

February 22, 2023

The regular meeting of the Zoning Hearing Board was held on Wednesday, February 22, 2023, at 6:00p.m. in the Assembly Room of the Millcreek Township Municipal Building, 3608 West 26<sup>th</sup> Street.

**PRESENT:** Messrs. Tanner, Di Placido, Attorney Jeremy Toman, and Matthew Puz Jr., Zoning & Development Officer. Absent was Mr. Calhoun.

**BUSINESS:**

Mr. Tanner opened the hearing. He stated that Mr. Calhoun would not be present. Mr. DiPlacido recused himself from Appeal No. 23-03. He stated that he had a pre-existing relationship with the appellant, both professionally and personally. Mr. Tanner explained to the appellant that there is a quorum for the meeting, however, the appellant had two options. The appellant could have Mr. Tanner serve as the Hearing Officer for this evening's hearing and solely render the decision or continue the hearing until the March 29, 2023 hearing. The appellant elected to have Mr. Tanner serve as the Hearing Officer. Mr. DiPlacido made a motion to appoint Mr. Tanner as the Hearing Officer for tonight's hearing. The motion was seconded and carried, 2-0. Mr. Tanner continued that the appellant could waive the decision and findings of the Board and accept the decision of the Hearing Officer as final. If not, then the court record will be delivered to the Board members and a decision would be rendered at the next scheduled meeting. The appellant agreed to accept the Hearing Officer's decision as final. Mr. Tanner asked Matt Waldinger, Director of Planning and Development for Millcreek Township, if the Township would accept the Hearing Officer's decision as final. Mr. Waldinger agreed.

**Appeal No. 23-03: CROTTY ENTERPRISE**, for property located at 918 Powell Avenue, seeking a use variance for a two-family dwelling in the R1 Single Family Residential District. **Index 238-006**

Ken Crotty, 602 Wedgewood Drive, spoke on behalf of this variance. Mr. Crotty began by stating that they bought the property back in 2013 or 2014. At that time, it was sold to them as a three-family dwelling. The purchase of the property was with cash, so they were not aware of any violations. They continued to use the property as a three-family dwelling. The potential purchaser would like to use the property as a two-family dwelling. Currently, only two units were occupied at the end of the month. The purchaser would like to live on the first floor and continue to rent the second-floor unit. The bank will not finance the purchase of the property until the zoning issue is addressed.

Mr. Tanner asked if the appellant had any documentation to show that the property was a legal three-unit. County records showed the property as a single-family dwelling, for instance separate utilities. Mr. Crotty replied that there was one set of utilities for the building. Mr. DiPlacido asked how long ago the appellant purchased the property. Mr. Crotty replied about ten years ago. Mr. Tanner asked the appellant if they were using the property as a three-unit. Mr. Crotty replied yes. Atty Toman asked Mr. Puz what the Millcreek Township records showed. Mr. Puz replied that the last permit on file, dated March 24, 1995, indicated that the property was a single-family dwelling. Mr. Puz then submitted a copy of the permit into record as "Township Exhibit A". Atty Toman followed up by asking if the property was ever zoned for a three-family dwelling. Mr. Puz replied no.

Mr. Tanner asked if all three units were in one structure. Mr. Crotty stated yes, the other structure on the property was a detached garage. The prior owner added a wall and subdivided one of the floors into two units. The potential purchaser would convert the first floor to one unit; it currently has two units. Mr. DiPlacido asked what other work would need to be done. Mr. Crotty replied the wall would need to be removed and probably one of the kitchens on the first floor would also need to be removed. Mr. Tanner asked what kind of hardship exists for the variance. Mr. Crotty stated that his sister, brother, and he want to sell the property because they do not have time to dedicate to maintaining a three-family dwelling.

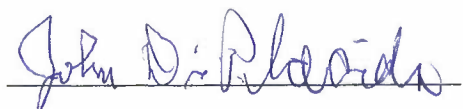
Atty Toman asked if there was anything that would prevent the structure from being used as a three-family dwelling. Mr. Crotty replied that with some work, the structure could be converted to a single-family dwelling. Atty Toman asked if the property was still on the market and what the advertised use was. Mr. Crotty replied that it was under contract and was advertised as a three-family dwelling. Mr. Tanner surmised that between 1994 and now that the illegal conversion occurred. Attorney Toman asked the Township if there was any documentation that the property was used as a three-family dwelling. Mr. Puz replied no.

Mr. DiPlacido asked if there were any other multifamily dwellings in the area. Mr. Crotty replied that there was one about six houses down from this address. Atty Toman asked if the Township was aware of this. Mr. Puz replied that he would have to examine the record. Mr. DiPlacido asked again about the hardship. Atty Toman further elaborated if there was a hardship with the property. Mr. Crotty replied that it was the lack of time to maintain a three-family dwelling and that there was no physical issues with the property.

There were no other comments from the public.

The appeal was denied by the Hearing Officer.

There being no further business, the meeting was adjourned at 6:30 p.m.



John DiPlacido -Acting Secretary