. Ritenour was supposed to be bonded so that if at some point traffic exceeded a certain limit Mr. Ritenour would install a traffic light.

The Zoning Hearing Board went off record at 7:01 p.m.

The Zoning Hearing Board was back on record at 7:15 p.m.

The applicant amended his application to ask for an interpretation.

Motion by Vice-Chair Holman to deny the variance and to interpret that the applicant is permitted to construct a fence meeting the rear yard fence standards along Benbrook Road, seconded by Gray 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 7:18 p.m.

Chair Haughey opened the second hearing at 7:20 p.m.

Secretary Giesler read **Appeal #18-06** received March 27, 2018. The applicant is the owner of record Les and Danny Real Estate LLC. They are asking for a variance from Butler Township's Zoning Ordinance, **§300-27.G. Signs authorized in commercial and industrial districts**. The property is located at 100 Freeport Road, Butler, PA (Map & Parcel 40-23).

Chair Haughey swore in all who wished to testify.

Leslie Chitu of 116 Dubbs Lane, Butler, PA was in attendance to represent the appeal. They are asking for a variance for the sign to be bigger because they do not believe you can see the building from the red light.

Zoning Officer Hines explained that the applicant would like to use the existing sign poles and add new signage. On the permit application it shows a changeable copy sign of 20.05 square feet, but on the Zoning Hearing Board application it shows 19.531 square feet. There is confusion over how much of a variance is requested.

Discussion was held regarding the size of the sign and why the electronic display could not be shrunk to 16 square feet to be in compliance with the Ordinance.

The Zoning Hearing Board went off record at 7:39 p.m.

The Zoning Hearing Board went back on record at 8:00 p.m.

Motion by Gray to deny the variance, 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 8:04 p.m.

