

The City of Lower Burrell **Zoning Hearing Board** held a public hearing on Monday, June 17, 2019 at 7:00 p.m. in the Municipal Building at 2800 Bethel Street, Lower Burrell, PA 15068. Present were George Guido, Charles Stapinski, John Kamarados, Charles Markle, John Millburn, Public Safety Director Councilman Joseph Grillo, Ordinance Officer Michael Nedley, and Court Reporter Sonya Hall.

APPROVAL OF MINUTES: Motion by Mr. Markle, second by Mr. Stapinski to approve the minutes of the May 20, 2019 meeting. All in favor. Motion approved.

CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

606 – Donald L. Mikesell, 2947 Leechburg Road (rear), Lower Burrell, PA 15068 requesting a variance to Article 300-143 (B), Reconstruction of Damaged Nonconforming Structures on property identified as map #17-03-15-0-153, zoned C-1.

Mr. Nedley reported that Mr. Mikesell was notified about a garage he was starting to construct that he did not have a building permit and required a survey. The permit was applied for and denied by Mr. Nedley due to the location of the structure. The garage was a pre-existing structure that was being rebuilt, however, it did not comply with current code. The difference of a conforming and non-conforming structure was explained by Mr. Nedley. The lot where the garage is located is unique. It has a Leechburg Road address but is located behind Leechburg Road properties. A copy of the survey was provided.

Mr. Mikesell the owner of the property was present. He explained that the garage was approximately 70 years old. Some time ago, a neighbor's water runoff caused the water to freeze and lifted the garage floor up causing both walls to cave in. He is now rebuilding the garage and thought that he was grandfathered in. Mr. Mikesell submitted a docket Donald Mikesell v. G. S. Lucas, the civil judgment of \$12,186.70 (exhibit A).

David O'Neil, 108 Morgan Street was sworn in. Mr. O'Neil is now the owner of the property that Mr. Mikesell won the court case with the previous tenant. He is in the rear dwelling and acknowledged that the properties are a little weird and off set. His biggest concern is the construction of the garage has led to the undermining of his shed. He had photos of the situation to share with members of the Zoning Hearing Board. The record will show that Mr. O'Neil submitted three photographs to the Zoning Hearing Board for review. The water situation from the previous neighbor has been solved. Another concern is that there was no garage structure present in September 2013, and he submitted a photograph taken from that time. Once constructed, he will be looking at the garage's pitched roof from his kitchen window. Mr. O'Neil had additional pictures taken from his yard showing a mix of building material and trash in Mr. Mikesell's yard that has been there for over a year. He expressed his concern for the use of the garage and the existing condition of the property.

John O'Neil, 2287 Seventh Street Road, (father of David O'Neil) had a run in with Mr. Mikesell as he was taking pictures of the situation as they have been dealing with the issue of the shed for some time.

Mr. O'Neil took considerable time relaying a timeline of how his encounter transpired. He pointed out the piles of garbage and the high grass that needs addressed. He and his son are hoping for a reasonable conclusion.

Raymond Cochran, 112 Morgan Street is concerned about the traffic the pizza shop generates. Vehicles from the garage will be backing in and out as well as vehicles from residents living in the apartments; it is a tight area for all concerned. Mr. Mikesell informed everybody of the property he does own and stated that he has a variance which grants him an easement so that he is not blocked in. Mr. Mikesell has car ports that will remain where they are. The new garage will be used mainly for storage. No flammable materials or explosives will be stored in the garage.

Mr. O'Neil's three concerns are the garbage that Mr. Mikesell says he will remove. Second is to back fill the wall underneath the shed to stabilize it. The third is to install four sections of six-foot privacy fence. A considerable amount of time was spent discussing these concerns. Elfrieda Saylor, 103 Morgan Street thought that what Mr. Mikesell is building looks nicer than what was there before. The two neighbors agreed to share the cost of a fence with the stipulation that there are no water issues. A dye test will be performed.

Motion by Mr. Millburn, second by Mr. Stapinski to close testimony. All in favor. Approved.

Motion by Mr. Millburn, second by Mr. Stapinski to grant the variance with the condition that the applicant backfills the area underneath the neighbor's shed and pay \$250 which is anticipated to be 50 percent of the fence cost. All in favor. Approved.

ADJOURNMENT:

With no further business, a motion was made by Mr. Stapinski, second by Mr. Markle to adjourn the meeting. All in favor.

George Guido, Chairman
John Millburn, Secretary