

The Zoning Hearing Board of Butler Township met on Wednesday, February 6, 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 Tom Holman and Joe Gray.

Also present were Secretary Theresa Giesler, Zoning Officer Jesse Hines, Solicitor Nicole Thurner with Kievit & Silbaugh, and Court Reporter Kelly Ferrari.

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

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

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

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

Motion by Holman to permit any Member to act as hearing officer, seconded by Gray and carried unanimously.

Chair Haughey opened the first hearing at 6:33 p.m.

Secretary Giesler read **Appeal #19-01** received December 10, 2018. The applicant is Shirley Hollack and the property owner is Dennis Alimena. She is asking for a special exception for a day-care home and variance from Butler Township's Codified Ordinance, Chapter 300.23.B.(31)(c). The property is located at 4211 Highland Avenue, Butler, PA (Map & Parcel 34-46A).

Chair Haughey swore in all who wished to testify.

Ms. Hollack was in attendance to represent the appeal. She explained that she moved from Connoquenessing where she had a home daycare to Butler Township. She has been licensed since 2012 and is limited to six children maximum at one time. Ms. Hollack went over the standards and criteria for a daycare home. Ms. Hollack stated that she would like to change her application because she does not need a variance due to the fact that she will use less than 10% of the house.

Ms. Chamberlain of 110 Sparks Avenue was in attendance. She is concerned with the big trucks that travel the road where the property is located and the falling trees. She also questioned if there would be fencing.

Mr. Richard Pollock of 4213 Highland Avenue was in attendance and is concerned with the rock pile between their houses. He would also like a copy of the Zoning Hearing Board decision.

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

The Zoning Hearing board went on record at 7:03 p.m.

Motion by Gray to approve the special exception to operate a day-care home conditioned upon:

1. No more than six children participating at a time,
2. Applicant shall erect a four foot security fence, as presented to the Zoning Hearing Board,
3. All parking for pick-ups and drop-offs shall take place in the applicant's driveway,
4. No business operations are allowed except those related to the conducting of the daycare business,
5. The hours of operation shall be between 8:00 a.m. and 4:30 p.m.
6. No outdoor portable storage units shall be permitted, with the exception of the pre-existing shed on the property, and
7. No changes to the existing lighting are approved and any such changes must meet the standards of the Township

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 7:05 p.m.

Chair Haughey opened the second hearing at 7:08 p.m.

Secretary Giesler read **Appeal #19-02** received December 11, 2018. The applicants are the property owners Drs. Michael and Jennifer McGrath. They are asking for a special exception for a comparable use not specifically listed. The property is located at 391 Evans City Road, Butler, PA (Map & Parcel 18-8AA).

Chair Haughey swore in all who wished to testify.

Dr. Michael McGrath of 5152 Hampton Place Drive, Gibsonia was in attendance to represent the appeal. Dr. McGrath explained that the new building will be two stories. Butler Eye Care will occupy the top story.

Ms. Mary Ford of 107 Saddlebrook Circle was in attendance and questioned the building location and the lighting.

Mr. Paul Simms of Butler County Memorial Park and Mausoleum located at 380 Evans City Road was in attendance concerning traffic.

The Zoning Hearing Board went off record at 7:28 p.m.

The Zoning Hearing board went on record at 7:32 p.m.

Motion by Gray to approve the special exception for a comparable use conditioned upon:

1. Construction shall begin by February 28, 2020,

2. The proposed building shall meet the building setbacks,
3. The building shall have handicap accessibility,
4. No business operations are allowed except those related to the conducting of professional business,
5. The hours of operation shall be limited to those proposed by the applicant, and
6. Any lighting shall not interfere with the residential neighbors behind the property.

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 second hearing and meeting at 7:35 p.m.

Theresa Gustley