

Slippery Rock Township Zoning Hearing Board

Minutes for: 10/29/2019 Public Hearing #2019-2

G. Warren Smith called the meeting to order at 6:00 p.m. Fifteen members of the public were present.

Roll Call as follows: Members - G. Warren Smith-Present, Tom Gaul-Present, Ken Luckock-Present, ZHB Solicitor, Alan Shaddinger-Present, Floodplain Consultant, Gary Johnson-Present, Zoning Officer, Karen Connell-Present, Assistant Zoning Officer, Rick Grossman-Present plus Temporary Assistant Zoning Officer, Mark Lazzari-Present

Minutes from 9/17/2019 Public Hearing #2019-1

Tom Gaul made a motion to approve the 9/17/2019 Public Hearing# 2019-1 minutes as submitted. Ken Luckock seconded and the motion carried unanimously.

Opening Statement by Solicitor – Alan Shaddinger

The purpose of the hearing is to hear testimony on an application submitted by Ken Graber that includes a number of variances that apply under the Township's Floodplain Ordinance along with the one variance request for a set-back that is governed by the Township's Zoning Ordinance. The property is addressed and located at 155 Mohawk Trail, Slippery Rock, PA Alan also noted that this property is pending the completion of an approved Consolidation of Lots (Existing House map/parcel# 280-S4-D136 & 280-S4-D137). Ken Graber proposing renovations of the existing home – remove existing addition and rebuild with a solid concrete foundation (same size footprint) along with variance constructing an accessory structure or as an alternative multiple smaller accessory structures on lot across the road from the existing home. Alan asked Mr. Graber if he had anyone else besides himself that will produce evidence on his behalf – response that he brought neighbors. Alan asked Mr. Graber if he was represented by Council – response No.

Alan asked if anyone attending was in support of this request. The majority of the attendees indicated that they were in favor of granting this request.

Alan asked if anyone attending had any objection to the location of this application – SR TWP Solicitor, Wil White indicated that he may.

Alan Shaddinger, solicitor asked that all persons wishing to testify to be sworn in by the stenographer, Kelly Ferrari. So done.

Alan also noted the following:

- Dates public notice published in the Butler Eagle October 18, 2019 and October 21, 2019 Exhibit 1
- Date of initial application 9/9/19 Exhibit 2
- Revised application 9/13/2019 including Elevation Certificate prepared by Graff Surveying dated 9/4/2019 Exhibit 3
- Revised application 10/2/2019 Exhibit 4
- Date property was posted 10/1/19.
- Date adjoining property owner/s were notified 9/13/19.

Alan also noted and made part of the record that the commission referenced the SR TWP New FEMA Flood Plain Mapping on file.

Alan asked the applicant Ken Graber to present his case for the use of this property at 155 Mohawk Trail, Slippery Rock, Pa. So done.

Alan opened the floor to anyone who wishes to comment on this request. A group of Ken Grabber's neighbors including John Ross, Denise Schiavo, Jeannie Baroutsis, Al Grabber and Janet Powell presented testimony in favor of these variances and use.

Alan and the board along with the zoning officers discussed with, Ken Graber in regards to his application as follows:

- Accessory buildings/garages.
- Ask FEMA to exempt areas from Floodplain determination – Neighbors considered but it financially was very expensive and did not continue. Applicant did not consider.
- Elevation of the house
- Gary Johnson gave a summary of the Floodplain Ordinance in regards to a 2,000 sq. ft. garage/accessory structure treated the same as a house and requirements.
- Main floor of the existing house to main floor level of the accessory building(s).

Alan allowed Rick Grossman to enter into the record a copy of the proposed Ken Graber Consolidation plan (not completed to date) for review.

Alan called for a 5-10 minute recess so the commission could review the pending Ken Graber Consolidation of Lots of where this construction would be conducted. Recess started at approx. 6:55 p.m. returning at 7:05 p.m.

Alan added that the ZHB might entertain a continuation of this hearing and may involve another hearing.

The TWP Supervisors designated TWP solicitor, Wil White III, to speak on their behalf and put their position on record. The Supervisors asked him to remind the public that the board are not fans of the Floodplain Ordinance and certainly not their doing. This Ord. was forced upon them and they were compiled to sign for the benefit of those needing insurance. They are tasked by the act to enforce it and comply with the ordinance. The TWP Supervisors would object this variance request, but will not obstruct if granted and have no intention of appealing the ZHB decision. They believe it is up to the ZHB and will defer to their judgement and are okay with whatever they decide. Specifically as to the specific variances with understanding to the lot consolidation; the TWP has no objection to the set-back request. In regards to the accessory structure – the Supervisors would prefer the multiple structures up to 600 sq. ft. vs. the one large structure of 2000 sq. ft. In regards to the residence – Supervisors concur with the residents that have testified and the applicant and believe that this is a unique situation and the applicant can show there is a hardship in the household which requires structure be retro fitted and updated. They believe the testimony given is credible and there is little risk opposed should the commission grant the variance. The applicant has indicated that he is mortgage free and will not have to obtain flood insurance; Supervisors believing that there is low to no risk. The TWP still would be obligated to submit a letter to applicant telling him about this risk in regards to insurances.

Alan asked if anyone in the audience or members of the board have any additional questions or concerns– none.

Alan added that Mr. Graber indicated that if the board would not grant the variance to allow a 2000 sq. ft. accessory building he would be comfortable with two 600 sq. ft. accessory buildings.

Alan asked Mr. Graber if the existing sheds on the property will remain or be removed. Mr. Graber stated that they will be removed.

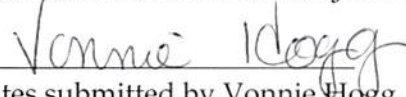
Alan asked again if anyone in the audience or members of the board have any concerns in regards to the proposed accessory structures. One member added that it would it would look better to build one large garage vs multiple structures.

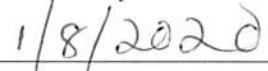
The board went into executive session at 7:17 p.m. until 7:41 p.m. to discuss this issue.

Alan reported that the ZHB is prepared to make a decision tonight. Alan asked if anyone else has anything to offer to the ZHB on this issue. None

Tom Gaul made a motion to grant a variance to the height requirement of the house addition; the lowest floor of the addition can be at the same level as the lowest floor of the existing resident contingent that one condition it can be no larger than proposed size. The second variance would be to allow instead of the 200 sq. ft. restriction of the accessory building to grant the variance to allow two 600 sq. ft. buildings on the portion of the lot located on the west side of Mohawk Trail subject to the condition set forth in the floodplain ordinance as well. To grant the variance in under the Zoning Ordinance so the set-back of the accessory buildings can be 10 ft. from the road Right-of-Way. This is all conditional on the final written decision reviewed and approved. Warren Smith seconded and the motion carried unanimously.

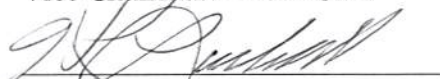
Ken Luckock made a motion to adjourn at 7:45 p.m. Tom Gaul seconded and the motion carried unanimously.


Minutes submitted by Vonnie Hogg


Date

Chairman – G. Warren Smith


Vice Chairman – Tom Gaul


Secretary – Ken Luckock