

MARCH 13, 2019

The Zoning Hearing Board of Butler Township met on Wednesday, March 13, 2019 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 Tom Holman.

Also present were Secretary Theresa Giesler, Zoning Officer Jesse Hines, Solicitor David A. Crissman, 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 #19-03** received January 18, 2019. The applicant is O'Reilly Automotive Stores, Inc. and they are asking for a special exception for a comparable use not specifically listed. The property is located at 168 New Castle Road, Butler, PA (Map & Parcels 21-B and 21-B14). The property owners are Gary & Karen McHugh and David & Leslie Spinneweber.

Chair Haughey swore in all who wished to testify.

Mr. Michael Takacs with Bohler Engineering located at Nova Tower, 1 Allegheny Square Suite 402, Pittsburgh, PA 15212 was in attendance to represent the appeal. There are two lots where they would like to construct an O'Reilly's Automotive Store. They will have to complete a lot consolidation and land development.

Mr. Takacs went over the standards and criteria for a comparable use not specifically listed.

Mr. Ken Venmar of 101 Dogwood Court, Butler, PA 16001 was in attendance and questioned sewer and water availability.

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

The Zoning Hearing board went on record at 6:44 p.m.

Motion by Vice Chair Starcher to grant the special exception to use the subject property for an automotive parts retail store subject to the condition that the Applicant applies for a building permit by May 1, 2020, seconded by 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 6:46 p.m.

Chair Haughey opened the second hearing at 6:48 p.m.

Secretary Giesler read **Appeal #19-04** received January 24, 2019. The applicant is Brian Kummer and he is asking for a variance from the rear setback requirement to install an in-ground swimming pool. The property is located at 226 Camelot Drive, Butler, PA (Map & Parcel 19-K19).

Chair Haughey swore in all who wished to testify.

The applicant, Mr. Brian Kummer, was in attendance to represent the appeal. He would like to install a 14' x 28' in-ground swimming pool 5' closer to the back property line than permitted by the Zoning Ordinance.

The applicant has submitted statements in regards to the conditions governing a variance. The applicant confirmed that the statements made in his application are still accurate.

The Zoning Hearing Board went off record at 6:56 p.m.

The Zoning Hearing board went on record at 7:00 p.m.

Motion by Holman to grant the Applicant's request for a variance of 5 feet from the 25-foot rear property setback line subject to the condition that the Applicant applies for a building permit by March 1, 2020, seconded by Vice Chair 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 second hearing and meeting at 7:01 p.m.

Theresa Giesler