

BUTLER TOWNSHIP ZONING HEARING BOARD
MARCH 4, 2020

The Zoning Hearing Board of Butler Township met on Wednesday, March 4, 2020 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 W. Brent Thomas.

Also present were Secretary Theresa Giesler, Zoning Officer Jesse Hines, Solicitor David A. Crissman, and Court Reporter Cheryl Eckstein.

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

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

Chair Haughey swore in the Township Secretary, Zoning Officer, applicant and all who wished to testify.

Secretary Giesler read **Appeal #20-02** received January 9, 2020. The applicant is Cocca Development LTD. The property owner is FIDC-51, LLC. They are asking for a special exception for a comparable use not specifically listed to have a health club / fitness center. The property is located at 271 New Castle Road, Unit #6, Butler, PA (Map & Parcel 11-D19). The application was marked at Board Exhibit 1.

The written notice of the hearing given to the applicant was marked as Board Exhibit 2.

The Township Planning Commission and Zoning Officer were informed of the hearing.

The written notice of the hearing that was given to the property owners within 200 feet of the subject property as supplied by the applicant was marked as Board Exhibit 3.

The public notice that was published once each week for two successive weeks with the first publication not more than 30 days, and the second publication not less than 7 days from the date of the hearing was marked as Board Exhibit 4.

The written notice of the hearing that was posted on February 24, 2020 on the property for which the special exception was requested was marked as Board Exhibit 5.

Mr. Bill Schroeder of Cocca Development, LTD and Mr. Jarrad Pencek of 195 Bucktail Drive, Cranberry Township, PA 16066 were in attendance to represent the application. They wish to replace the former Grand Rental Station with a fitness center.

Mr. Schroeder explained that there are three fitness center within one mile of the proposed site.

Discussion was held regarding the hours, size of classes, and types of equipment.

Discussion was held regarding noise. Mr. Pencek stated that there will be sound proofing and installation installed in the building.

The Zoning Hearing Board went off record at 6:42 p.m.

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

Motion by Holman to grant the special exception to use the subject property as a health and fitness center subject to the condition that the applicant shall begin to operate the facility within one (1) year of the date of the decision, seconded by Thomas 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 6:45 p.m.

Chair Haughey opened the second hearing at 6:45 p.m.

Chair Haughey swore in the Township Secretary, Zoning Officer, applicant and all who wished to testify.

Secretary Giesler read **Appeal #20-03** received January 31, 2020. The applicant is Eat'n Park Hospitality Group, Inc. The property owner is Garber Family LTD Partnership. They are asking for a variance from the dimension of an electronic changeable LED sign and interpretation of Butler Township's Zoning Ordinance, Chapter 300-46, Chapter 300-47, and Chapter 300-48F. The property is located at 212-214 New Castle Road, Butler, PA (Map & Parcel 12-D5D). The application was marked at Board Exhibit 1.

The written notice of the hearing given to the applicant was marked as Board Exhibit 2.

The Township Planning Commission and Zoning Officer were informed of the hearing.

The written notice of the hearing that was given to the property owners within 200 feet of the subject property as supplied by the applicant was marked as Board Exhibit 3.

The public notice that was published once each week for two successive weeks with the first publication not more than 30 days, and the second publication not less than 7 days from the date of the hearing was marked as Board Exhibit 4.

The written notice of the hearing that was posted on February 24, 2020 on the property for which the special exception was requested was marked as Board Exhibit 5.

Ms. Alice Mitinger with Dentons Cohen & Grigsby was in attendance to represent the application.

Ms. Mitinger passed out a packet entitled "EAT'N PARK SIGNAGE". This was entered into the record as Applicant Exhibit Packet 1, A-G.

Ms. Mitinger explained that they would like to remove the order takeout sign and replace it with a changeable copy sign with a smaller LED sign.

Discussion was held regarding the brightness of the sign.

Mr. Nick Seibel with Eat'n Park 285 E. Waterfront Drive, Suite 200, Homestead, PA 15120 was in attendance to represent the application. He believes the 750 nits is the correct brightness, but will need to confirm that information.

Zoning Officer Hines explained that the Zoning Ordinance allows 16 sq. ft. and their sign is 20 sq. ft.

Discussion was held regarding the size of the sign.

Vice-Chair Holman went over the criteria for a variance.

Ms. Mitinger explained that the shape of the property is not the hardship, but where the sign exists. The applicant is requesting a dimensional variance, not a use variance. She stated that Eat'n Park did not create the hardship. Ms. Mitinger believes the sign would improve the essential character of the district and that this represents the minimum variance that will afford relief.

Ms. Mitinger explained the safety issues with someone having to change the letters on the changeable copy sign.

The Zoning Hearing Board went off record at 7:05 p.m.

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

Motion by Vice-Chair Holman to grant the variance of two feet for the display area or face of an electronic changeable copy sign from the 16 square feet maximum surface area limitation subject to the applicant providing the Zoning Hearing Officer with accurate information as to the brightness of the sign and the proposed sign being erected on the site by the end of 2020, seconded by Thomas 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 7:20 p.m.


Theresa Giesler