

CALL TO ORDER: Cris Lowstuter at 6:00 p.m.

PRESENT: Cris Lowstuter , John Cramer, Richard Radomski

ALSO PRESENT: Solicitor Matt Schmizzi, Court Recorder Ted Wawrzyniak, Zoning Officer Bill Whetzel, Board Secretary Benjamin Walker

ABSENT WITH CAUSE: Patty Caralli

AGENDA: January 19, 2022

A motion was made by Radomski and seconded by Cramer to accept the agenda as presented.

- All present were in favor

MINUTES: November 8, 2021

A motion was made by Radomski and seconded by Cramer to accept the minutes from this date as presented.

- All present were in favor

CITIZENS: No citizens chose to speak

COMMUNICATIONS: None at this time

OLD BUSINESS: None at this time

NEW BUSINESS:

Advertised December 28, 2021 and January 5, 2022 - sites posted January 3, 2022

1. **Appeal #22-01:** Anthony W. Pacelli, 415 Fairview Avenue, Jeannette, PA 15644 is requesting a variance to Zoning Ordinance 17-07 Article 2, section 2.4.6 to retain a fence constructed within the City's Right-of-Way of the property located on 415 Fairview Avenue, Jeannette, PA 15644 TAX MAP No. 14-03-04-0-116.

This property is located in the Traditional Neighborhood District according to the Zoning Map as part of the Zoning Ordinance. According to Zoning Ordinance 17-07, Article 2, Section 2.4.6, fences shall not be located within access, drainage, or utility easements or City rights-of-way.

CASE DETAILS:

- Applicant Anthony Pacelli was sworn in
- Mr. Pacelli explained that he replaced an existing fence and moved it approximately forty inches toward the street in order to “gain more property” and prevent trespassing and littering of the yard.
- He further explained that there is no drainage or utilities along the curb of Fairview Avenue and that the fence is 32 feet long.
- The applicant produced exhibit A
- Mr. Radomski asked about the location of the fence
 - The applicant explained that the fence ends as it does because he ran out of money for the project and had to postpone constructing the remainder of the fence to connect with the garage and the house until at least after approval from the Zoning Hearing Board is finalized.
- The applicant explained that he reviewed the Zoning Ordinance and was confused by the setback requirements.
- The Board explained that calling Zoning Officer Bill Whetzel would have resolved the matter.
- Chairwoman Lowstuter explained that safety equipment, such as fire trucks, would have difficulty making he turn without hitting the fence. Road plowing and sanitation vehicles could also run into similar problems and result in liability problems for the City.
- The applicant requested the setback requirements for fencing.
 - Bill Whetzel explained that fences do not have a setback requirement, but cannot be constructed within a City right-of-way.
- The applicant explained that the City is abusing the term “right-of-way”, as it does not maintain the right of way across the street.

- Bill Pacelli from 1003 Magnolia Drive, Jeannette, PA 15644 was sworn in.
- Bill Pacelli is Anthony's, the applicant's, father, who also chairs the City of Jeannette.
- Mr. Pacelli brought into question Antonacci Design Associates' drawing and indication of the size of the right of way. The dimensions not clearly indicated on the drawing, and he further claimed that the right of way likely has a five (5) foot error, as the right of way indicated runs into the neighboring property's structure on the other side of the street.
- Francesca Dicarlo from 415 Fairview Avenue, Jeannette, PA 15644 (living in the same household as applicant) was sworn in.
- Ms. Dicarlo understands the concern about fire equipment, as her father was a fire chief.
- Ms. Dicarlo indicated that fire trucks have come up to Prospect street from a different direction that would not result in a collision with the constructed fence.
- According to Anthony Pacelli, the route that would require fire trucks to turn onto Prospect Street is not a normal route.
- Recess for executive session called at 6:27 PM.
- Meeting resumed at 6:32 PM.

A MOTION WAS MADE BY RADOMSKI AND SECONDED BY CRAMER TO DENY THE APPLICANT A VARIANCE *NUNC PRO TUNC* TO ZONING ORDINANCE 17-07, ARTICLE 2, SECTION 2.4.6 TO CONSTRUCT A FENCE WITHIN THE CITY'S RIGHT-OF-WAY.

- All present were in favor

2. **Appeal #22-02:** Roberts Property Group, 89 Manor Harrison City Road, Westmoreland City, PA, 15692 is requesting a variance to Zoning Ordinance 17-07 Article 2, Section 2.5.6 to construct a fire escape staircase within the City's Right-of-Way of the property located on 121 North 1st Street, Jeannette, PA, 15644 TAX MAP No. 14-02-09-0-439 for the tenants living on the third floor of the structure.

