

**BUTLER TOWNSHIP ZONING HEARING BOARD  
NOVEMBER 20, 2019**

The Zoning Hearing Board of Butler Township met on Wednesday, November 20, 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 6:30 p.m.

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

Secretary Giesler read **Appeal #19-07** received September 27, 2019. The applicants are the property owners Anthony & Donna Churilla. They are asking for a special exception for a day-care home. The property is located at 4342 Highland Avenue, Butler, PA (Map & Parcel 26-44). 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 November 12, 2019 on the property for which the special exception was requested was marked as Board Exhibit 5.

Mrs. Donna Churilla was in attendance to represent the application.

Holman went over the following standards and criteria for a Home Occupation:

1. Will there be any external evidence of the use other than a small nameplate attached to the wall of the residence, no larger than two square feet indicating only the name and occupation of the resident? Mrs. Churilla stated no.
2. Will there be any other persons employed other than full-time residents of the dwelling? Mrs. Churilla stated no.
3. Will no more than 10% of the gross floor area of the dwelling be devoted to the conduct of a home occupation? Mrs. Churilla state yes it will be less than 10%.

4. Will the home occupation be conducted in any accessory structure? Mrs. Churilla stated it will only be conducted in the house.
5. Will the use create any additional environmental impact than those impacts normally resulting from residential use? Mrs. Churilla state no.
6. Will the use cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for the residence in the neighborhood? Mrs. Churilla stated no.
7. Will the use require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure? Mrs. Churilla stated no.
8. Will there be use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic and household purposes? Mrs. Churilla stated no.
9. Will there be storage of materials or equipment outside an enclosed building? Mrs. Churilla stated no.
10. Will the conduct of the home occupation, including, but not limited to, the storage of goods or equipment reduce or render unusable areas required for off-street parking for the dwelling unit? Mrs. Churilla stated no.
11. Will the use create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood? Mrs. Churilla stated no.
12. Will parking generated by the home occupation be met off the street? Mrs. Churilla stated there will be no parking on road just in the driveway.
13. Will there be regular display of merchandise available for sale on the premises? Mrs. Churilla stated there will be no merchandise.
14. Will there be use of advertising signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for business purposed other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number? Mrs. Churilla state that there will be no signs.

Solicitor Crissman asked if there would be more than 6 children under the age of 16. Mrs. Churilla stated no. Solicitor Crissman also stated that the State determines the number of children permitted based on age group.

Solicitor Crissman went over the following standards and criteria for a Day-care home:

1. Will areas for outdoor recreation be secured by a fence with a self-latching gate? Mrs. Churilla stated yes.

Solicitor Crissman asked if there would be a bus stop. Mrs. Churilla stated yes in front of the house.

Zoning Officer Hines explained that an inspection will be required in order to get their occupancy permit.

Mrs. Churilla stated that the State also does inspections. After 6 months, the State will perform another inspection and then every year after that date. The State can stop in at any time.

Holman explained to the applicant that if the special exception is approved, it does not change the zoning of the property, which is currently zoned R-1 Single Family Residential.

The Zoning Hearing Board went off record at 6:45 p.m.

The Zoning Hearing board went on record at 6:48 p.m.

Motion by Holman to grant the special exception to use the residence at 4342 Highland Avenue as a daycare subject to the following conditions:

1. That the facility shall at all times be licensed or registered with the Commonwealth of Pennsylvania Department of Human Service, and
2. That the proposed use be commenced within one year of the grant of this special exception

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 first hearing and the meeting at 6:55 p.m.

Theresa Giesle