This property is located in the Mixed Residential District according to the Zoning Map as part of the Zoning Ordinance. According to Zoning Ordinance 17-07, Article 2, Section 2.5.6, steps shall not be located within access, drainage, or utility easements or City rights-of-way.

CASE DETAILS:

- Jim Roberts, owner of Roberts Property Group, was sworn in.
- Fire escape would lead out to the right side of the property.
- Exhibit A entered into the record (a drawing to indicate the plan with measurements included)
- Space between the properties amounts to 5 feet from corner of the structure and thins to 2 feet from the bump to the fence.
- There are already steps in the front of the property.
 - Furthest left-hand window would provide the exit.
 - Not encroaching onto the front of the property.
- Railings will be added to the stairs.
- Mr. Roberts mentioned that he will be suing the real estate company that sold the property to him on the grounds that it was sold under false advertising.
- A Courtney Stape, next door to the property in question was sworn in.

- Noticed drug activity under the current tenant and is concerned that these stairs could increase the illicit activities.
- She asked if there would be a gate or latch installed.
- A Mark Levander, also a neighbor, was sworn in.
- Mr. Levander asked if the exit was to be used for emergency purposes only, and that he has concerns regarding privacy.
- Mr. Roberts explained that a gate and latch could be added, and that the stairs would only be meant as a fire escape for emergency purposes.
 - The applicant further explained that more work is going to be done to the front of the property, and that the project is meant to consider the concerns of neighboring residents.

A MOTION WAS MADE BY RADOMSKI AND SECONDED BY CRAMER TO GRANT THE APPLICANT A VARIANCE TO ZONING ORDINANCE 17-07, ARTICLE 2, SECTION 2.5.6 TO CONSTRUCT A FIRE ESCAPE STAIRCASE WITHIN THE CITY'S RIGHT-OF-WAY CONTINGENT ON THE APPLICANT REMAINING IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE CITY OF JEANNETTE, INCLUDING, BUT NOT LIMITED TO BUILDING AND CODE ENFORCEMENT.

- All present were in favor

3. **Appeal #22-03**: Deana Colvin, 405 Jane Street, Jeannette, PA, 15644 is requesting a variance to Zoning Ordinance 17-07 Article 7, Section 7.2 to retain a driveway constructed on the front of the property located on 405 Jane Street, Jeannette, PA, 15644 TAX MAP No. 14-04-01-0-402.

This property is located in the Traditional Neighborhood District according to the Zoning Map as part of the Zoning Ordinance. According to Zoning Ordinance 17-07, Article 7, Section 7.2, driveways may not be constructed in the front of a property unless leading to a garage.

CASE DETAILS:

- Deana Colvin, the applicant, was sworn in.
- Pictures were given to the Board as Exhibit A.
- The weekend prior to December 12th, 2022 was the installation date.
- Mr. Antonacci's requests for proper procedure for MS4 Stormwater Management process.
- The applicant was asked if she would be willing to pay the necessary fees.
 - Ms. Colvin stated that she would willingly engage in the process.
- Ms. Colvin explained that there are no utilities to be concerned with for this project.
- The existing French drain leaked into the basement and required a resolution.
- The curb was cut to lead the water toward a city storm drain.
- The applicant indicated that the driveway would be useful to remove on street parking that could impede emergency vehicles from entering onto the street.

A MOTION WAS MADE BY RADOMSKI AND SECONDED BY CRAMER TO GRANT THE APPLICANT A VARIANCE *NUNC PRO TUNC* TO ZONING ORDINANCE 17-07, ARTICLE 7, SECTION 7.2 TO CONSTRUCT A DRIVEWAY IN THE FRONT OF THE PROPERTY CONTINGENT UPON THE APPLICANT REMAINING IN COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO THE CITY OF JEANNETTE AND PENN DOT; AND FURTHER CONTINGENT ON THE APPLICANT COMPLYING WITH THE RECOMMENDATIONS OF A REGISTERED PROFESSIONAL ENGINEER IN

CITY OF JEANNETTE
ZONING HEARING BOARD
MINUTES – JANUARY 19, 2022
6:00 p.m.



THE STATE OF PENNSYLVANIA AND PAYMENT OF ALL FEES AND
COSTS ASSOCIATED WITH THE WORK PERFORMED.

- All present were in favor

ADJOURNMENT:

A motion was made by Radomski and seconded by Cramer to adjourn the meeting at 7:19 PM.

- All present were in favor.